



AGENDA
City Council Meeting
City of Middleton, Idaho

Date: Wednesday February 1, 2023

Time: 5:30 p.m.

Location: **City Hall Council Chambers – 1103 W Main Street**

Call-to-order, Roll Call, Pledge of Allegiance, Invocation:

Action Item:

- A. Approve Agenda

Information Item:

Action Items:

1. Consent Agenda (items of routine administrative business) (**Action Items**)
 - a. Consider approving minutes for City Council January 18, 2023, meeting.
 - b. Consider ratifying payroll for January 27, 2023, in the amount of \$ 130,213.13.
 - c. Consider approving accounts payable through January 27, 2023, in the amount of
 - d. Consider approving FCO for Reed's Landing Subdivision approval.
 - e. Consider authorizing the Mayor, or his designee, to execute a contract with Integrity Inspection Solutions, Inc. for cleaning and CCTV inspection of sanitary sewer pipelines within the City for an amount not to exceed \$49,500.
2. Consider approving Mayor's recommendation to re-appoint Marisela Shumway to serve on the Middleton Library Board. - Mayor Rule
3. Consider approving Mayor's recommendation to appoint April Wilke, to the Impact Fee Committee. - Mayor Rule
4. Consider approving a final payment of \$46,915 for the S. Cemetery Road Phase I extension to Idaho Transportation Department for the outstanding non-participation amount for estimate 12 of \$41,715 and additional participation match \$5,200. – Ms. Crofts
5. Consider approving final plat for the Piccadilly Square Subdivision. Ms. Stewart
6. Consider approving Ordinance 669 which is AN ORDINANCE OF THE CITY OF MIDDLETON, CANYON COUNTY, IDAHO, ANNEXING TO THE CITY OF MIDDLETON, IDAHO, CERTAIN REAL PROPERTY SITUATED IN THE UNINCORPORATED AREA OF CANYON COUNTY, IDAHO, AND CONTIGUOUS TO THE CORPORATE LIMITS OF THE CITY OF MIDDLETON, IDAHO; ESTABLISHING THE ZONING CLASSIFICATION OF SAID REAL PROPERTY AS 2.35 ACRES TO C-2 (LIGHT COMMERCIAL), 2.98 ACRES TO M-F (MULTI-FAMILY) AND 4.09 ACRES TO R-3 (SINGLE FAMILY RESIDENTIAL); DIRECTING THAT COPIES OF THIS ORDINANCE BE FILED AS PROVIDED BY LAW; AND PROVIDING AN EFFECTIVE DATE. (Reed's Landing Subdivision – carry over from last Council meeting – Ms. Stewart)

7. **Public Hearing:** Application by Rowe Sanderson/Crown Capital Holdings, LLC and Matrix Engineering for annexation/rezone and development agreement with respect to a parcel located at 24625 Middleton Road, Middleton, Idaho (tax parcel no., R375640). The annexation involves approximately 6 acres of land with an existing home currently zoned Canyon County Agricultural. Applicants are requesting a rezone to R-3 (single family residential). – Ms. Stewart
8. Consider approving Ordinance 675, which is AN ORDINANCE OF THE CITY OF MIDDLETON, CANYON COUNTY, IDAHO, ANNEXING TO THE CITY OF MIDDLETON, IDAHO, CERTAIN REAL PROPERTY SITUATED IN THE UNINCORPORATED AREA OF CANYON COUNTY, IDAHO, AND CONTIGUOUS TO THE CORPORATE LIMITS OF THE CITY OF MIDDLETON, IDAHO; ESTABLISHING THE ZONING CLASSIFICATION OF SAID REAL PROPERTY TO R-3 (SINGLE-FAMILY RESIDENTIAL); DIRECTING THAT COPIES OF THIS ORDINANCE BE FILED AS PROVIDED BY LAW; AND PROVIDING AN EFFECTIVE DATE. (Rowe Station Project – Ms. Stewart)

Public Comments, Mayor and Council Comments:

Adjourn:

Posted by:


Amber Day, Deputy Clerk

Date: January 27, 2022, 5:00 p.m.

Please contact the City Clerk at (208) 585-3133 if you have special needs or require assistance.

**MIDDLETON CITY COUNCIL
JANUARY 18, 2023**

The Middleton City Council Meeting was called to order on January 18, 2023, at 5:35 p.m. by Mayor Steve Rule.

Roll Call:

City Council: Council President Kiser, Council Members Huggins, Murray and O'Meara were present.

Mayor Rule, City Attorney Mark Hilty, City Administrator Ms. Crofts, Planning & Zoning Official Ms. Stewart, Public Works Director Mr. VanGilder and Deputy Clerk Ms. Reynolds were present.

Pledge of Allegiance, Invocation: Mark Christiansen

Action Items

A. Approve Amended Agenda

Motion: Motion by Council President Kiser to approve Amended Agenda posted January 17, 2023. Motion seconded by Council Member O'Meara and approved Unanimously.

Action Item:

1. **Consent Agenda (items of routine administrative business) (*Action Items*)**
 - a. **Consider approving minutes for City Council January 4, 2023, meeting.**
 - b. **Consider ratifying payroll for January 13, 2023, in the amount of \$ 113,205.07.**
 - c. **Consider approving accounts payable through January 13, 2023, in the amount of \$778,960.82.**

Mayor Rule called items and Council President Kiser stated he had reviewed the accounts payable.

Motion: Motioned by Council President Kiser to approve Consent Agenda Items 1 a-c. Motion seconded by Council Member O'Meara and approved unanimously.

2. **Consider approving Mayor's recommendation to appoint Matthew Watkins as a Planning and Zoning Commissioner. - Mayor Rule**

Mayor Rule called the item and explained that Ray Waltemate has served well on the P&Z Commission for over 5 years. He had asked Ray to stay on even past his term until a replacement could be found. He believes Matthew Watkins will fill that position well.

Matthew Watkins gave a brief introduction and background of himself.

Motion: Motion by Council President Kiser to approve Mayor's recommendation to appoint Matthew Watkins as a Planning and Zoning Commissioner. Motion seconded by Council Member O'Meara and approved Unanimously.

3. **Consider authorizing the Mayor to sign a grant application a Idaho Department of Parks and Recreation grant application committing a 20% match in the amount of \$20,557.00 for a 10" wide asphalt pathway in River Walk Park. - Ms. Crofts**

Mayor Rule called the item and City Administrator Ms. Crofts explained the grant

application in regards to the 10' wide asphalt pathway in River Walk Park. She said the city has been successful with this type of grant funding 6 years ago. They build sections at a time so that it becomes affordable to the program and the request is not shut down because too much was asked for.

Discussion about timing ensued.

Motion: Motion by Council President Kiser authorizing the Mayor to sign a grant application a Idaho Department of Parks and Recreation grant application committing a 20% match in the amount of \$20,557.00 for a 10" wide asphalt pathway in River Walk Park. Motion seconded by Council Member O'Meara and approved Unanimously.

4. **Consider approving the scope of work from T-O Engineers in the amount of \$19,250 to provide preliminary design and flood plain permitting for the River Walk Phase 1 pathway and parking lot. - Ms. Crofts**

Mayor Rule called the item and City Administrator Ms. Crofts explained this is to design a parking lot and outline the design of the pathway. This study is also needed because River Walk Park is in the floodplain and will require 404 permitting, a conceptual utility plan, and Floodplain Development Permit.

Motion: Motion by Council President Kiser approving the scope of work from T-O Engineers in the amount of \$19,250 to provide preliminary design and flood plain permitting for the River Walk Phase 1 pathway and parking lot. Motion seconded by Council Member O'Meara and approved Unanimously.

5. **Consider adopting the Water System Master Plan dated December 2022 as prepared by HDR|SPF as the official facility plan for the City's drinking water utility. The plan was approved by the Idaho Department of Environmental Quality as described in their letter dated December 29, 2022. - Mr. VanGilder**

Mayor Rule called the item and Public Works Director Mr. VanGilder explained the City's Water System Master Plan is complete and needs to be adopted by the City as the official plan. It has already been approved by IDEQ.

Motion: Motion by Council President Kiser to adopt the Water System Master Plan dated December 2022 as prepared by HDR|SPF as the official facility plan for the City's drinking water utility. The plan was approved by the Idaho Department of Environmental Quality as described in their letter dated December 29, 2022. Motion seconded by Council Member O'Meara and approved Unanimously.

6. **Consider Approving Resolution 480-23: A RESOLUTION OF THE MIDDLETON CITY COUNCIL, MIDDLETON, CANYON COUNTY, IDAHO, ADOPTING THE CITY OF MIDDLETON 2022 WATER SYSTEM MASTER PLAN AS THE FACILITY PLAN FOR THE DOMESTIC WATER SYSTEM; AND PROVIDING AN EFFECTIVE DATE.**

Mayor Rule called the item and Public Works Director Mr. VanGilder explained this was the formal Resolution to approve the Water Master Plan.

Motion: Motion by Council President Kiser to read Resolution 480-23 by Title Only. Motion seconded by Council Member Huggins and approved unanimously by Roll Call

Vote.

Motion: Motion by Council President Kiser to approve Resolution 480-23: A RESOLUTION OF THE MIDDLETON CITY COUNCIL, MIDDLETON, CANYON COUNTY, IDAHO, ADOPTING THE CITY OF MIDDLETON 2022 WATER SYSTEM MASTER PLAN AS THE FACILITY PLAN FOR THE DOMESTIC WATER SYSTEM; AND PROVIDING AN EFFECTIVE DATE. Motion seconded by Council Member Huggins and approved unanimously by Roll Call Vote.

7. **Public Hearing: Consider approving the following addition of fees to the Approved City of Middleton Fee Schedule beginning January 19, 2023. The fee increases or new fees are necessary to cover increased costs associated with these programs/services. Thumb Drive \$2.00 per drive, Background Check was \$40 approve \$65 and Floodplain Development Requiring Technical Review \$480.00. - Ms. Crofts**

Mayor Rule opened the public hearing at 6:10 p.m.
Ms. Crofts presented the proposed fees. (Exhibit 1)

Mayor Rule opened Public Comment at 6:12 p.m.
None
Mayor Rule closed Public Comment at 6:12 p.m.
Mayor Rule closed the Public Hearing at 6:13 p.m.

8. **Consider Approving Resolution 479-23: A RESOLUTION OF THE MIDDLETON CITY COUNCIL, MIDDLETON, CANYON COUNTY, IDAHO, ADDING NEW ADDITIONAL ADMINISTRATIVE FEE FOR THUMB DRIVE, INCREASING BACKGROUND CHECK PERMIT FEE, AND ADDING NEW FLOODPLAIN DEVELOPMENT REQUIRING TECHNICAL REVIEW TO THE CITY'S FEE SCHEDULE; AND PROVIDING AN EFFECTIVE DATE.**

Motion: Motion by Council President Kiser to read Resolution 479-23 by Title Only. Motion seconded by Council Member Huggins and approved unanimously by Roll Call Vote.

Motion: Motion by Council President Kiser to approve Resolution 479-23: A RESOLUTION OF THE MIDDLETON CITY COUNCIL, MIDDLETON, CANYON COUNTY, IDAHO, ADDING NEW ADDITIONAL ADMINISTRATIVE FEE FOR THUMB DRIVE, INCREASING BACKGROUND CHECK PERMIT FEE, AND ADDING NEW FLOODPLAIN DEVELOPMENT REQUIRING TECHNICAL REVIEW TO THE CITY'S FEE SCHEDULE; AND PROVIDING AN EFFECTIVE DATE. Motion seconded by Council Member Huggins and approved unanimously by Roll Call Vote.

9. **Public Hearing: (Continued from August 3, 2022) Applications by Taylor Schmidt/BST DEV LLC for annexation/rezone, preliminary plat, and development agreement with respect to the Reed's Landing Subdivision located at 880 W. Main Street and 0 Hwy 44 (Tax Parcel Nos. R17900010 and 17900011). The proposed preliminary plat consists of 12 single family residential lots, 25 townhome lots, three commercial lots, and six common lots on approximately 9.5 acres of land zoned Canyon County Agricultural. Applicant is requesting zone changes to City**

of Middleton C-3 (2.54 acres “Heavy Commercial”), M-F (3.04 acres “Multi-Family”) and R-3 (4.09 acres Single Family Residential). - Ms. Stewart

Mayor Rule opened the Public Hearing at 6:14 p.m.

Planning & Zoning Official Ms. Stewart gave a PowerPoint presentation of the staff report for the applications (Exhibit 2). She also added a late exhibit into the record, Exhibit G.

Mayor Rule stated an Auto Repair shop has asked about a C-3 location, and perhaps even that commercial lot.

Council Member Murray asked Ms. Stewart if an Auto-Repair shop is an allowed use in C-3 zoning?

Ms. Stewart replied it is.

Applicant: Hethe Clark gave a presentation of the project (Exhibit 3).

Mayor Rule opened Public Comment at 6:39 p.m.

William Vehnekamp: Opposed. Proposed housing is too dense, and he is concerned about the commercial zoning of C-3, especially chemicals that the neighborhood could be exposed to.

Susie Huter: Opposed. Concerns about housing density, C-3 zoning and traffic.

Mayor Rule: Asked when she bought her house, did she see that the street was stubbed out for future development?

Susie Huter: She did know it eventually was happening, but she is not happy about it.

Mike McDougall: Opposed. Townhomes are not consistent with surrounding area.

Landon Helgeson: Neutral. Doesn't have an issue with the planned development. He wants to know where the irrigation water pumphouse will be located. Is there a plan for mitigating dust and noise in the early morning and late-night hours?

Rebuttal: Applicant: Hethe Clark

- The property is for sale, however his client is doing the development of the Residential. Commercial will be developed by the commercial developer.
- Pumphouse is located in the northwest corner.
Mayor Rule: How do you mitigate noise from pumphouses?
Hethe Clark: He is not an expert on that, so would need to talk to the engineer. They are willing to work with Mr. Helgeson to find a solution if needed.
- Regarding the dust and noise mitigation, they will follow best practices and adhere to all Middleton City Code requirements.
- They are paying \$250,000 as required by the TIS and Mid-Start Traffic Impact Fee.
- Connectivity is a good thing, and roads need to connect.
- There is no interface between the Commercial and Residential.
- They are open to discussing C-2. The city had suggested C-3 there.
- They have agreed to no windows on the backside of the second story townhomes against the Westwood Subdivision.
- Jurisdictions go through the process of planning. The future land use map shows this area as Mixed-Use and Commercial.

Mayor closed Public Comment at 7:00 p.m.
Mayor called brief recess at 7:00 p.m. Meeting resumed at 7:09 p.m.

Discussion by Council about zoning.

Motion: Motion by Council President Kiser to approve, based upon the facts and law presented, the application of Taylor Schmidt/BST DEV for annexation and rezone of the Reed's Landing project parcel subject to C-3 zoning being changed to C-2, and subject to the conditions of approval set forth in the Staff Report for the public hearing. Motion seconded by Council Member Huggins and approved unanimously by Roll Call Vote.

Motion: Motion by Council President Kiser to approve, based upon the facts and law presented, the application of Taylor Schmidt/BST DEV for development agreement subject to the conditions of approval set forth in the Staff Report for the public hearing. Motion seconded by Council Member O'Meara and approved unanimously by Roll Call Vote.

Motion: Motion by Council President Kiser to approve, based upon the facts and law presented, the application of Taylor Schmidt/BST DEV for preliminary plat subject to the conditions of approval set forth in the Staff Report for the public hearing. Motion seconded by Council Member O'Meara and approved unanimously by Roll Call Vote.

Mayor Closed the Public Hearing Closed: 7:17 p.m.

10. Consider authorizing the Mayor or his designee, to sign a COMPASS funding application on behalf of the City for funding financial assistance in the design and construction of Interim Operational Improvements to SH44.- Mr. VanGilder

Mayor Rule called the item and Public Works Director explained this application is part of a ten-year planning horizon.

