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

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

Call to Order - Pledge of Allegiance

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

Introduction: Heidal Summers – Commissioner

Jennica Reynolds – Deputy Clerk, Planning

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

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

Action Items

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

Chairman Waltemate called the items.

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

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

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

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

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

Applicant

Patrick Connor-Providence Properties

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

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

Public Testimony opened at 6:09 p.m.

Lindsay Bartells: Concerned that 9th Street not going all the way through to Lansing is dangerous.

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

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

Commission Discussion

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

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

Motion seconded by Commissioner Hutchison and approved unanimously.


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

Public/Commission/Staff Comments:

Commissioner/Staff Comment: Welcome to Jennica Reynolds.

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

ATTEST:


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


Ray Waltemate, Chairman

Exhibit “A”



WATERFORD AMENDED PRELIMINARY PLAT APPLICATION



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



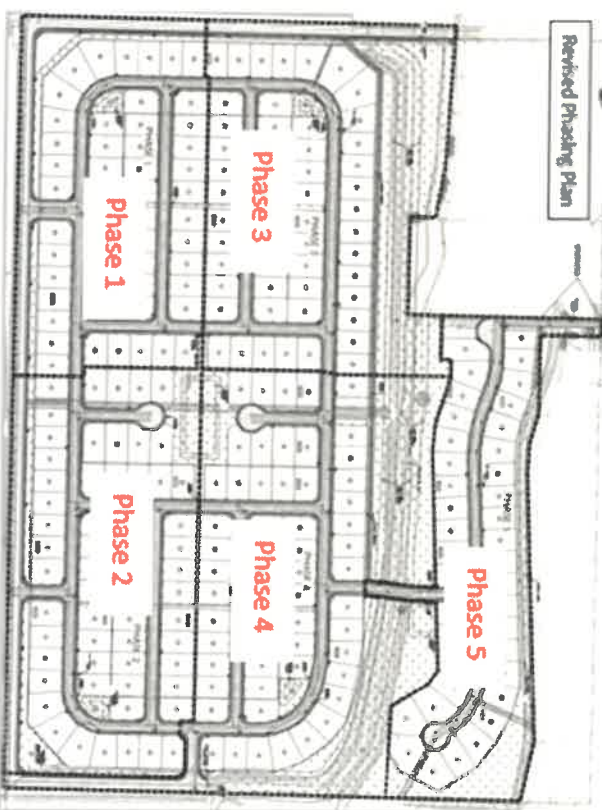
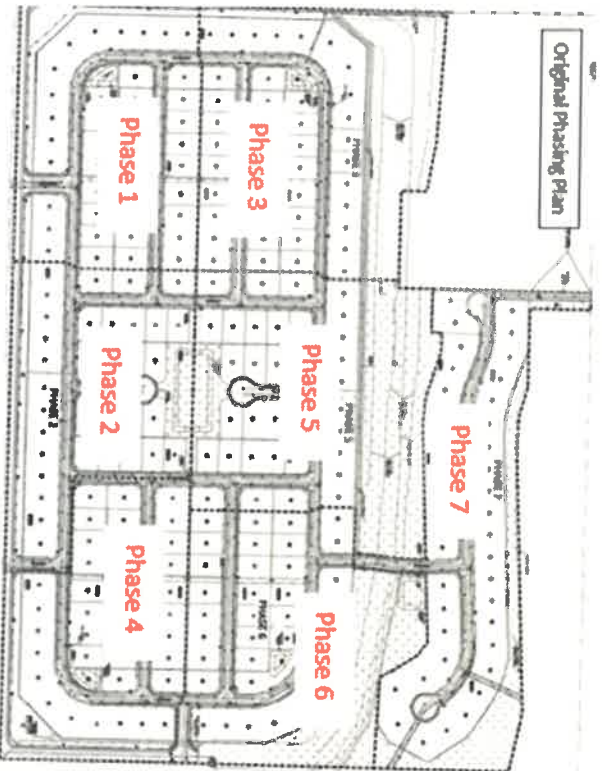


Current Zoning & Property Condition: The property is currently zoned R-3 (Single-Family Residential) and was annexed into the city in 2020.





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





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



Comments Received from Surrounding Landowners: None.

Comments from Agencies:

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

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

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



Notices & Neighborhood Meeting:

Dates:

Newspaper Notification

08/29/2021

Radius notification mailed to
Adjacent landowners within 300'

08/27/2021

Circulation to Agencies

08/27/2021

Sign Posting property

08/27/2021

Planning Staff finds that notice was given according to law.

Applicable Codes and Standards:

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



Conclusions and Recommended Conditions of Approval:

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

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

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

Prepared by Planning Deputy Clerk, Jennica Reynolds

Dated: 9/13/2021

Exhibit “B”



STAFF REVIEW AND REPORT

Middleton Planning and Zoning Commission

Waterford Amended Preliminary Plat Application

Snapshot Summary



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

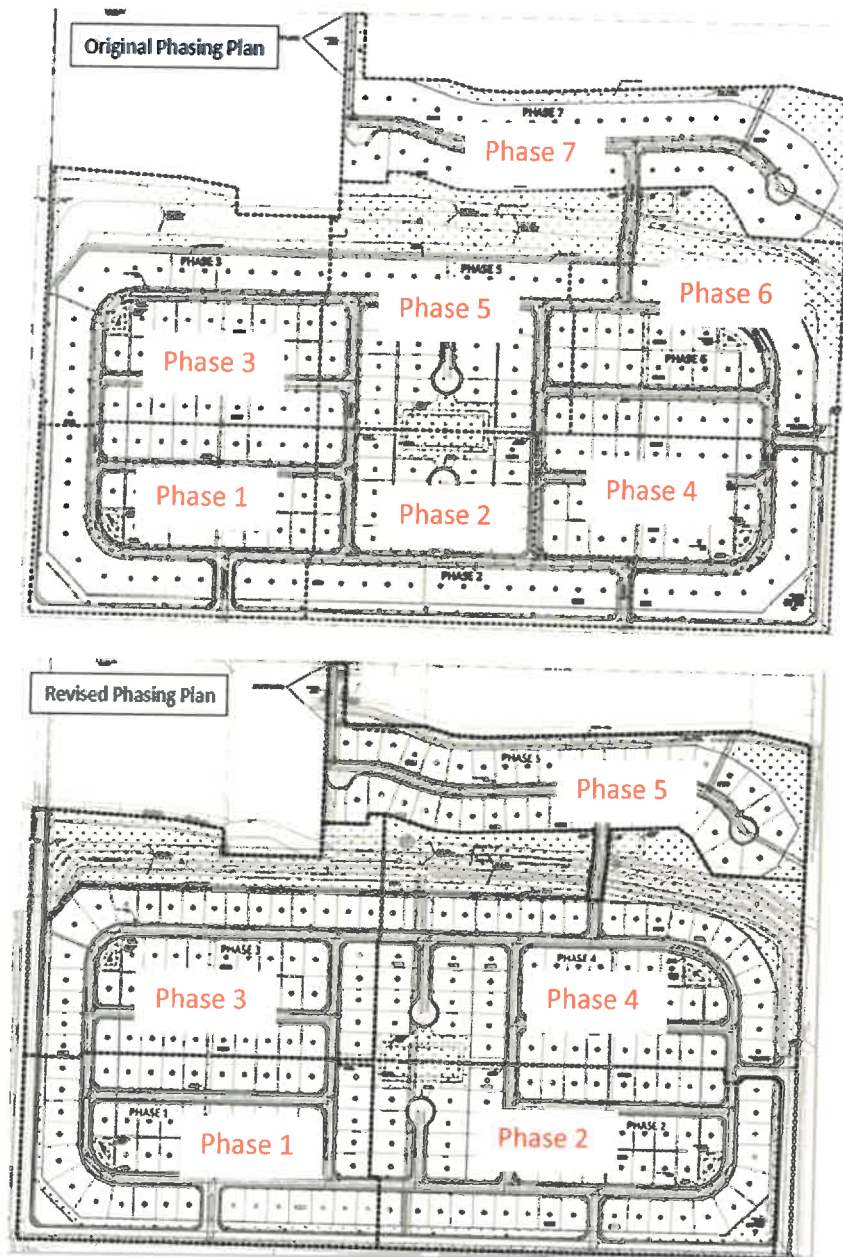
- A. Planning & Zoning Commission Hearing Date:** September 13, 2021
- B. Project Description:** Amended Preliminary Plat of Residential subdivision with 262 buildable lots and 16 common lots on 99 acres of vacant land located at 0 Duff Lane (Tax Parcel #R3386101000 and R3386100000).
- C. Application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



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

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

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



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

F. Comments Received from Surrounding Landowners: None.

G. Comments from Agencies:

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

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

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

J. Notices:

Dates:

Newspaper Notification

08/29/2021

Radius notification mailed to
Adjacent landowners within 300'

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Sign Posting property

08/27/2021

Planning staff finds that notice was given according to law.

K. Applicable Codes and Standards:

Idaho State 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: 9/13/2021

(Exhibit 1)

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](#)
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.