Motion: Motion by Council President Kiser to authorize the Mayor or his designee, to sign a COMPASS funding application on behalf of the City for funding financial assistance in the design and construction of Interim Operational Improvements to SH44. Motion seconded by Council Member O'Meara and approved unanimously.

11. Consider authorizing the Mayor or his designee, to sign a COMPASS funding application on behalf of the City for funding financial assistance in constructing the Middleton Riverwalk Park – Phase 1 Trail. - Mr. VanGilder

Mayor Rule called the item and Public Works Director explained this application is part of the grant to fund the pathway along River Walk Park.

Motion: Motion by Council President Kiser to authorize the Mayor or his designee, to sign a COMPASS funding application on behalf of the City for funding financial assistance in constructing the Middleton Riverwalk Park – Phase 1 Trail. Motion seconded by Council Member O'Meara and approved unanimously.

Public Comments:

Cindy Powell: Questions regarding private property, Comprehensive Plan update, ITD Bypass and trees planted by Urban Renewal Agency on corner of SH44 and N. Dewey.

Mayor Rule: ITD is currently weighing other options for the area of Bypass.

Jason VanGilder: ITD has published and RFQ for study assessing the corridor.

Mayor and Council Comments

Murray: Received complaints about gravel trucks on Sawtooth Lake Dr.

Mayor: Knife River is not using Sawtooth Lake Dr. He will put out a reminder to Knife River to inform the other companies that use the gravel pit to go around. And they can put up some simple signage to direct the trucks to go up S. Cemetery Rd and then around.

Huggins: Comprehensive Plan Update? Where are we with that?

Mayor Rule: We are looking to hire someone to do the Comprehensive Plan Update.

Mayor: Building permits are way down the last 3 months. The treasurer is watching the budget very closely.

The city has been saving and budgeting for Vac/Excavation Truck. It was finally delivered today.

Becky Crofts: 310 Murphy Street house has been torn down. The city public works department did a great job getting that done.

Adjourn: Mayor adjourned the meeting at 7:37 p.m.

ATTEST:

Mayor Steve Rule

Jennica Reynolds, Deputy Clerk
Minutes Approved: February 1, 2023

LEGAL NOTICE

NOTICE IS HEREBY GIVEN that the Middleton City Council is scheduled to hold a public hearing at 5:30 p.m. Wednesday, January 18, 2023, at City Hall, 1103 W Main Street, Middleton Idaho to receive public comments and consider approving the following addition of fees to the Approved City of Middleton Fee Schedule beginning January 19, 2023. The fee increases or new fees are necessary to cover increased costs associated with these programs/services.

Current Fee PROPOSED FEE

ADMINISTRATIVE

Thumb Drive \$2.00 per drive

PERMIT

Background Check \$40 \$65

Floodplain Development Requiring Technical Review \$480

January 10, 17, 2023 320284

Reed's Landing Subdivision
Annexation/Rezone, Preliminary Plat & Development Agreement
Middleton City Council
Public Hearing January 18, 2023




VICINITY

1

Project Description & Applications: This is a continued hearing on an ITO project involving three commercial lots, 12 single family residential lots, and 20 townhome lots on 8.7 acres of land currently zoned Cargen County "Agricultural".

Applicant, Taylor SchmittBEST DEV LLC, is requesting annexation and zone changes to City of Middleton C-3 "Heavy Commercial" (2.35 acres), M-F "Multi-Family" (2.58 acres) and R-3 "Single Family Residential" (4.05 acres). Applicant has also submitted applications for preliminary plat and development agreement.




2

City Council considered the three applications in a public hearing on August 3, 2022. After presentations by Staff and the Applicant, and after the public comment period, City Council closed the public hearing, and Council began considering the facts and law before it. City Council noted that the Applicant had not obtained a permit from ITD to access the commercial portion of the subdivision off of Highway 44. The consequence could result in commercial access being taken through the residential portion of the subdivision to the north. City Council did not want to approve the subdivision without proof of adequate access on Hwy 44, so Council moved to continue the applications to a date after Applicant obtains such proof.


On December 14, 2022, Vince Trivelpf, who is the "Strategic Planner & Communication Manager" for ITD, contacted an email to the City stating the ITD will approve an approach permit to serve the commercial portions of the Reed's Landing Subdivision as long as the developer constructs a westbound right turn lane. The email was attached as Exhibit "A.1" to the Staff Report. Thereafter, Applicant revised its preliminary plat to add the right turn lane in compliance with the ITD conditions, and that is the preliminary plat before Council tonight. (Exhibit "A.2" to Staff Report)

Applicant is now returning to City Council for further consideration of its applications for annexation, development agreement, and preliminary plat in light of the change of circumstances with the ITD approach permit.

The rest of the presentation will be a quick translated version of the previous presentation for the hearing that was continued last August.



3




City Services: City water and sewer are adjacent to the project site and easily accessible to the project. This is typical of an ITO project.

4

Traffic, Access & Streets: For the commercial portion of the project, access will be off of Hwy 44. The access will be lined up with the access for Viking Storage to prevent any traffic conflicts.

The residential portion will take access off of local streets Lombard and Hickbury.


Developer will build local roads and improve drainage along Hwy 44, including the right turn lane required by ITD. Developer/Builder will also pay over \$200,000 in Mid-Size Transportation impact fees and provide traffic fees.



5

Open Space & Amenities: Developer has provided over 13% open space.

Amenities include three large common lots for social gathering. One of the large common lots contains a pathway, playground, benches and shade structure with multiple picnic tables.



6

Annexation and Rezone: Applicant is requesting that the nine acre ITO project be annexed into the City of Middleton with a zone change to C-3 "Heavy Commercial" (approx. 2.35 acres), M-F "Multi-Family" (approx. 2.58 acres) and R-3 "Single Family Residential" (approx. 4 acres).


Planning Staff stated in the previous portion of the hearing that Applicant has met the 2 requirements for annexation:

- 1) The property is contiguous to City limits.
- 2) City services can be extended to the site in an orderly, efficient and economical manner. Again, this is typical of an ITO site where the infrastructure is already built up around the project.

Planning Staff also found, in the earlier portion of the hearing, that Developer met the requirements for a rezone:

- 1) The rezone will not adversely affect the City's delivery of services.
- 2) The rezone request is not in conflict with the Comprehensive Plan. (Update Code 97.4011)

If this project is approved tonight, Staff will bring an annexation ordinance to council at the next appointed meeting.



7

Preliminary Plat Application: The preliminary plat shows two phases for development: The Multi-Family and R-3 zones comprise Phase 1. The three commercial lots comprise Phase 2.

City Engineer Amy Woodruff reviewed the newly revised plat with the right turn added on Hwy 44, and she stated in her recommendation letter that the plat complied with all pertinent codes and standards.


Planning Staff also finds that the preliminary plat complies with all Middleton codes and standards other than the variance request to allow a portion of the "detritus" Areas to be set back to allow access to the ditch easement.



8

Development Agreement: A Development Agreement (DA) Application is required for any request to rezone property. The conditions of development set forth in the proposed DA are:

1. Developer will develop the community and townhomes generally consistent with the concept plans attached to the DA.
2. The existing styles of townhomes shall undergo design review pursuant to MCC 15.6.8.
3. Developer shall construct the following amenities: park with benches and playground, and shade structure with at least 2 picnic tables.
4. Developer/Owner shall create the entire 24 acre parcel fronting Hwy 44 to be dedicated to ITD for right of way when Phase 2 develops.
5. The Reed's currently has on the project site in the portion of the project that will be zoned commercial if this project is approved. The DA provides that the Reed's home-site will be deemed an allowable non-conforming use. They may remain on site and use the commercial parcels for residential purposes, but they may not apply to the City for any improvement permits that would increase the non-conforming residential use. Once the Reed's vacates the site, the parcels may be used, rented, or sold only for commercial purposes in compliance with uses set forth in the C-3 zone.



9

Development Agreement can't:




1. Developer will have two years to obtain final plat approval for Phase 1. Developer may seek two 1-year extensions, thereby allowing a total of 4 years to obtain Phase 1 final plat approval. After Phase 1 final plat, Developer will have two years to obtain final plat for Phase 2. These time periods may also be extended with two 1-year extensions. Failure to meet these time frames may result in the City terminating the DA and nullifying the preliminary plat.
2. --(1)2) denies access to Hwy 44 for the commercial lots. Developer will create an access connection between the residential parcels and the commercial parcels via Horseshoe Creek.
3. Developer to grant a cross access easement for vehicle and pedestrian traffic across the commercial lots to ensure that no lots are landlocked 5 access to Hwy 44 is desired by ITD.
4. Developer shall construct a temporary 5' wide asphalt pathway across the commercial lot to connect the residential lots to Hwy 44. Public access shall be granted via a temporary public access easement. Once the commercial lots are developed, the pathway and easement may be removed by Developer.
5. Developer to comply with all FEMA and floodplain requirements.



10


Comprehensive Plan & Land Use Map:
Applicant's project complies with the Comprehensive Plan Future Land Use Map because the proposed zones coincide with the "Commercial" and "Mixed-Use" zones shown on the Map.

"Mixed Use" on the Future Land Use Map
means that the City will allow an intermingling of any type of commercial use with any type of residential use in that area.



The Project also complies with the Goals, Objectives and Strategies of the 2019 Middleton Comprehensive Plan as follows:

- Goals 2 and 23: The project provides safe vehicle and pedestrian facilities in light of the added improvements, pathways and sidewalks shown on the preliminary plat.
- Goal 4: The project will maintain a good quality of life with development that goes through impact fees and property taxes for the public services it receives when infrastructure is installed. Quality lots for residential use also increase the quality of life and general welfare of the City as a whole. Additionally, the project provides commercial uses near a "major" road.
- Goal 6: Water, sewer, and road systems have been reported in an orderly manner consistent with population growth.
- Goal 7: The project promotes commercial development and employment opportunities.
- Goal 8: The project establishes a new commercial area without detracting from existing businesses.
- Goal 10: Project provides playgrounds, pathways and outdoor recreational activities.
- Goal 11: The housing type matches the residents' lifestyle in the area the project is located.




11


Comments Received from Surrounding Landowners, Agencies, City Engineer & Planner were attached to the Staff Report and Agenda. A new public comment was submitted after the agenda was printed. I put a copy in the paper packets for review before the hearing began. Paper copies for public. (E4484-07)

Applicant Information: Application was accepted on November 16, 2021. Applicant is Taylor Schmidt/STEV LLC 1016 W. Saville St., Hanes, ID 83601.

Notice Dates	Current Notice	Old Notice
Newspaper	12/30/2022	7/1/2022
Public Notice to Neighbors	12/29/2022	7/4/2022
Agency Notice	12/27/2022	7/12/2022
Sign Posting	12/27/2022	7/15/2022




12



Planning & Zoning Commission Recommendation and Order: The Planning & Zoning Commission considered the project application at a public hearing on May 9, 2022. The Commission is responsible for issuing a final order on the application for a special use permit (SUP) by contract/interference. They reported the SUP on the condition that the developer meets with the staff of Middleton Behind District 124 to discuss possible mitigation to school impacts and on the condition that no 2nd floor windows would be located in houses built on the eastern boundary of Block 3.

The Commission further recommended approval of Developer's applications for annexation/zone, development agreement, and preliminary plat subject to the conditions of approval in the Staff Report.




13

Conclusions and Conditions of Approval:

The State law and the Middleton City Code, any final order must be based upon findings of facts and conclusions of law.

As to Findings of Facts, Planning Staff has set forth findings of facts in the staff report and presentation.

As to Conclusions of Law, Planning Staff finds that City Council has the authority to hear these applications and to approve or deny the applications, with certain conditions. 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 an order on the applications.




14

Conclusions and Recommended Conditions of Approval can't:

Annexation/Zone, Development Agreement and Preliminary Plat Application: If the Council chooses to approve the three applications, Planning Staff recommends that any approval be subject to the following conditions:

1. City municipal domestic water, fire flow and sanitary sewer services are to be extended to serve the subdivision.
2. Developer to comply with all terms of the Development Agreement approved for the project.
3. Section 3.15 of the DA regarding commercial connectivity through the residential portion of the project will be stricken from the proposed DA.
4. Developer to construct, at its own cost, all frontage improvements to Hwy 44 required by ITD and the City of Middleton.
5. All landscaping and amenities to be installed in compliance with submitted landscape plan dated 11/22/2022.
6. Developer shall submit a proffer Agreement from ITD for the commercial parcel access prior to final plat approval for Phase 2.
7. Developer shall create a plan for operation, maintenance and repair of stormwater facilities (OSM Plan) contained on the project site. The OSM Plan shall be recorded with the CCA's. Developer and/or RCA must maintain and operate the subdivision stormwater facilities in compliance with the OSM Plan.
8. Developer to pay City required pro-rata share traffic fee in the amount of \$77,567 prior to approval of phase 1 final plat.
9. All City Engineer, Planner, Fire District, and Floodplain Administrator review comments are to be completed and approved.
10. The Homeowner Association's CCA's shall maintain, but the RCA is responsible for maintaining the ditch easement strip of ground undeveloped between the canal and the rear fence line of Lots 1-4, Lot 2.
11. Sewer and water capacity to be measured at the time City approves the construction drawings for the project.

¹¹¹ reasons for denial



15

Reed's Landing EXHIBIT "G"

From: S. Lestelle
To: Roberta Stewart
Subject: Re: Comments on Reed's Landing Subdivision for Public Hearing at 5:30pm Wednesday, January 18, 2022
Date: Tuesday, January 17, 2023 9:46:32 AM

To Whom It May Concern,

My family would like to submit the below comments concerning the Annexation/Rezone, Preliminary Plat, and Development Agreement (Reed's Landing Subdivision). We feel these points warrant enough concern to not build the proposed development, and provide additional rationale about decreasing the requested density of homes.

Point #1 – The concern remains that building this many homes increases traffic through the neighborhoods, which we don't feel has been properly accounted for. This development is not similar to neighboring ones – for example, the bordering Westwood neighborhood has 16 single family homes, some on more than 0.25 acres (including our own home). Developers want to put in 37 homes, which is more than double, and none of them have the spacing/acreage we have. Additionally, there has been zero discussion about putting up stop signs, speed limit signs, pedestrian caution signs, etc. Additionally, if IDT advises not to build an entryway from Highway 44, then the only way to get through to the commercial properties is through the residential roadways, that creates immense noise and light pollution and congestion.

Point #2 - The bond for schools did not pass, which means this community does not want to put forth the funds to build new schools. The school boards have already spoken that they are over capacity and are using hallways and bungalows to accommodate the current student bodies. By approving this development to allow such a density of homes (37) will be ignoring that fact at the detriment of the education of Middleton children and the new students who will inevitably have to enroll and contribute further to overcrowding. We are putting developments over our children's education and safety.

Point #3 – If this development does pass, I have concerns about the quality of separation between the commercial and residential properties. A small, thin vinyl fence will not be enough to cut down on the noise and light pollution. I propose a concrete wall be built between the commercial and residential properties like the Eagle and Star developments that have the walls built between their properties and Highway 44.

Please let me know if you have any further questions or need clarification. We look forward to the meeting on Wednesday to discuss this development.

Thank you,

The Vehnekamp Family
Westwood Neighborhood

REED'S LANDING

Middleton City Council
January 18, 2023

CLARK
WARDLE

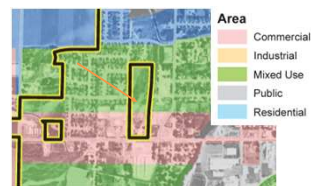
1

PROJECT LOCATION



2

FUTURE LAND USE MAP



3

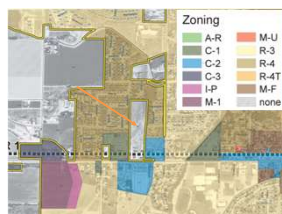
Mixed-Use Comp Plan Designation

Mixed-Use

This land use designation is a combination of residential and commercial. The appropriateness of specific projects and developments will be evaluated on location, orientation, and design. This designation is intended to deliberately and creatively mix uses for the betterment of the project as a whole. Developments might include business parks, mixed density residential and mixtures of commercial and residential.

4

AREA ZONING



5

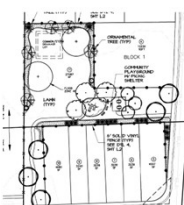
SITE LAYOUT



- 3 commercial lots
- 12 single-family residential lots
- 25 townhome lots
- Zones:
 - R-3 (single-family)
 - M-F (multi-family)
 - C-3 (commercial)

6

AMENITIES



- 13% open space
- Three common lots
- Playground, shade ramada, picnic tables, benches
- Trail connections

7

P&Z Recommendation

- Recommend approval with request to meet with school district



8

CITY COUNCIL – PRIOR HEARING

- City Council requested ITD confirmation of access onto SH44
- ITD finally approved in December 2022

9

SUMMARY

- Infill project
- Consistent with planning
- Agencies have all approved
- In agreement with Staff Report and Development Agreement language

10

QUESTIONS?

11

RESIDENTIAL TRANSITION



12

Commercial Comp Plan Designation

Commercial

This land use primarily serves to provide local commercial services and daily needs. As development becomes more automobile dependent, this type of development should be located on major arterials. While extremely important to the

13

PROJECT ELEVATIONS



14



7): Consider approving the following addition of fees to the Approved City of Middleton Fee Schedule beginning January 19, 2023

January 18, 2023 - City Council - Public Hearing

Please check

	Name	Address	Phone or Email	Please check			
				In Favor	Neutral	Opposed	Testify
1	Trent Saxton	7062 W. Six Shooter	530-417-0962		✓		
2							
3							
4							
5							
6							
7							
8							
9							



Application for annex/rezone, preliminary plat, and development agreement with respect to Reed's Landing Subdivision

January 18, 2023 - City Council - Public Hearing

Please check

	Name	Address	Phone or Email	Please check			
				In Favor	Neutral	Opposed	Testify
1	William B. Whitman	Westwood Sub 83644				X	
2	Landon Helgeson	405 GARDEN COURT	208 901 4501		X		
3	Susie Huter	Westwood Subdivision				X	
4	MIKE GORNEFE	1489 RIDGE WAY	208-527-6277				
5	Mine McDowell	13037 GREY				X	
6							
7							
8							
9							



Public Comment Sign In

City Council - January 18, 2023

	Name	Address	Phone or Email	Topic/Agenda Item #
1	Landon Helgeson	405 GARDEN COURT	208 901 4501	REED'S LANDING QUESTION
2	Minae McDougall	13037 GREENWELL	208 606 2273	REEDS LANDING GREENWELL
3	Cindee Powell	P.O. BOX 533	208.340.0795	General Questions
4				
5				
6	William V. Vinters	Westwood Sub		Reeds Landing
7				
8				
9				
10				



Middleton City Council

Findings of Facts, Conclusions of Law, & Order

In the Matter of the applications of Taylor Schmidt/BST DEV LLC for annexation/rezone, preliminary plat, and development agreement with respect to the Reed's Landing Subdivision located at 880 W. Main Street (Tax Parcel No. R17900010):

A. Findings of Fact:

1. The Commercial zoning surrounding the subject parcel is generally C-2, which is less intense than Applicant's proposed zoning of C-3. For the sake of uniformity and harmony with the surrounding commercial corridor, C-2 zoning is a more preferable zoning designation.
2. Hearing Facts: See Staff Report for the hearing date of January 18, 2023, which Report is attached hereto as Exhibit "A" and incorporated herein by this reference.
3. Process Facts: See Staff Report for the hearing date of January 18, 2023, Exhibit "A".
4. Application and Property Facts: See Staff Report for the hearing date of January 18, 2023, Exhibit "A".
5. Required Findings per Middleton City Code 1-14-2(E)(7), Idaho State Statute Title 67, Chapter 65, Idaho Standards for Public Works Construction and Middleton Supplement thereto, Middleton City Code 1-14, 1-15, 5-1, 5-2, 5-3 & 5-4 and Idaho Code Title 67, Chapter 65 & Title 50, Chapters 2 and 13: See Staff Report for the hearing date of January 18, 2023, Exhibit "A".

B. Conclusions of Law:

1. That the City of Middleton has exercised the powers conferred upon it by the "Local Land Use Planning Act of 1975," codified at Chapter 65, Title 67, Idaho Code (I.C. §67-6503).
2. That due consideration has been given to the comments received from the governmental subdivisions providing services in the City of Middleton planning jurisdiction, comments received from individuals of the public, and comments from City Planning Staff and City Engineer.
3. That notice of the application and public hearing was given according to law.
4. That City Council's public hearing was conducted according to law, and the City has kept a record of the application and related documents.
5. That codes and standards pertinent to the application are the Idaho Standards for Public Works Construction, the Middleton Supplement to the Idaho Standards for Public Works Construction, and Middleton City Code 1-14, 1-15, 5-1, 5-2, 5-3, and 5-4 and Idaho Code

Title 67, Chapter 65 and Idaho Code Title 50, chapters 2 and 13.

6. That public facilities and services required by the proposed development will not impose expense upon the public if the attached conditions of approval are imposed.

C. Decision & Order:

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

1. The applications of Taylor Schmit/BST DEV LLC for Annexation and Rezone is approved subject to the following conditions:
 - i. The C-3 zoning for the commercial portion of the project is changed to C-2.
 - ii. Applicant to comply with all conditions of approval set forth in the Staff Report for the January 18, 2023, public hearing.
2. The applications of Taylor Schmit/BST DEV LLC for Development Agreement is approved subject to the following conditions:
 - i. The C-3 zoning for the commercial portion of the project is changed to C-2.
 - ii. Applicant to comply with all conditions of approval set forth in the Staff Report for the January 18, 2023, public hearing.
3. The applications of Taylor Schmit/BST DEV LLC for Preliminary Plat is approved subject to the following conditions:
 - i. The C-3 zoning for the commercial portion of the project is changed to C-2.
 - ii. Applicant to comply with all conditions of approval set forth in the Staff Report for the January 18, 2023, public hearing.

WRITTEN ORDER APPROVED ON: _____, 2023.

Steven J. Rule
Mayor, City of Middleton

Attest:

Roberta Stewart
Planning and Zoning Official

Please take notice that pursuant to MCC 1-14-2(E)(10), applicant shall have 14 days after a signed final decision to request reconsideration by the final-decision maker. Such request must identify specific deficiencies in the final decision. Failure to request reconsideration may invalidate a subsequent judicial appeal. Additionally, pursuant to Idaho State Statute

67-6521, any affected person aggrieved by a final decision may, within 28 days after all remedies have been exhausted under local ordinances, seek judicial review as provided in chapter 52, Title 67.

Additionally, please take notice that Applicant has a right to request a regulatory taking analysis pursuant to Idaho State Statute section [67-8003](#).



City of Middleton

DATE _____

1/13/2023

ADDRESS

**1103 W. Main St.
Middleton, ID 83644**

PHONE

208.585.3133 (Main)

E-MAIL

jvangilder@middletoncity.c
om

SALESPERSON

Richard Mason

PROJECT

2023 Cleaning and Inspections

PREPARED BY:

Richard Mason

ATTENTION

Jason Van Gilder, PE
Public Works Director

PAYMENT TERMS

Net 30

Integrity Inspection Solutions, Inc.

Cell: 208-960-2883
Office: 208442-4470
Fax: 844-351-6902

4419 Challenger Way Caldwell ID
integrity@iispipeline.com

THIS PROPOSAL INCLUDES THE CONDITIONS NOTED:

Owner must provide clear access to the upstream and downstream manholes. • Integrity Inspection Solutions is not responsible for any Traffic Control, Bypass Pumping or Permitting unless otherwise stated in the proposal portion of this document.

Date _____

Sign Below to Accept Quote:

Authorized Rep

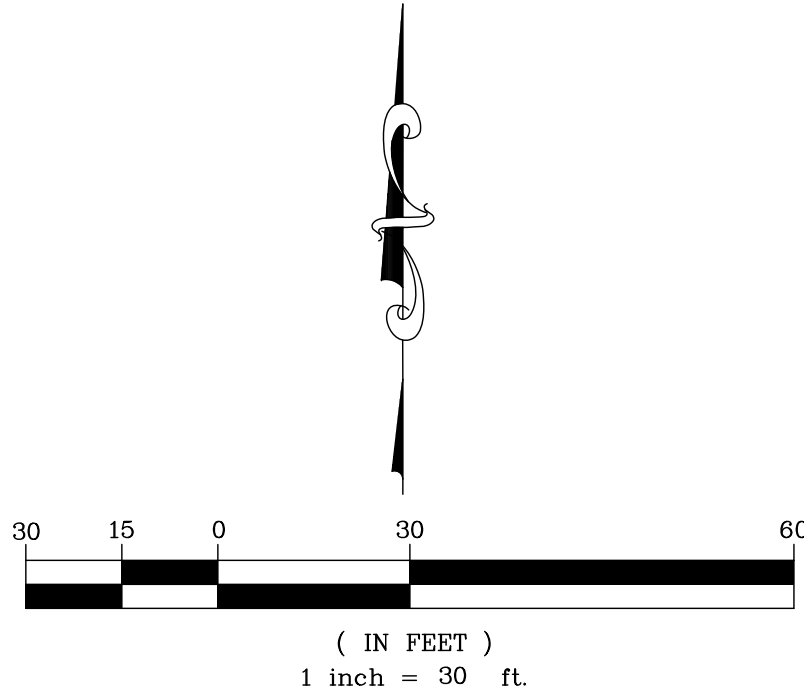
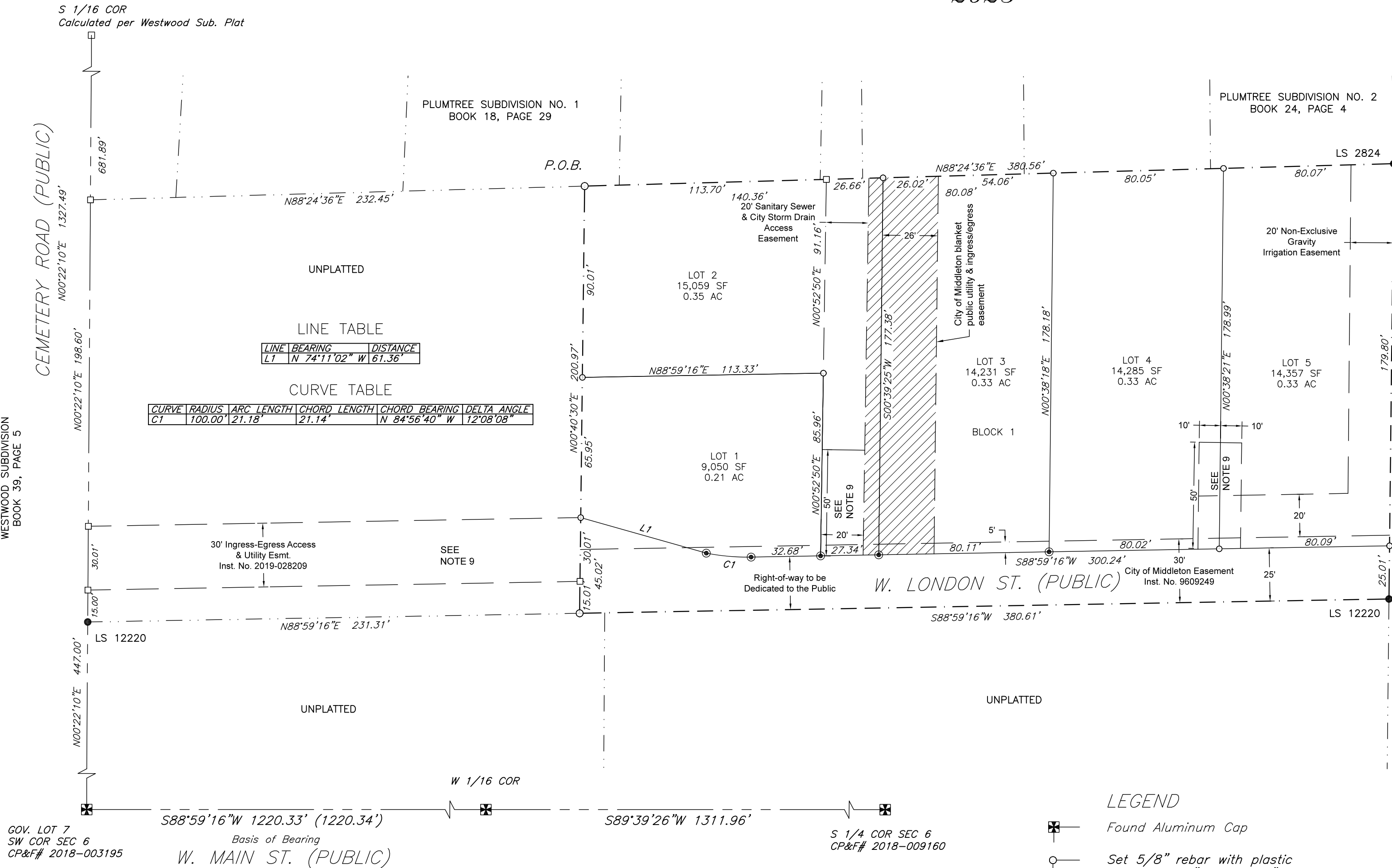
Public Works Contractors License Number 036543-C-4



QUANTITY	DESCRIPTION	UNIT PRICE	AMOUNT
----------	-------------	------------	--------

Thank You For You Business







A PORTION OF GOVERNMENT LOT 7,
SECTION 6, T. 4 N., R. 2 W., B.M.
CITY OF MIDDLETON, CANYON COUNTY, IDAHO
2023




NOTES

1. ANY RE-SUBDIVISION OF THIS PLAT SHALL COMPLY WITH THE APPLICABLE REGULATIONS IN EFFECT AT THE TIME OF THE RE-SUBDIVISION.
2. MINIMUM BUILDING SETBACK DIMENSIONS IN THIS SUBDIVISION SHALL CONFORM TO THE APPLICABLE ZONING REGULATION IN EFFECT AT THE TIME OF ISSUANCE OF A BUILDING PERMIT.
3. DOMESTIC WATER SERVICE WILL BE PROVIDED BY THE CITY OF MIDDLETON.
4. SEWER SERVICE WILL BE PROVIDED BY THE CITY OF MIDDLETON.
5. THE OWNER HAS PROVIDED IRRIGATION WATER TO EACH LOT THROUGH A PRESSURIZED IRRIGATION SYSTEM, TO BE OWNED AND MAINTAINED BY THE HOMEOWNERS ASSOCIATION. IRRIGATION WATER IS PROVIDED FROM THE CANYON HILL IRRIGATION DISTRICT AND MIDDLETON IRRIGATION COMPANY. IN COMPLIANCE WITH IDAHO CODE SECTION 31-3805(1)(B), LOTS WITHIN THIS SUBDIVISION WILL BE ENTITLED TO IRRIGATION WATER RIGHTS AND WILL BE OBLIGATED FOR LEVIES AND ASSESSMENTS FROM SAID DISTRICTS AND COMPANIES.
6. LOTS 2 & 3 ARE SUBJECT TO A BLANKET CITY OF MIDDLETON UTILITY AND STORM DRAINAGE EASEMENT.
7. UNLESS OTHERWISE SHOWN AND DIMENSIONED, A 10-FOOT UTILITY EASEMENT ALONG ALL PUBLIC ROADS, A 10-FOOT UTILITY, IRRIGATION, AND DRAINAGE EASEMENT ALONG THE SUBDIVISION BOUNDARY, AND A 10-FOOT UTILITY, IRRIGATION, AND DRAINAGE EASEMENT CENTERED ON ALL INTERIOR LOT LINES.
8. THE HOMEOWNER'S ASSOCIATION (HOA) OWNS AND MANAGES THE STORMWATER FACILITIES. A PLAN FOR OPERATION, MAINTENANCE AND REPAIR OF STORMWATER FACILITIES (O&M PLAN) HAS BEEN PREPARED FOR ALL STORMWATER FACILITIES MAINTAINED BY THE HOA. THE O&M PLAN SHALL BE RECORDED WITH THE CO&R'S. THE O&M PLAN SHALL BE USED FOR MAINTENANCE AND OPERATION OF THE STORMWATER FACILITIES.
9. THERE IS A PUBLIC ACCESS AND UTILITY EASEMENT ON R17911 (WEST NEIGHBORING PARCEL) AND INGRESS/EGRESS AND UTILITY EASEMENTS ESTABLISHED FOR LOTS 1 AND 2, BLOCK 1 AND LOTS 4 AND 5, BLOCK 1. THE HOA SHALL BE RESPONSIBLE FOR MAINTAINING AND REPAIRING THESE PRIVATE ACCESS AREAS AND EASEMENT AREAS.
10. ANY FENCES, LANDSCAPING OR ANY OTHER STRUCTURES INSTALLED IN AN EASEMENT AREA MAY BE REMOVED BY THE CITY OF MIDDLETON AND UTILITY COMPANIES AND REPLACED AT THE LANDOWNER'S EXPENSE.
11. AN ELEVATION CERTIFICATE IS REQUIRED FOR ANY STRUCTURE LOCATED IN THE FLOODPLAIN.
12. PORTIONS OF THIS SUBDIVISION LIE WITHIN AN AREA OF SPECIAL FLOOD HAZARD (ASFH) AS IDENTIFIED ON THE FLOOD INSURANCE RATE MAP (FIRM) PANEL NUMBER 16027C0253G AND ARE SUBJECT TO THE REGULATION OF MIDDLETON CITY CODE TITLE 16, CHAPTER 3, FLOOD CONTROL REGULATIONS. SHEET FLOODING CAN AND WILL OCCUR AND FLOODS OF GREATER MAGNITUDE MAY INUNDATE AREAS OUTSIDE IDENTIFIED FLOODPLAIN AND FLOODWAY BOUNDARY LINES. BUILDER(S) WILL BE RESPONSIBLE TO MEET THE FLOODWAY/FLOODPLAIN REQUIREMENTS IN EFFECT AT TIME OF THE ISSUANCE OF A BUILDING PERMIT.