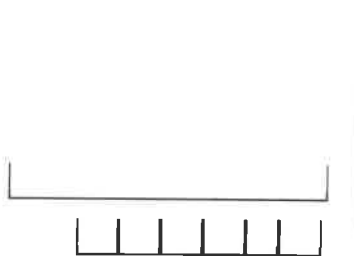
Thank you for your patience.

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

(Exhibit 2)

Jennica Reynolds

From: Amy Woodruff <amy@civildynamics.net>
Sent: Tuesday, September 7, 2021 9:58 AM
To: Jennica Reynolds; Roberta Stewart
Subject: FW: Waterford East pre-app

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

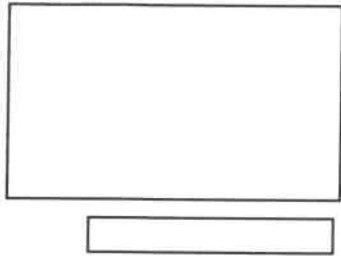
From: Patrick Connor [mailto:pconnor@hubblehomes.com]
Sent: Friday, September 3, 2021 10:56 AM
To: Roberta Stewart; Jennica Reynolds; Amy Woodruff
Cc: Austin Edwards
Subject: Waterford East pre-app

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

Boise Office

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

Challis Office

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

Twin Falls Office

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



SAWTOOTH LAW

OFFICES, PLLC



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S. Bryce Farris

Patxi Larrocea-Phillips

Evan T. Roth

Daniel V. Steenson

Matthew A. Sturzen

Katie L. Vandenberg – Van
Vliet

Andrew J. Waldera **

James R. Bennetts (retired)

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

Tuesday, September 07, 2021

City of Middleton

Attn: Roberta Stewart

P.O. Box 487

Middleton, Idaho 83644

Re: Amended Preliminary Plat - Waterford Subdivision

Dear Ms. Stewart:

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

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

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

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

Please contact me if you have any questions.

Yours very truly,



S. Bryce Farris

SBF:krk

cc: DD2/Newman Ditch Company/MM-MI

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

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

Amy Woodruff
453-2028

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

Much appreciated, thanks Amy.

Patrick Connor

Director of Planning and Design

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

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

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

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

Revised attached.

Matthew Derr, P.E.
KM Engineering
208.639.6939

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

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

Amy Woodruff
453-2028

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

Patrick,

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

Matthew Derr, P.E.
KM Engineering
208.639.6939

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

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



Patrick Connor

Director of Planning and Design

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

From: Matt Derr <MDerr@kmengllp.com>

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

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

Cc: Roberta Stewart <rstewart@middletoncity.com>; Austin Edwards
<aedwards@hubblehomes.com>

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

Attached is the updated PDF for your use.

Matthew Derr, P.E.
KM Engineering
208.639.6939

From: Patrick Connor <pconnor@hubblehomes.com>

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

To: Amy Woodruff <amy@civildynamics.net>; Jennica Reynolds <jreynolds@middletoncity.com>;
Stephanie Hopkins <shopkins@kmengllp.com>

Cc: Roberta Stewart <rstewart@middletoncity.com>; Austin Edwards
<aedwards@hubblehomes.com>; Matt Derr <MDerr@kmengllp.com>

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

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

Patrick



Patrick Connor

Director of Planning and Design

e pconnor@hubblehomes.com
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p (208) 695-2001
m (214) 564-2812

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

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

Amy Woodruff
453-2028

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

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

Thanks,
Patrick



Patrick Connor

Director of Planning and Design

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

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

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

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

Pttrick



Patrick Connor

Director of Planning and Design

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

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

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

Thank you.

Amy Woodruff
453-2028

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

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

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

Thank You,

Jennica Reynolds

Deputy Clerk, Planning

City of Middleton

208-585-3133

jreynolds@middletoncity.com

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September 13, 2021

TO: Jennica Reynolds, Planner

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



RE: Waterford Subdivision Preliminary Plat – Recommendation of Approval

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

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



September 13, 2021

TO: Jennica Reynolds, Planner

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

RE: Waterford Subdivision Preliminary Plat – Recommendation of Approval

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

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

Exhibit “6”

Jennica Reynolds

From: Dale Sanger <dale.sanger69@gmail.com>
Sent: Monday, September 13, 2021 4:31 PM
To: Jennica Reynolds
Subject: Waterford subdivision and zoning

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

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

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

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

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

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

—Thank you again for your time.

-Dale Sanger



Sept 13, 2021 - Planning & Zoning Public Hearing

Please check

[illegible]



Please check

[illegible]