LEGEND

- | | |
|---|--|
|  | <i>Found Aluminum Cap</i> |
|  | <i>Set 5/8" rebar with plastic cap labeled "PLS 12220"</i> |
|  | <i>Set Brass Disk</i> |
|  | <i>Found 5/8" rebar as noted</i> |
|  | <i>Set 1/2" rebar with plastic cap labeled "PLS 12220"</i> |
|  | <i>Calculated Point</i> |

P.O.B. Point of Beginning

 Boundary Line
 Easement Line
 Section Line
 *Lot Line*
 Property Lines

SURVEYOR NARRATIVE.

1. THE BOUNDARY OF THIS SUBDIVISION WAS ESTABLISHED BY FOUND MONUMENTS PER
RECORD OF SURVEY NO. 2018-028102.
2. THIS PLAT WAS DONE AT THE REQUEST OF HUNDOBLE FAMILY TRUST TO SUBDIVIDE
THIS PROPERTY INTO A RESIDENTIAL DEVELOPMENT.

OWNER/DEVELOPER:

HUNDOBLE FAMILY TRUST
PO BOX 609
MIDDLETON, ID 83644

BOOK _____ PAGE _____

EAGLE LAND SURVEYING, LLC.

106 W MAIN ST. UNIT D, MIDDLETON, ID 83644
(208) 861-7513; pls12220@yahoo.com

SEC. 6, T. 4 N., R. 2 W., B.M.

				SHEET 1
DATE:	11-28-22	PROJECT:	21-013	OF
DRAWN. BY:	JBF	COPYRIGHT© 2023 ELS ALL RIGHTS RESERVED.		3
CHKD. BY:	JBF			

REVISION DATE: 11-28-22

FINAL PLAT

PICCADILLY SQUARE SUBDIVISION

CERTIFICATE OF OWNERS

KNOW ALL PEOPLE BY THESE PRESENT: THAT WE, THE UNDERSIGNED, DO HEREBY CERTIFY THAT WE ARE THE OWNERS OF THAT REAL PROPERTY TO BE KNOWN AS PICCADILLY SQUARE SUBDIVISION, AND THAT WE INTEND TO INCLUDE SAID REAL PROPERTY, AS DESCRIBED BELOW, IN THIS PLAT. THE OWNERS ALSO HEREBY STATE THAT THIS PLAT COMPLIES WITH IDAHO CODE 50-1334(2).

Located in Government Lot 7, Section 6, Township 4 North, Range 2 West of the Boise Meridian, City of Middleton, Canyon County, Idaho described as follows:

Commencing at a found Aluminum Cap marking the Southwest corner of Government Lot 7, Section 6, Township 4 North, Range 2 West of the Boise Meridian, City of Middleton, Canyon County, Idaho and running thence N00°22'10"E 447.00 feet along the West line of Government Lot 7; thence N00°22'10"E 198.60 feet along said West line; thence N88°24'36"E 232.45 feet along the South line of Plumtree Subdivision No. 1 to the Point of Beginning; thence N88°24'36"E 380.56 feet along the South line of Plumtree Subdivison No. 2 to a found 5/8" rebar; thence S00°37'27"W 204.81 feet along the West line of Plumtree Subdivison No. 2 to a set 5/8" rebar with orange plastic cap labeled "PLS 12220"; thence S88°59'16"W 380.61 feet; thence N00°40'30"E 200.97 feet to the Point of Beginning.

Parcel contains 1.77 acres, more or less.

IT IS THE INTENTION OF THE UNDERSIGNED TO HEREBY INCLUDE THE ABOVE DESCRIBED PROPERTY IN THIS PLAT AND TO DEDICATE TO THE PUBLIC, THE PUBLIC STREETS AS SHOWN ON THIS PLAT. THE EASEMENTS AS SHOWN ON THIS PLAT ARE NOT DEDICATED TO THE PUBLIC. HOWEVER, THE RIGHT TO USE SAID EASEMENTS IS HEREBY PERPETUALLY RESERVED FOR PUBLIC UTILITIES AND SUCH OTHER USES AS DESIGNATED WITHIN THIS PLAT, AND NO PERMANENT STRUCTURES ARE TO BE ERECTED WITHIN THE LINES OF SAID EASEMENTS. ALL LOTS IN THE PLAT WILL BE ELIGIBLE TO RECEIVE WATER SERVICE FROM AN EXISTING CITY OF MIDDLETON MAIN LINE LOCATED ADJACENT TO THE SUBJECT SUBDIVISION, AND CITY OF MIDDLETON HAS AGREED IN WRITING TO SERVE ALL THE LOTS IN THIS SUBDIVISION.

IN WITNESS WHEREOF: WE HAVE HEREUNTO SET OUR HAND:

DEBBIE HUNDOBLE TRUSTEE DENNIS HUNDOBLE TRUSTEE
HUNDOBLE FAMILY TRUST

ACKNOWLEDGMENT

STATE OF IDAHO)
) S.S.
COUNTY OF CANYON)

ON THIS ____DAY OF _____, 2022, BEFORE ME, DEBBIE HUNDOBLE AND DENNIS HUNDOBLE, PERSONALLY APPEARED, KNOWN OR IDENTIFIED TO ME TO BE THE TRUSTEE FOR THE HUNDOBLE FAMILY TRUST THAT EXECUTED THE INSTRUMENT ON BEHALF OF SAID TRUST ACKNOWLEDGED TO ME THAT SAID TRUST EXECUTED THE SAME.

IN WITNESS WHEREOF, I HAVE HEREUNTO SET MY HAND AND AFFIXED MY SEAL THE DAY AND YEAR IN THIS CERTIFICATE FIRST ABOVE WRITTEN.

NOTARY PUBLIC _____
RESIDING AT _____
MY COMMISSION EXPIRES: _____

SURVEYOR'S CERTIFICATE

I, JEREMIAH B. FIELDING, DO HEREBY CERTIFY THAT I AM A REGISTERED PROFESSIONAL LAND SURVEYOR IN THE STATE OF IDAHO, AND THAT THIS PLAT AS DESCRIBED IN THE "CERTIFICATE OF OWNERS" WAS DRAWN FROM THE FIELD NOTES OF A SURVEY MADE ON THE GROUND UNDER MY DIRECT SUPERVISION AND ACCURATELY REPRESENTS THE POINTS PLATTED THEREON, AND IS IN COMFORMITY WITH THE STATE OF IDAHO CODE RELATING TO PLATS AND SURVEYS.

JEREMIAH B. FIELDING, P.L.S. IDAHO LICENSE NO. 12220



BOOK _____ PAGE _____

EAGLE LAND SURVEYING, LLC.

106 W MAIN ST. UNIT D, MIDDLETON, ID 83644
(208) 861-7513; pls12220@yahoo.com

SEC. 6, T. 4 N., R. 2 W.,B.M.

				SHEET	
				2	
DATE:	11-28-22	PROJECT:	21-013	OF 3	
DRAWN. BY:	JBF	COPYRIGHT © 2023 ELS ALL RIGHTS RESERVED.			
CHECKD. BY:	JBF				

FINAL PLAT

PICCADILLY SQUARE SUBDIVISION

HEALTH CERTIFICATE

SANITARY RESTRICTIONS AS REQUIRED BY IDAHO CODE, TITLE 50, CHAPTER 13 HAVE BEEN SATISFIED BASED ON A REVIEW BY A QUALIFIED LICENSED PROFESSIONAL ENGINEER (QLPE) REPRESENTING CITY OF MIDDLETON PUBLIC WORKS, AND THE QLPE APPROVAL OF THE DESIGN PLANS AND SPECIFICATIONS AND THE CONDITIONS IMPOSED ON THE DEVELOPER FOR CONTINUED SATISFACTION OF THE SANITARY RESTRICTIONS. BUYER IS CAUTIONED THAT AT TIME OF THIS APPROVAL, NO DRINKING WATER EXTENSIONS OR SEWER EXTENSIONS WERE CONSTRUCTED. BUILDING CONSTRUCTION CAN BE ALLOWED WITH APPROPRIATE BUILDING PERMITS IF DRINKING WATER EXTENSIONS OR SEWER EXTENSIONS HAVE SINCE BEEN CONSTRUCTED OR IF THE DEVELOPER IS SIMULTANEOUSLY CONSTRUCTING THOSE FACILITIES. IF THE DEVELOPER FAILS TO CONSTRUCT FACILITIES, THEN SANITARY RESTRICTIONS MAY BE REIMPOSED, IN ACCORDANCE WITH SECTION 50-1326, IDAHO CODE, BY THE ISSUANCE OF A CERTIFICATE OF DISAPPROVAL, AND NO CONSTRUCTION OF ANY BUILDING OR SHELTER REQUIRING DRINKING WATER OR SEWER/SEPTIC FACILITIES SHALL BE ALLOWED.

DISTRICT HEALTH DEPARTMENT, EHS

DATE

APPROVAL OF CITY COUNCIL

I, THE UNDERSIGNED, CITY CLERK IN AND FOR THE CITY OF MIDDLETON, CANYON COUNTY, IDAHO, DO HEREBY CERTIFY THAT AT A REGULAR MEETING OF THE CITY COUNCIL HELD ON THE ____ DAY OF _____, 2023, THIS PLAT WAS DULY ACCEPTED AND APPROVED.

CITY CLERK

APPROVAL OF CITY ENGINEER

I, THE UNDERSIGNED, CITY ENGINEER, IN AND FOR THE CITY OF MIDDLETON, CANYON COUNTY, IDAHO, HEREBY APPROVE THIS PLAT.

CITY ENGINEER

DATE

CERTIFICATE OF THE COUNTY SURVEYOR

I, THE UNDERSIGNED, REGISTERED PROFESSIONAL LAND SURVEYOR, IN AND FOR CANYON COUNTY, IDAHO, DO HEREBY CERTIFY THAT I HAVE CHECKED THIS PLAT AND FIND THAT IT COMPLIES WITH THE STATE OF IDAHO CODE RELATING TO PLATS AND SURVEYS.

CANYON COUNTY SURVEYOR

CERTIFICATE OF THE COUNTY TREASURER

I, THE UNDERSIGNED, COUNTY TRESURER IN AND FOR THE COUNTY OF CANYON, STATE OF IDAHO, PER THE REQUIREMENTS OF I.C. 50-1308, DO HEREBY CERTIFY THAT ANY AND ALL CURRENT AND/OR DELINQUENT COUNTY PROPERTY TAXES FOR THE PROPERTY INCLUDED IN THIS PROPOSED SUBDIVISION HAVE BEEN PAID IN FULL. THIS CERTIFICATION IS VALID FOR THE NEXT THIRTY (30) DAYS ONLY.

CANYON COUNTY TREASURER

DATE

BOOK PAGE

EAGLE LAND SURVEYING, LLC.

106 W MAIN ST. UNIT D, MIDDLETON, ID 83644
(208) 861-7513; pls12220@yahoo.com



SEC. 6, T. 4 N., R. 2 W.,B.M.

				SHEET
				3
DATE:	11-28-22	PROJECT:	21-013	OF
DRAWN. BY:	JBF	COPYRIGHT © 2023 ELS ALL RIGHTS RESERVED.		3
CHECKD. BY:	JBF			

ORDINANCE NO. 669

Reed's Landing Subdivision Annexation – 880 W. Main St. (Parcel No. 1790001)

AN ORDINANCE OF THE CITY OF MIDDLETON, CANYON COUNTY, IDAHO, ANNEXING TO THE CITY OF MIDDLETON, IDAHO, CERTAIN REAL PROPERTY SITUATED IN THE UNINCORPORATED AREA OF CANYON COUNTY, IDAHO, AND CONTIGUOUS TO THE CORPORATE LIMITS OF THE CITY OF MIDDLETON, IDAHO; ESTABLISHING THE ZONING CLASSIFICATION OF SAID REAL PROPERTY AS 2.35 ACRES TO C-2 (LIGHT COMMERCIAL), 2.98 ACRES TO M-F (MULTI-FAMILY) AND 4.09 ACRES TO R-3 (SINGLE FAMILY RESIDENTIAL); DIRECTING THAT COPIES OF THIS ORDINANCE BE FILED AS PROVIDED BY LAW; AND PROVIDING AN EFFECTIVE DATE.

BE IT ORDAINED, BY THE MAYOR AND CITY COUNCIL OF THE CITY OF MIDDLETON, COUNTY OF CANYON, STATE OF IDAHO:

Section 1. That the Middleton City Council, upon recommendation of the Planning & Zoning Commission, and following the public notice and hearing procedures set forth in the Local Land Use Planning Act and Middleton City Code Title 1, Chapter 14, approved the Reed's Landing Subdivision Annexation and Rezone at a public hearing held on January 18, 2023.

Section 2. The following described property, commonly known as 880 W. Main Street (Tax Parcel R1790001), comprising approximately 9.6 acres, more or less, is contiguous to the City of Middleton, Idaho, and the applicant has requested that said following described property should be annexed into the City of Middleton as C-2 (Light Commercial), M-F (Multi-Family) and R-3 (Single Family Residential):

Legal description and sketch exhibit of perimeter boundary of all property being annexed is attached hereto as Exhibit "A," and incorporated herein by this reference as if set forth in full.

Section 3. That the above-described property is hereby annexed into the corporate limits of the City of Middleton and zoned as follows: 2.35 C-2 (Light Commercial), 2.98 acres as M-F (Multi-Family) and 2.98 acres as R-3 (Single Family Residential).

Legal description and sketch exhibit for property zoned C-2 is attached hereto as Exhibit "B" and incorporated herein by this reference as if set forth in full.

Legal description and sketch exhibit for property zoned M-F is attached hereto as Exhibit "C" and incorporated herein by this reference as if set forth in full.

Legal description and sketch exhibit for property zoned R-3 is attached hereto as Exhibit "D" and incorporated herein by this reference as if set forth in full.

Section 4. That the City Engineer and the Planning & Zoning Director of the City of Middleton, Idaho, are hereby instructed to so designate the same above described property on the official zoning map and other area maps of the City of Middleton, Idaho as lying within the city limits and zoned C-2, M-F and R-3 as set forth in Section 3 respectively.

Section 5. All ordinances, resolutions, orders or parts thereof in conflict herewith are hereby repealed, rescinded and annulled.

Section 6. This ordinance shall be in full force and in effect from and after its passage, approval and publication, according to law.

Section 7. The Clerk of the City of Middleton, Idaho shall, within 10 days following the effective date of this ordinance, duly file a certified copy of this ordinance and a map prepared in a draftsman-like manner plainly and clearly designating the boundaries of the City of Middleton, including the land herein annexed, with the following officials of the County of Canyon, State of Idaho, to-wit: the Recorder, Auditor, Treasurer and Assessor and shall file simultaneously a certified copy of this ordinance with the State Tax Commission of the State of Idaho, all in compliance with Idaho Code § 63-215.

PASSED BY THE COUNCIL OF THE CITY OF MIDDLETON, IDAHO, this ____th
day of _____, 2023.

APPROVED BY THE MAYOR OF THE CITY OF MIDDLETON, IDAHO, this
____ day of _____, 2023.

Attest:

Steven J. Rule
Mayor, City of Middleton

Middleton City Clerk

EXHIBIT “A”

Legal Description of Perimeter Boundary of Annexed Property

Description for
Reeds Landing Subdivision
January 6, 2023

A portion of Blocks 6, 7 and 8, Hawthorn Plat of Middleton as filed in Book 3 of Plats at Page 22, records of Canyon County, Idaho, lying in the Southeast 1/4 of the Southeast 1/4 of Section 1, Township 4 North, Range 3 West, Boise Meridian, Canyon County, Idaho more particularly described as follows:

Commencing at the Section corner common to Sections 1 and 12, T.4N., R.3W., B.M., and Sections 6 and 7, T.4N., R.2W., B.M., from which the 1/4 corner common to said Sections 1 and 12 bears South 89°44'07" West, 2,702.83 feet; thence on south boundary line of said Section 1, South 89°44'07" West, 775.38 feet; thence North 00°21'31" East, 40.00 feet to the Southeast corner of Wellstone Subdivision as filed in Book 39 of Plats at Page 42, records of Canyon County, Idaho and the **REAL POINT OF BEGINNING**;

thence on the east boundary line of said Wellstone Subdivision, North 00°21'31" East, 583.18 feet to the Southeast corner of Sherwood Estates Subdivision as filed in Book 37 of Plats at Page 28, records of Canyon County, Idaho;

thence on the east boundary line of said Sherwood Estates Subdivision, North 00°21'31" East, 704.17 feet to the north boundary line of the Southeast 1/4 of the Southeast 1/4 of said Section 1, coincident with the south boundary line of Nottingham Greens Subdivision No. 2 as filed in Book 32 of Plats at Page 18, records of Canyon County, Idaho;

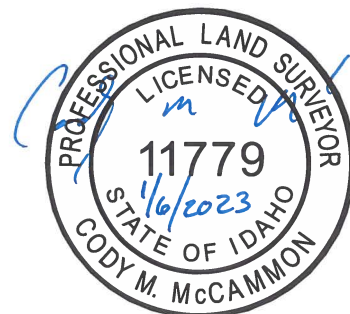
thence on said north and south boundary lines, North 89°43'55" East, 384.41 feet to the Northwest corner of Lot 14, Block 3 of Westwood Subdivision as filed in Book 39 of Plats at Page 5, records of Canyon County, Idaho;

thence on the westerly boundary line of Westwood Subdivision the following three (3) courses and distances:

South 01°46'43" West, 330.83 feet;

South 04°34'57" West, 316.66 feet;

South 04°40'35" West, 174.94 feet to the Northwest corner of The Cottages Subdivision as filed in Book 42 of Plats at Page 36, records of Canyon County, Idaho;



thence on the westerly boundary line of The Cottages Subdivision the following two (2) courses and distances:

South 04°40'35" West, 35.99 feet;

South 03°08'47" West, 18.19 feet;

thence leaving said westerly boundary line, North 88°25'59" West, 81.98 feet;

thence South 03°00'38" West, 215.09 feet;

thence South 48°54'27" West, 50.44 feet;

thence South 02°52'52" West, 168.00 feet to the north right-of-way line of W. Main Street (S.H. 44);

thence on said north right-of-way line, South 89°44'07" West, 199.00 feet to the **REAL POINT OF BEGINNING.**

Containing 9.493 acres, more or less.

End of Description.



NOTTINGHAM
GREENS SUB. No. 2

N89°43'55"E 384.41'

6

SHIRE ST.

SHERWOOD
ESTATES SUB.

WESTWOOD SUB.

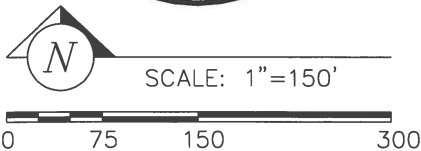
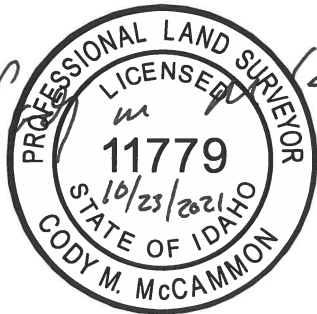
W. 3RD ST. N

W. 3RD ST. N

±9.68 ACRES

WELLSTONE SUB.

THE COTTAGES
SUB.



S.1 1/4
S.12
1927.45'
S89°44'07"W 2702.83'
BASIS OF BEARING
199.43'
S89°44'07"W
W. MAIN ST. (S.H. 44)
575.94'
REAL POINT OF BEGINNING
S.1 S.6
S.12 S.7
R. 3W. R. 2W.

P:\880 Main St 21-294\dwg\ANNEX-BASE.dwg 10/23/2021 11:59:25 AM



IDAHO
SURVEY
GROUP, LLC

9955 W. EMERALD ST.
BOISE, IDAHO 83704
(208) 846-8570

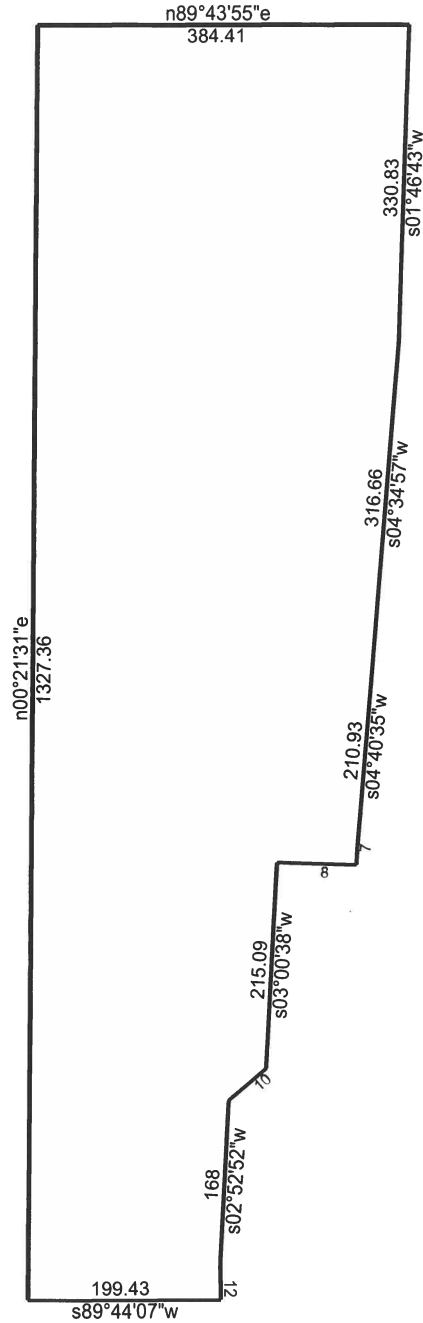
ANNEXATION EXHIBIT FOR
880 MAIN STREET

A PORTION BLOCKS 6, 7 AND 8, HAWTHORN PLAT OF MIDDLETON LYING IN THE SE
1/4 OF THE SE 1/4 OF SECTION 1, T.4N., R.3W., B.M., CANYON COUNTY, IDAHO

JOB NO.
21-294

SHEET NO.
1

DWG. DATE
10/23/2021



10/23/2021

Scale: 1 inch= 200 feet

File: 880 Main St Annex Ex.ndp

Tract 1: 9.6761 Acres (421493 Sq. Feet), Closure: s19.1340w 0.01 ft. (1/297864), Perimeter=3343 ft.

01 s89.4407w 199.43
02 n00.2131e 1327.36
03 n89.4355e 384.41
04 s01.4643w 330.83
05 s04.3457w 316.66
06 s04.4035w 210.93
07 s03.0847w 18.19
08 n88.2559w 81.98
09 s03.0038w 215.09

10 s48.5427w 50.44
11 s02.5252w 168
12 s00.1553e 40

EXHIBIT “B”

Legal Description of Property zoned C-2

Description for
C-2 Zone
June 1, 2022

A portion of Blocks 6 and 7, Hawthorn Plat of Middleton as filed in Book 3 of Plats at Page 22, records of Canyon County, Idaho, lying in the Southeast 1/4 of the Southeast 1/4 of Section 1, Township 4 North, Range 3 West, Boise Meridian, City of Middleton, Canyon County, Idaho more particularly described as follows:

Commencing at the Section corner common to Sections 1 and 12, T.4N., R.3W., B.M., and Sections 6 and 7, T.4N., R.2W., B.M., from which the 1/4 corner common to said Sections 1 and 12 bears South 89°44'07" West, 2,702.83 feet; thence on south boundary line of said Section 1, South 89°44'07" West, 575.94 feet to the **REAL POINT OF BEGINNING**.

thence continuing, South 89°44'07" West, 199.43 feet to the southerly extension of the east boundary line of Wellstone Subdivision as filed in Book 39 of Plats at Page 42, records Canyon County, Idaho;

thence on said east boundary line and the southerly extension thereof, North 00°21'31" East, 502.95 feet;

thence leaving said east boundary line, North 89°33'57" East, 10.17 feet;

thence 123.88 feet along the arc of a curve to the left having a radius of 50.00 feet, a central angle of 141°57'16" and a long chord which bears South 73°10'07" East, 94.54 feet;

thence North 35°51'15" East, 27.65 feet;

thence 46.82 feet along the arc of curve to the right having a radius of 50.00 feet, a central angle of 53°39'03" and a long chord which bears North 62°40'46" East, 45.13 feet;

thence North 89°30'18" East, 38.33 feet;

thence 16.67 feet along the arc of curve to the left having a radius of 53.00 feet, a central angle of 18°01'24" and a long chord which bears North 80°29'36" East, 16.60 feet;

thence 18.97 feet along the arc of a non-tangent curve to the right having a radius of 25.00 feet, a central angle of 43°28'27" and a long chord which bears South 21°22'42" East, 18.52 feet;

thence South 00°21'31" West, 46.96 feet;

thence South 88°25'59" East, 35.76 feet;

thence South 03°00'38" West, 215.09 feet;

thence South 48°54'27" West, 50.44 feet;

thence South 02°52'52" West, 168.00 feet to the north right-of-way line of W. Main Street (S.H. 44);

thence leaving said north right-of-way line, South 0°15'53" East, 40.00 feet to the **REAL POINT OF BEGINNING**.

Containing 2.542 acres, more or less.

End of Description.

EXHIBIT “C”

Legal Description of Property Zoned M-F

Description for
M-F Zone
June 1, 2022

A portion of Blocks 6 and 7, Hawthorn Plat of Middleton as filed in Book 3 of Plats at Page 22, records of Canyon County, Idaho, lying in the Southeast 1/4 of the Southeast 1/4 of Section 1, Township 4 North, Range 3 West, Boise Meridian, City of Middleton, Canyon County, Idaho more particularly described as follows:

Commencing at the Section corner common to Sections 1 and 12, T.4N., R.3W., B.M., and Sections 6 and 7, T.4N., R.2W., B.M., from which the 1/4 corner common to said Sections 1 and 12 bears South 89°44'07" West, 2,702.83 feet; thence on south boundary line of said Section 1, South 89°44'07" West, 775.38 to the southerly extension of the east boundary line of Wellstone Subdivision as filed in Book 39 of Plats at Page 42, records Canyon County, Idaho; thence on said east boundary line and the southerly extension thereof, North 00°21'31" East, 502.95 feet to the **REAL POINT OF BEGINNING.**

thence continuing on said east boundary line and the east boundary line of Sherwood Estates Subdivision as filed in Book 37 of Plats at Page 28, records of Canyon County, Idaho, North 00°21'31" East, 392.08 feet;

thence leaving said east boundary line, North 87°54'21" East, 250.83 feet;

thence South 03°36'58" West, 143.57 feet;

thence North 88°13'44" East, 116.54 feet to the west boundary line of Westwood Subdivision as filed in Book 39 of Plats at Page 5, records of Canyon County, Idaho;

thence on said west boundary line, South 04°34'57" West, 81.95 feet;

thence continuing on said the west boundary line and the west boundary line of The Cottages Subdivision as filed in Book 42 of Plats at Page 36, records of Canyon County, Idaho, South 04°40'35" West, 210.93 feet;

thence continuing on said west boundary line of The Cottages Subdivision, South 03°08'47" West, 18.19 feet;

thence leaving said west boundary line, North 88°25'59" West, 117.74 feet;

thence North 00°21'31" East, 46.96 feet;



thence 18.97 feet along the arc of a curve to the left having a radius of 25.00 feet, a central angle of $43^{\circ}28'27''$ and a long chord which bears North $21^{\circ}22'42''$ West, 18.52 feet;

thence 16.67 feet along the arc of curve to the right having a radius of 53.00 feet, a central angle of $18^{\circ}01'24''$ and a long chord which bears South $80^{\circ}29'36''$ West, 16.60 feet;

thence South $89^{\circ}30'18''$ West, 38.33 feet;

thence 46.82 feet along the arc of curve to the left having a radius of 50.00 feet, a central angle of $53^{\circ}39'03''$ and a long chord which bears South $62^{\circ}40'46''$ West, 45.13 feet;

thence South $35^{\circ}51'15''$ West, 27.65 feet;

thence 123.88 feet along the arc of curve to the right having a radius of 50.00 feet, a central angle of $141^{\circ}57'16''$ and a long chord which bears North $73^{\circ}10'07''$ West, 94.54 feet;

thence South $89^{\circ}33'57''$ West, 10.17 feet to the **REAL POINT OF BEGINNING**.

Containing 3.041 acres, more or less.

End of Description.





SCALE: 1"=100'

0 25 50 100 200

LINE TABLE

LINE	BEARING	LENGTH
L1	S89°30'18"W	38.33
L2	S35°51'15"W	27.65
L3	S89°33'57"W	10.17

CURVE TABLE

CURVE	LENGTH	RADIUS	DELTA	CHORD BRG.	CHORD DIST.
C1	18.97	25.00	43°28'27"	N21°22'42"W	18.52
C2	16.67	53.00	18°01'24"	S80°29'36"W	16.60
C3	46.82	50.00	53°39'03"	S62°40'46"W	45.13
C4	123.88	50.00	141°57'16"	N73°10'07"W	94.54

Sherwood Estates
Sub.

W. 3rd St. N.

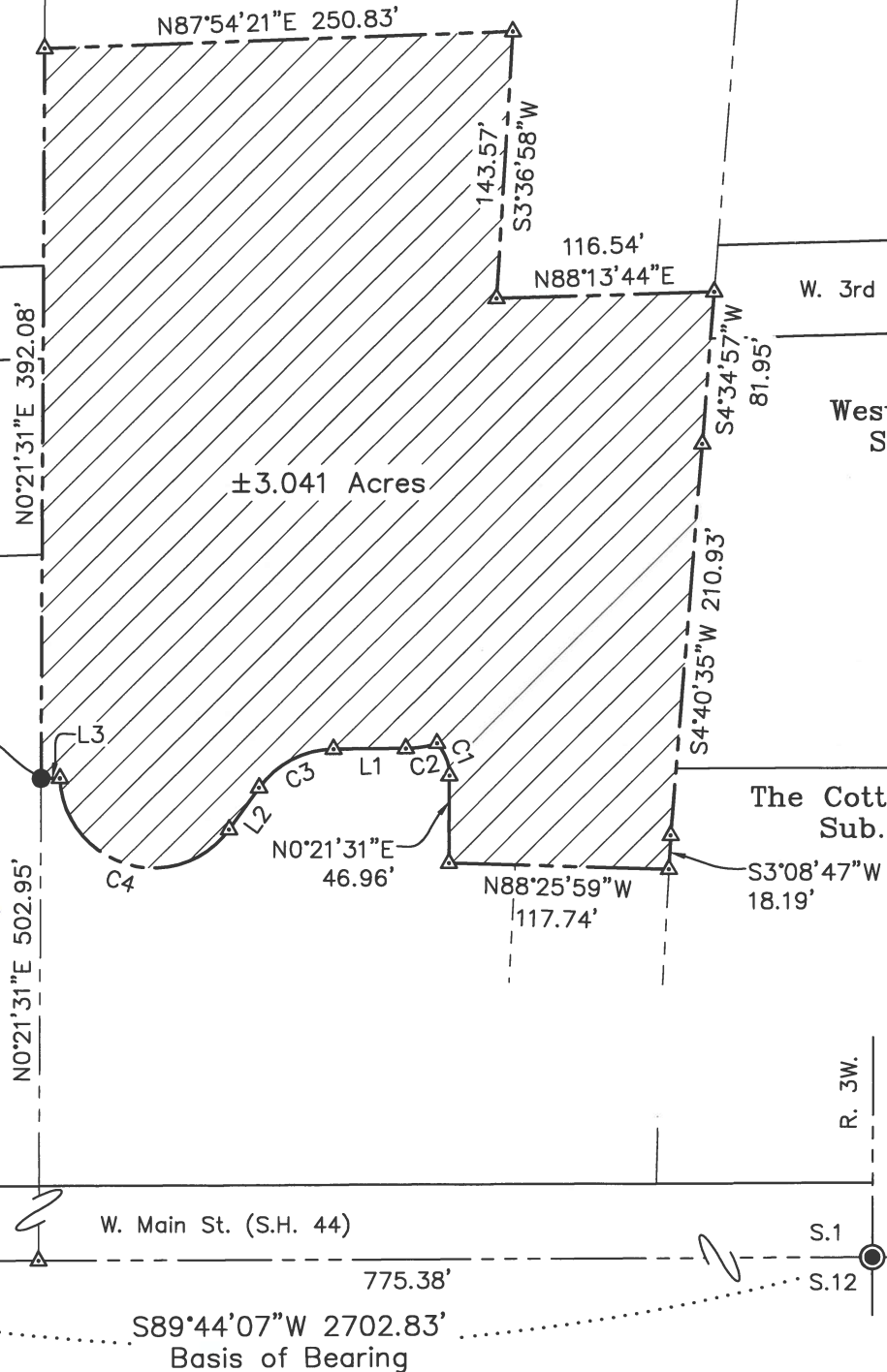
W. 3rd St. N.

Westwood
Sub.

Wellstone
Sub.

Real Point of
Beginning

The Cottages
Sub.



S.1 1/4 S.12 1927.45' 775.38' S.1 S.6 S.12 S.7
W. Main St. (S.H. 44)
S89°44'07"W 2702.83'
Basis of Bearing

P:\Reeds Landing (880 Main St) 21-294\dwg\Zoning MF-C3 Ex.dwg 6/1/2022 11:42:26 AM



IDAHO
SURVEY
GROUP, LLC

9955 W. EMERALD ST.
BOISE, IDAHO 83704
(208) 846-8570

Exhibit Map For
M-F ZONE
Reed's Landing Subdivision

A portion of Blocks 6 and 7, Hawthorn Plat of Middleton, lying in the SE1/4 of
the SE1/4 of Section 1, T.4N., R.3W., City of Middleton, Canyon County, Idaho

JOB NO.
21-294

SHEET NO.
1

DWG. DATE
6/1/2022

EXHIBIT “D”

Legal Description of Property Zoned R-3

Description for
R-3 Zone
June 1, 2022

A portion of Blocks 6, 7 and 8, Hawthorn Plat of Middleton as filed in Book 3 of Plats at Page 22, records of Canyon County, Idaho, lying in the Southeast 1/4 of the Southeast 1/4 of Section 1, Township 4 North, Range 3 West, Boise Meridian, City of Middleton, Canyon County, Idaho more particularly described as follows:

Commencing at the Section corner common to Sections 1 and 12, T.4N., R.3W., B.M., and Sections 6 and 7, T.4N., R.2W., B.M., from which the 1/4 corner common to said Sections 1 and 12 bears South 89°44'07" West, 2,702.83 feet; thence on south boundary line of said Section 1, South 89°44'07" West, 775.38 feet to the southerly extension of the east boundary line of Wellstone Subdivision as filed in Book 39 of Plats at Page 42, records Canyon County, Idaho, thence on said east boundary line and the southerly extension thereof and the east boundary line of Sherwood Estates Subdivision as filed in Book 37 of Plats at Page 28, records of Canyon County, Idaho, North 00°21'31" East, 895.03 feet to the **REAL POINT OF BEGINNING**;

thence continuing North 00°21'31" East, 432.33 feet to the north boundary line of the Southeast 1/4 of the Southeast 1/4 of said Section 1;

thence on said north boundary line coincident with the south boundary line of Nottingham Greens Subdivision No. 2 as filed in Book 32 of Plats at Page 18 and westerly boundary line of Westwood Subdivision as filed in Book 39 of Plats at Page 5, records of Canyon County, Idaho, North 89°43'55" East, 384.41 feet to the Northwest corner of Lot 14, Block 3 of said Westwood Subdivision;

thence continuing on said the westerly boundary line the following two (2) courses and distances:

South 01°46'43" West, 330.83 feet;

South 04°34'57" West, 234.71 feet;

thence leaving the westerly boundary line, South 88°13'44" West, 116.54 feet;



thence North 03°36'58" East, 143.57 feet;

thence South 87°54'21" West, 250.83 feet to the **REAL POINT OF BEGINNING.**

Containing 4.093 acres, more or less.

End of Description.



NOTTINGHAM GREENS
SUB. No. 2

N89°43'55"E 384.41'

6

SHIRE ST.

SHERWOOD
ESTATES SUB.

±4.093 ACRES

WESTWOOD SUB.

REAL POINT
OF BEGINNING

S87°54'21"W 250.83'

N3°36'58"E
143.57'

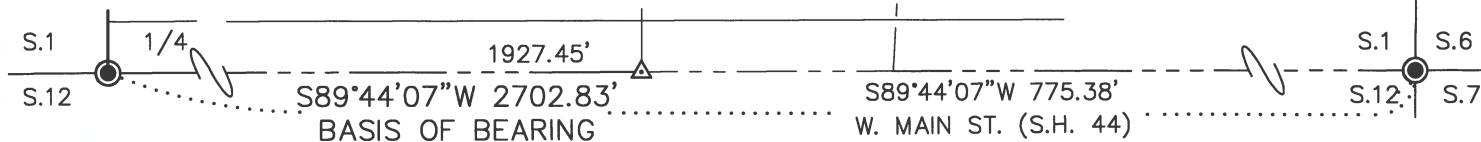
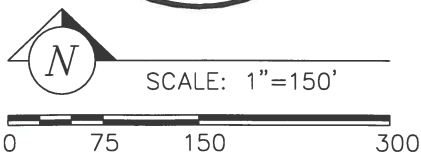
W. 3RD ST. N

W. 3RD ST. N

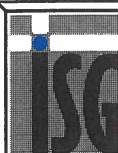
S88°13'44"W
116.54'

WELLSTONE SUB.

THE COTTAGES
SUB.



P:\Reeds Landing (880 Main St) 21-294\dwg\ANNEX BASE.dwg 6/1/2022 12:16:04 PM



IDAHO
SURVEY
GROUP, LLC

9955 W. EMERALD ST.
BOISE, IDAHO 83704
(208) 846-8570

Exhibit Map For
R-3 ZONE
Reed's Landing Subdivision

A portion of Blocks 6, 7 and 8, Hawthorn Plat of Middleton, lying in the SE1/4 of
the SE1/4 of Section 1, T.4N., R.3W., City of Middleton, Canyon County, Idaho

JOB NO.
21-294

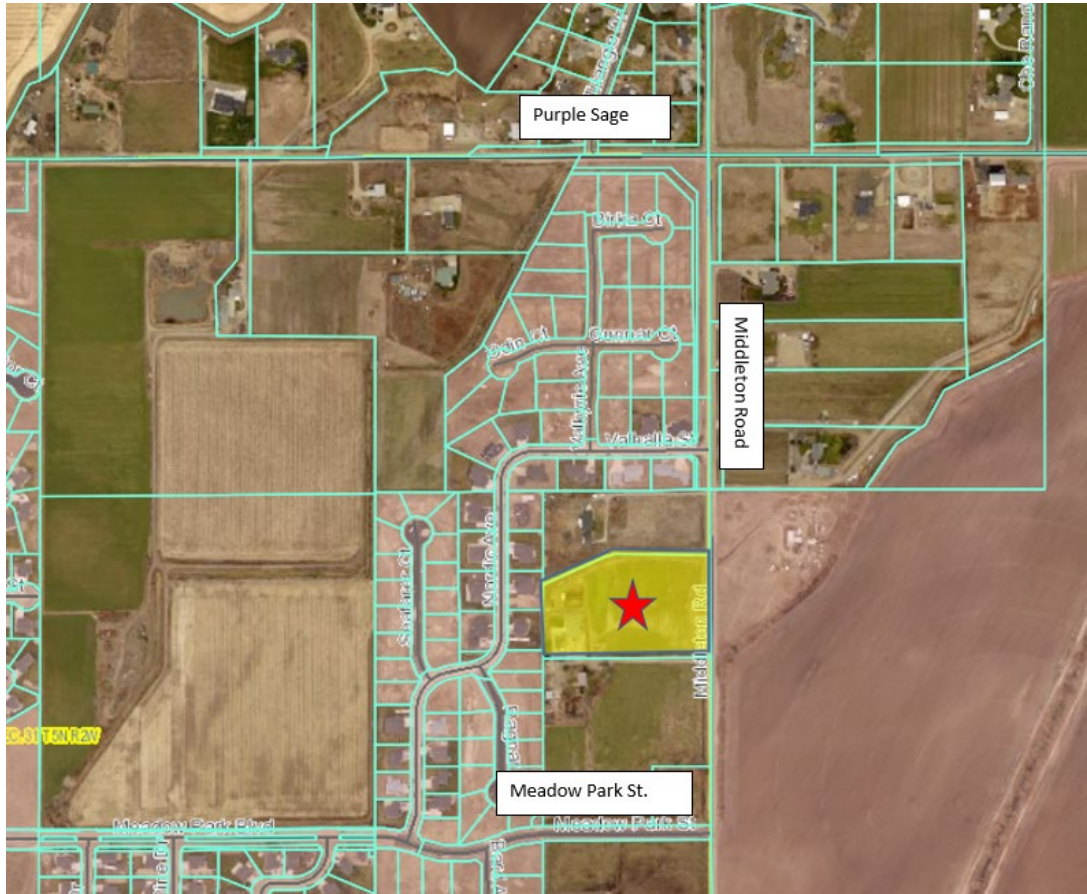
SHEET NO.
1

DWG. DATE
6/1/2022



STAFF REVIEW AND REPORT Middleton City Council

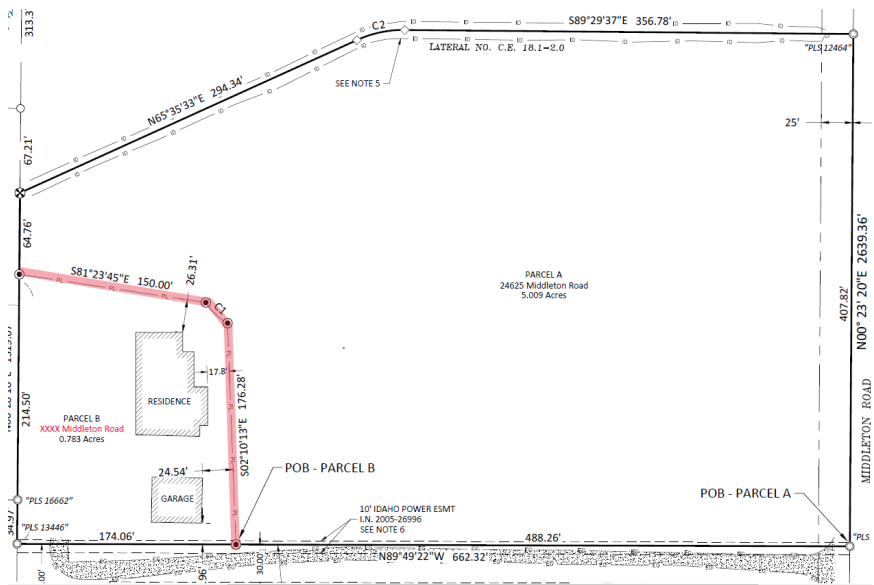
Rowe Station Project Vicinity



- A. City Council Public Hearing Date:** February 1, 2023
- B. Project Description & Conditions:** The project parcel is located at 24625 Middleton Road (Tax Parcel No. R3756400). It is currently located in Canyon County and is zoned "Agricultural." The parcel is approximately six acres and contains an existing homesite.

Applicant is requesting that the property be annexed into the City of Middleton and rezoned to R-3 (single family residential). If the application is approved, Applicant will pursue an administrative lot line adjustment to split the parcel into two parcels. The parcel containing the existing homesite will be approximately .75 acres, and it will be eligible for sale after the lot split. The remaining parcel will be approximately 5 acres.

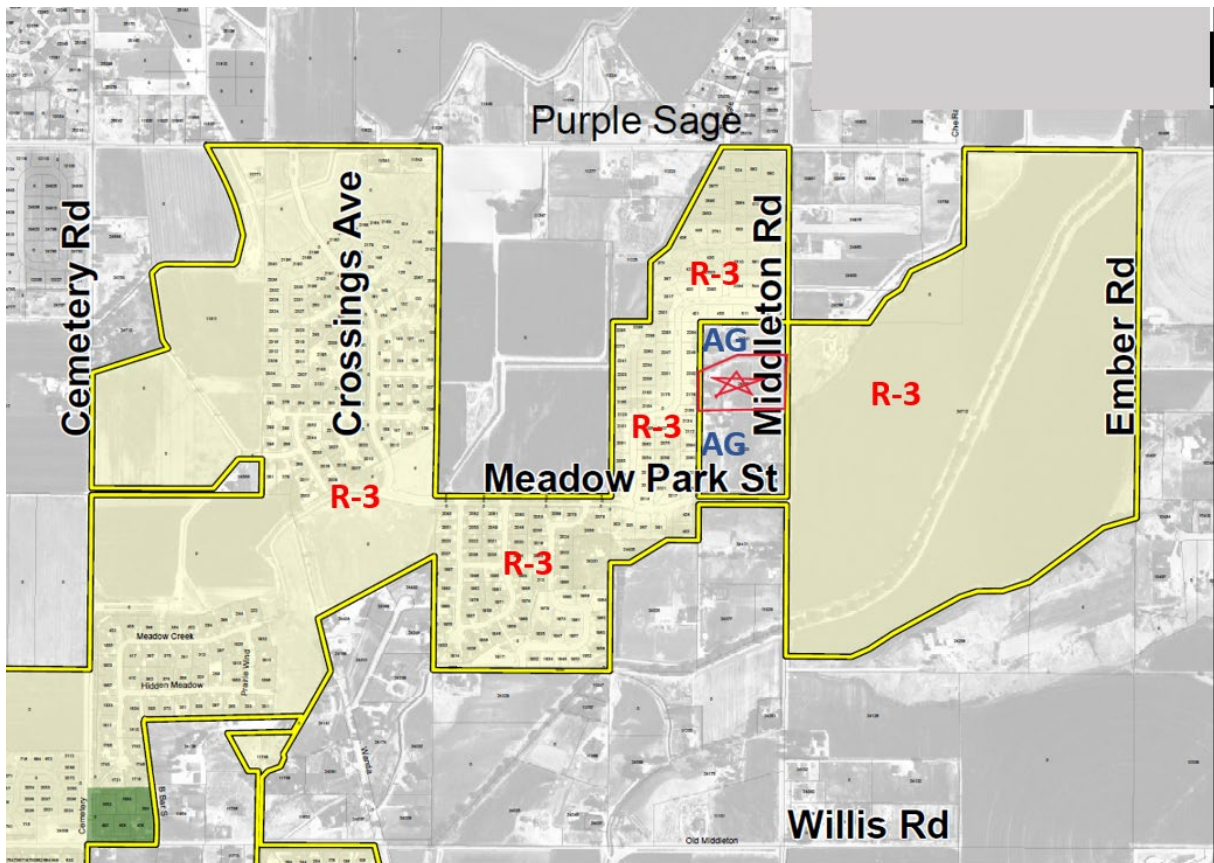
At some point in time in the future, Developer intends to pursue a residential subdivision with up to 15 home sites on the 5 acre parcel.



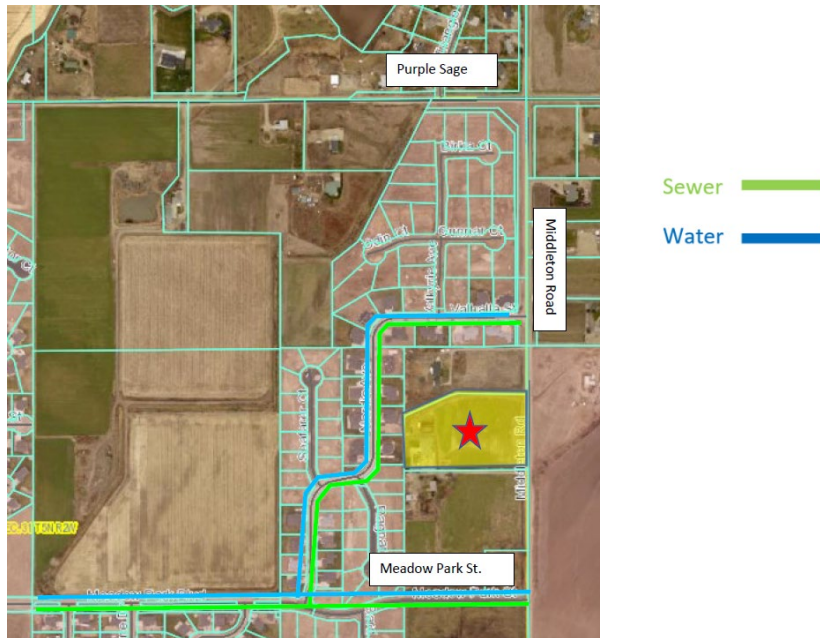
Any future subdivision on the parcel could look similar to the concept plan below. Whatever design is ultimately submitted will simply need to comply with the dimension standards of the R-3 Zone, e.g., lots must be a minimum of 8000 s.f. with 75' wide street frontage.



- C. **Application Requests:** Applications include (1) annexation and rezone to R-3 (Single Family Residential) and (2) Development Agreement.
- D. **Zoning:** The project parcel is currently zoned County Agricultural. The parcel is entirely surrounded on the north, west, east, and south side with City property zoned R-3 (single family); however, sandwiched in the enclave area are small parcels zoned County Agricultural.

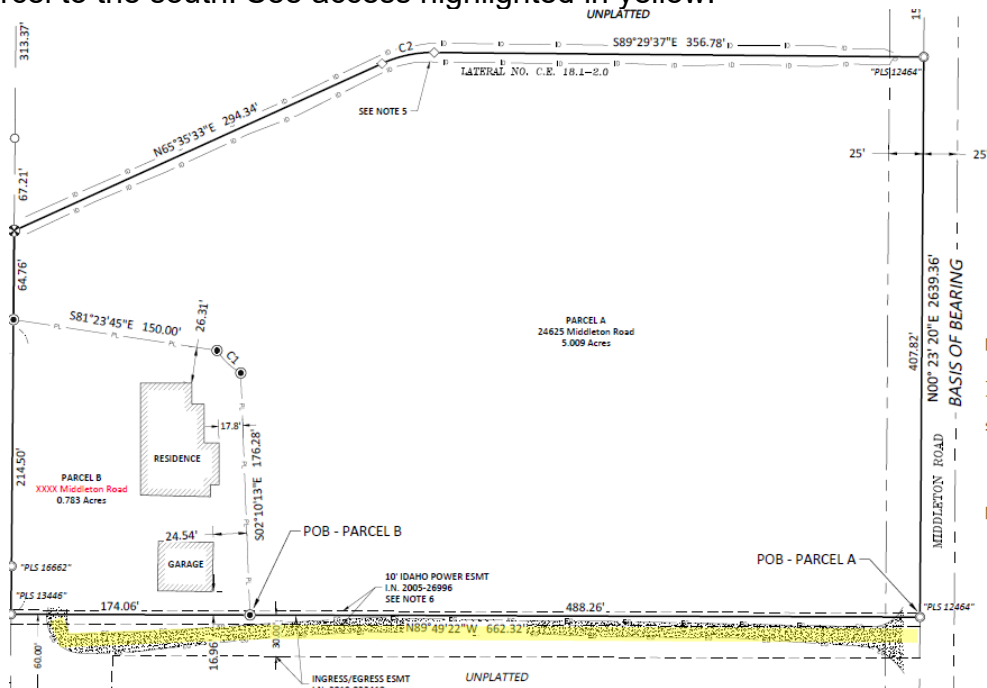


- E. **City Services:** Water and sewer are immediately adjacent to the project site. Developer can connect to sewer and water either to the north, west, or south. Developer will work with City Engineer on the best path for connection at the time a subdivision plat application is submitted.



F. Traffic, Access & Streets:

Access to the project parcel will be via Middleton Road when the parcel is subdivided. Until that time, access is through a shared access easement located on a separate parcel to the south. See access highlighted in yellow.



A traffic study is not required for this project due to its small size. However, the application and concept preliminary plat were forwarded to ITD for review and

comment. ITD stated in two separate comments that it has no concerns regarding the project, and it will have no “direct impacts” on the state highway system. (Exhibit “C”.)

- G. Schools:** If the Rowe Station project is platted in the future, the children from the Subdivision will attend Heights Elementary School. Superintendent Marc Gee reported recently that Heights Elementary is at 134% capacity. However, he also noted that the school district is working on some solutions, including year-round school, revisions of elementary school boundaries, use of portables, and requests for new bonds.
- H. Middleton Fire & Police:** The project parcel will be served by the Middleton Rural Fire Department and the Middleton City Police Department. Middleton Fire Department did not submit any comments on the project nor voice any concerns.
- I. Annexation and Rezone:** Applicant is requesting that the six acre project parcel be annexed into the City of Middleton with a zone change from County “Agricultural” to City R-3 (Single Family Residential).

There are two findings that must be made before Annexation can be approved: (1) the property must be contiguous to City limits and (2) the annexation is deemed to be an “orderly development” of the City allowing an “efficient and economical extension” of City services such as sewer, water, police/fire protection, schools and roadway system. (Idaho Code 50-222.)

An application for rezone requires two findings before the rezone application can be approved: (1) the rezone will not adversely affect the City’s delivery of services and (2) the rezone request is not in conflict with the Comprehensive Plan. (Idaho Code 67-6511)

FINDINGS:

With respect to annexation, Planning Staff finds that Applicant’s project meets the criteria of contiguity and requirement that city sewer and water be adjacent and available.

Middleton Rural Fire Department has not submitted comments or otherwise noted a problem with the project. City Police already patrol the project area because it is on Middleton Road adjacent to large city subdivisions such as Valhalla and The Crossings.

Heights Elementary is at 134% capacity. According to Superintendent Gee, each household impacts the school district by .559 students. In light of that, a future plat with up to 15 home lots could impact the school system with eight students.

As to traffic, a typical rule of thumb is 10 trips per household. If the parcel is platted in the future, trips could increase on average to 150 trips per day.

As to the rezone application, Planning Staff finds that the rezone will not adversely affect the City's ability to deliver sewer and water. Traffic and schools are impacted, however, as already noted above.

As will be shown below, Applicant's project complies with the City's Comprehensive Plan.

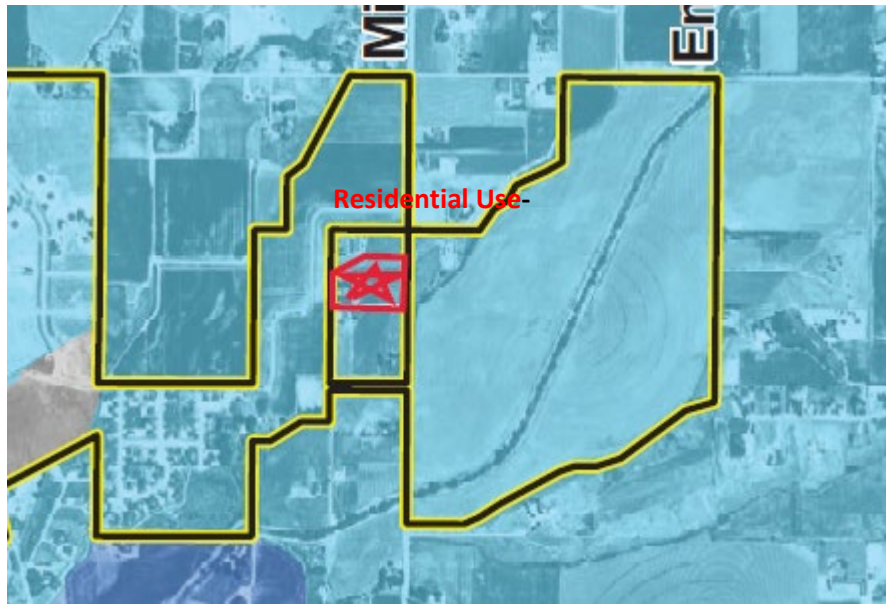
Final note: if City Council approves this annexation/rezone, pursuant to the current code, Applicant will be entitled to move forward with a preliminary plat that includes up to 15 homesites so long as Applicant complies with the zoning code and does not request any variances or exceptions.

J. Development Agreement: Applications for annexation/rezone are generally accompanied by an application for Development Agreement ("DA"). Attached as Exhibit "A" is the proposed Development Agreement for the project. The Developer has used the City's DA form, and only Article III regarding conditions of development has been altered to add the following conditions:

1. Owner shall have the right to split the project parcel into two homesites per an administrative lot line adjustment application. The larger of the two lots may be the subject of a single-family subdivision project that complies with R-3 zoning, except for the 5% open space requirement. (Para. 3.1)
2. If Owner pursues a subdivision plat, the existing homesite must abandon the easement to the south of the parcel and take access through the subdivision local roads. (Para 3.2)
3. All homesites in a future subdivision must connect to sewer and water. Even if the existing homesite is not included in the future subdivision, it must connect to City sewer and water and abandon its well and septic prior to final plat approval. (Para 3.3)
4. The existing home must be connected to the subdivision pressurized irrigation system or other surface water irrigation system prior to final plat approval. (Para. 3.4)
5. If Owner/Developer does not successfully subdivide the property within 10 years, then the City will have the right to terminate the DA. The property will remain R-3 zoning.

[A full copy of the proposed Development Agreement is attached to this Staff Report as Exhibit "A".]

K. Comprehensive Plan & Land Use Map: Applicant's project complies with the Comprehensive Plan's Future Land Use Map because the proposed R-3 zone correlates with the "Residential Use" shown on the Future Land Use Map.



Applicant's project also complies with the following *Goals, Objectives, and Strategies* of the *2019 Middleton Comprehensive Plan*:

- a. *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. Quality lots for residential use also increase the quality of life and general welfare of the City as a whole.
- b. *Goal 6*: Water, sewer, and adjacent road systems have been expanded in an orderly manner consistent with population growth.
- c. *Goal 11*: The housing type matches the residents' lifestyle in the area the project is located.

If Applicant pursues a 15 lot preliminary plat in the future, it may be in conflict with Goals #1 and 3 to provide an adequate delivery of services, including adequate schools and transportation system.

- L. **Comments Received from Surrounding Landowners:** City has received comments from the public. See comments attached as Exhibit "B".
- M. **Comments from Agencies:** City received comments from Black Canyon Irrigation District and ITD. See comments attached as Exhibit "C".
- N. **Comments from City Engineer and Planning Staff:** Copies of engineering and planning staff comments are attached as Exhibit "D".

O. Application Information: Applicants are Rowe Sanderson/Crown Capital Holdings, LLC & Matrix Engineering. 1020 W. Main St., Boise ID 83702. Application was accepted on 11/15/2022.

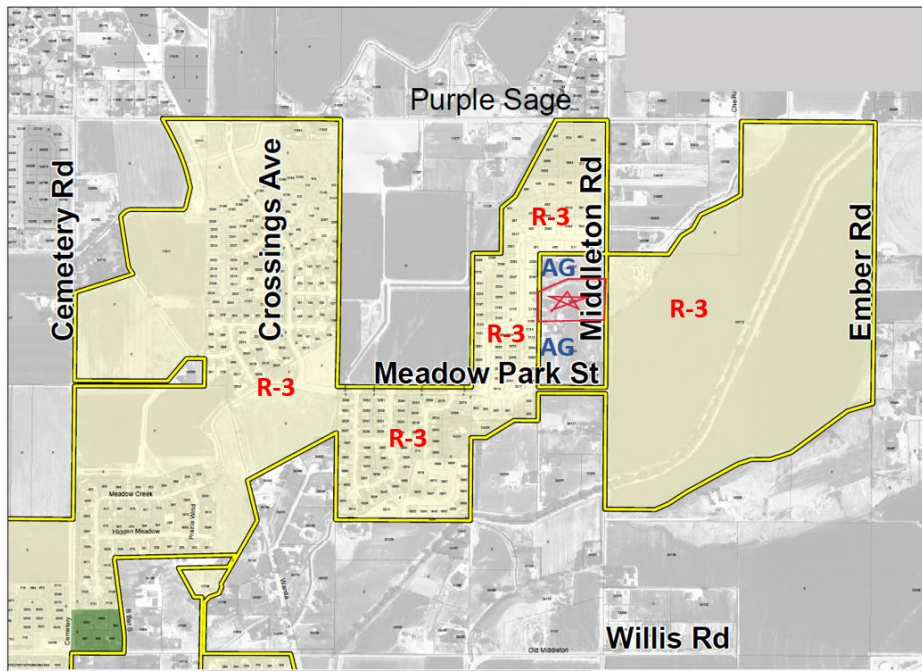
P. Notices & Neighborhood Meeting:	Dates:
Newspaper Notification	1/17/2023
Radius notice to adjacent landowners	1/13/2023
Circulation to Agencies	1/13/2023
Sign Posting property	1/13/2023
Neighborhood Meeting	9/21/2022

Q. 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, and Idaho Code Title 67, Chapter 65 & Title 50, Chapters 2 and 13.

R. Planning & Zoning Commission Recommendation: The Planning & Zoning Commission considered Developer’s applications in a public hearing held on January 9, 2023. The Commission noted that the project parcel was near large County parcels and noted that although Valhalla Estates was a City R-3 subdivision, some of its parcels were larger than the minimum 8000 s.f., required in the R-3 Zone. As a result of this, the Commission recommended approval of the annexation/rezone and development agreement applications; however, they recommended that the proposed zoning be changed from R-3 to R-2 in order to blend with the larger lots in the County.

Staff, however, notes that although the County lots are larger in that area, all of the city zoning on all four sides of the project parcel is R-3 zoning. Therefore, Developer’s request for R-3 zoning is commensurate with the City zoning already established in the area. See zoning map below. (Staff cannot attached the Commission’s Findings of Facts, Conclusions of Law & Recommendation because the FCR will not be signed until the February 13th P&Z Meeting when the Commission has an opportunity to approve the proposed FCR.)



S. Conclusions and Recommended Conditions of Approval:

Per State law and the Middleton City Code, any decision and order on the applications before Council 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.

As to Conclusions of Law, Planning Staff finds that City Council has the authority to hear these applications and to approve or deny the applications, with or without conditions. 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 decision and order on the applications.

Annexation/Rezone and Development Agreement Applications: If City Council is inclined to approve the annexation/rezone and development agreement applications, then Planning Staff recommends the following conditions of approval:

1. City municipal domestic water, fire flow and sanitary sewer services are to be extended to serve the project site, including the existing homesite, when the project parcel is platted in the future.
2. Developer to comply with all terms of the Development Agreement approved for the project.
3. All City Engineer and Planner review comments are to be completed and approved.

Finally, if City Council denies the applications, then Council should state on the record what the applicant could do, if anything, to obtain approval. (Middleton City Code 1-14(E)(8)).

Prepared by Roberta Stewart
Planning & Zoning Official

Dated: 1/25/2023

EXHIBIT "A"

Proposed Development Agreement

After Recording, Mail To
Middleton City Clerk
1103 W. Main Street
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 _____ (_____), individually and collectively referred to as Developer ("**Developer**").

RECITALS

WHEREAS, Developer owns approximately 5.8 acres of real property located at 24625 Middleton Road, Middleton, Canyon County, Idaho commonly referred to in Canyon County Assessor's records as Parcel No. R3756400, and legally described in Exhibit A attached hereto and incorporated herein ("**Property**"); and

WHEREAS, Developer intends to improve the Property with a single-family residential development commonly known as Rowe Station 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 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 A single family home is already located on the Property (“**Existing Homesite**”). Developer shall have the right to split the Property into two separate parcels upon applying for an administrative lot split and paying all required application fees. One parcel will accommodate the Existing Homesite. The remaining larger parcel may be used for a single-family subdivision project. The future subdivision will comply with the requirements and standards of the R-3 zone in effect at the time the subdivision application is submitted except Developer will not be required to provide five percent (5%) open space as required by MCC 5-4-10-10.

3.2 When Developer applies to the City to subdivide the larger parcel, City will not require the Existing Homesite to be part of the subdivision; however, access to the Existing Homesite must be through the local roads of the platted subdivision. Access via an existing easement to the south of the Property will no longer be the primary access for the Existing Homesite.

3.3 Any improvements on the Property shall require connection to City sewer and water (including fire flow). Well and septic shall not be allowed. Additionally, the existing well and septic system servicing the Existing Homesite must be abandoned prior to final plat approval, and the Existing Homesite must be connected to City sewer and water service no later than final plat approval for the subdivision project. Developer and/or owner of the Existing Homesite will be responsible for constructing the service line connections and paying all City required connection fees.

3.4 Because the water well will be abandoned prior to final plat approval, irrigation for the Existing Homesite shall be by way of connection to the subdivision pressurized irrigation system or other surface water delivery system.

3.5 In the event Owner/Developer does not successfully plat the Property within ten (10) years of the effective date, City may, at its sole discretion, terminate this Agreement after complying with the Middleton City Code provisions for legal notice and public hearing. The zoning for the Property shall remain R-3. City may seek termination of the Agreement at any time after the noted time period expires, and City's delay in terminating this Agreement shall not constitute a waiver of its right to terminate.

ARTICLE IV FAILURE TO COMPLY WITH AGREEMENT

4.1 Notwithstanding the default provisions found in paragraphs 4.2 through 4.7, if the Developer fails to successfully subdivide all or a portion of the property within seven (7) years of the execution of this Agreement, then Developer shall be in material breach hereof. Thereafter, the Middleton City Council, after complying with the notice and hearing requirement contained in the Middleton City Code and Idaho State Code, may 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. Upon termination of this Agreement, the zoning for the property shall remain R-3.

4.2 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 the Middleton City Code and Idaho State Code.

4.3 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.

4.4 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.

4.5 In the event of a breach, zoning shall remain R-3, and the Developer hereby consents to such zoning.

4.6 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.

4.7 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 or is required to give to another party must be in writing and shall 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 in writing 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 non-prevailing 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 This 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 by the Mayor and City Clerk. After its execution, the Agreement shall be recorded in the office of the County Recorder 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.

5.6.1 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 own parcels or lots.

5.6.2 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 written below.

Dated this ____ day of _____, 2023 and effective upon annexation and rezoning of the Property.

CITY OF MIDDLETON

ATTEST

By: _____
Steven J. Rule, Mayor

By: _____
Becky Crofts, City Clerk

[Notary on following page]

State of IDAHO)
 ss.
County of Canyon)

I, a notary public, do hereby certify that on this _____ day of _____, 2023, personally appeared before me Steven J. Rule, who, being first duly sworn, declared that he is the Mayor of the City of Middleton, Idaho and signed it as Mayor of the City of Middleton.

Notary Public
My Commission Expires: _____

DEVELOPER:

By: _____
Its: _____

State of Idaho)
 ss.
County of _____)

I, a notary public, do hereby certify that on this __ day of _____, 2023, personally appeared before me _____, who declared that he/she signed this Development Agreement in the capacity of _____ for _____.

Notary Public
My Commission Expires: _____

EXHIBIT “A”

Legal Description and Sketch

Annexation Description

A parcel of land, being a portion of Parcel 1 as described in Warranty Deed Instrument Number 2022-032716, Records of Canyon County, lying within the Northeast Quarter of the Southeast Quarter of the Northeast Quarter of Section 31, Township 5 North, Range 2 West, Boise Meridian, Canyon County, Idaho, being more particularly described as follows:

COMMENCING at the East Quarter Corner of Section 31, monumented by a found brass cap, from which the Northeast Corner of Section 31, bears North 00°23'20" East, 2,639.36 feet, monumented by a found brass cap, thence along the East boundary of Section 31, North 00°23'20" East, 659.84 feet to the Southeast Corner of the Northeast 1/4 of the Southeast 1/4 of the Northeast 1/4 of Section 31, monumented by a found 5/8" rebar with cap stamped "LRG PLS 12464", the **POINT OF BEGINNING**;

Thence along the South boundary of the Northeast 1/4 of the Southeast 1/4 of the Northeast 1/4 of Section 31, North 89°49'22" West, 662.32 feet to the West boundary of the Northeast 1/4 of the Southeast 1/4 of the Northeast 1/4 of Section 31, monumented by a found 5/8" rebar with cap stamped "SULLIVAN PLS 13446";

Thence along said West boundary, North 00°28'18" East, 279.26 feet to a found copper cap stamped "LRG PLS 12464";

Thence North 65°35'33" East, 294.34 feet;

Thence along a tangent curve to the right, having a radius of 90.00 feet, a delta angle of 24°54'50", with an arc length of 39.13 feet, subtended by a chord bearing North 78°02'58" East a distance of 38.83 feet;

Thence South 89°29'37" East, 356.78 feet to the East boundary of Section 31, monumented by a found 5/8" rebar with cap stamped "LRG PLS 12464";

Thence along said East boundary, South 00°23'20" West, 407.82 feet to the **POINT OF BEGINNING**.

Containing 252,350 square feet or 5.793 acres, more or less.

End of Description



Prepared By: Aaron Rush, PLS



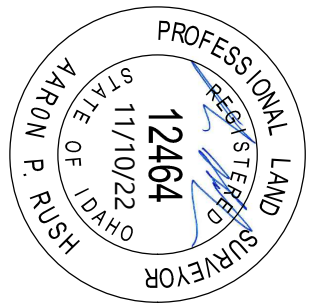
Annexation Sketch

NE 1/4, SEC. 31, T5N, R2W



SCALE:
1" = 100'

NOTE
PLEASE REFER TO RECORD OF
SURVEY NO. 2022-028428 FOR
ADDITIONAL BOUNDARY DETAILS.



LEGEND

- SURVEYED PARCEL BOUNDARY
- SECTIONAL LINE
- FOUND 5/8" REBAR, STAMPED "PLS LRG 12464"
- ⊗ FOUND COPPER CAP WITH MAGNET, STAMPED "PLS LRG 12464"
- FOUND BRASS CAP
- ◇ CALCULATED POSITION ONLY

CURVE TABLE				
TAG	DELTA	RADIUS	LENGTH	CHORD BEARING
C1	024°54'50"	90.00'	39.13'	N78° 02' 58" E
				CHORD LENGTH
				38.83'

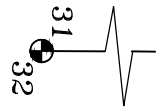
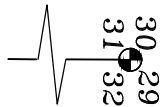
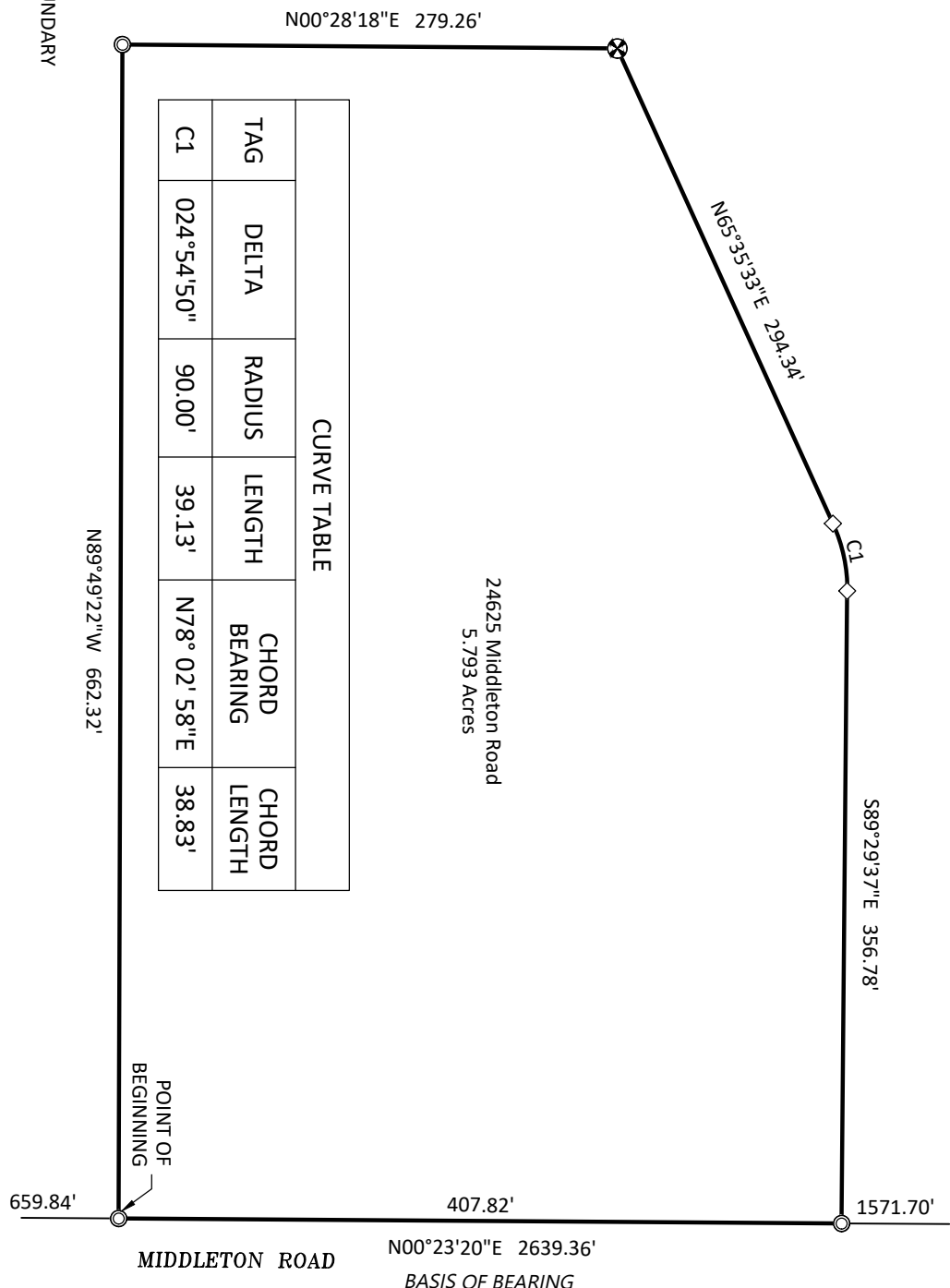


EXHIBIT “B”

Public Comments

From: [Theresa Denham](#)
To: [zzz - Bruce Bayne](#); [Roberta Stewart](#)
Cc: ["Tammy Nichols"](#)
Subject: Public hearing ROWE Station
Date: Monday, January 9, 2023 5:28:48 PM

Dear Middleton City Council

Re: Public Hearing Notice – Annexation/Rezone and Development Agreement Applications
(Rowe Station Project)

I am opposed to the development plan for Rowe Station Project at this time.

The City of Middleton is still trying to secure funds to complete long overdue projects including but not limited to:

- The EPA required changes to meet the current standards
- Traffic mitigation on Hwy 44
- School capacity - which has been identified as an issue by MSD

Other issues of importance may be:

- Possible septic line issues which may or may not have been mitigated when completing Valhalla.
- The project plat which was submitted by the DA does not provide adequate transitional space between neighboring farms/agricultural lands.

The City of Middleton and its planning and zoning officials have taken the terms "property rights" as a right of a developer to buy, annex and change any property they wish. The truth is, that is NOT what is identified in the bundle of rights and these rights belong to CURRENT land owners as well. The "bundle" is made up of five different rights: the right of possession, the right of control, the right of exclusion, the right of enjoyment and the right of disposition.

Current land owners who have small farms, and Idaho's right to farm combine are in direct opposition of the City's annexation, rezone policies and this should not move forward at this time.

Possible mitigations could be:

- Placing 10 foot tall landscape berms between the R-3 sub and neighboring farms.
- Requiring purchasers of properties in the sales agreements to require release of liability by adjacent farms to new houses, include Idaho Right to Farm clause
- Include a notification of trespass to prevent unwanted interaction between farm animals and humans,
- Liability for harm caused to the farm animals by the neighboring homes will be the liability of the homeowner.
- Create new code related to farm dust, smell, noise to protect the current bundle of rights in place by current neighbors.
 - Nuisance calls (smell, dust, farming activity) will be punishable by a fine.

Kindly
Theresa Denham
Phone: 208-505-7675
email: theresa.denham@realestate-ID.com

Theresa Denham

Phone: 208-505-7675

email: theresa.denham@realestate-ID.com

From: [Utilities](#)
To: [Roberta Stewart](#)
Subject: FW: Rezone of Rowe 24625 Middleton Road.
Date: Tuesday, December 27, 2022 11:05:03 AM

From: gilfaeb@aol.com <gilfaeb@aol.com>
Sent: Sunday, December 25, 2022 9:47 AM
To: Robert Gilkey <bikerkey@aol.com>; CITMID <citmid@middletoncivcity.com>
Subject: Re: Rezone of Rowe 24625 Middleton Road.

I agree with you.

[Sent from the all new AOL app for iOS](#)

On Saturday, December 24, 2022, 1:59 PM, Robert Gilkey <bikerkey@aol.com> wrote:

With the amount of setbacks on all four sides along with a road in and out of said proposed subdivision there seems to be not much land left to build on. Not able to build for fifty feet from road, twenty foot setback to the north, 30' to the south, the west is not spelled out. Would hope that lot size would be the same as that to the west of property that lay on the other side of Irrigation ditch. Having a dead end street seems to be leading to problems of safety as in fire exit and law patrol. A dead end street would be preferred I believe from a development stand point I can understand. Again not a good idea, need two ways out of any fire, look at any house spec. public buildings, parking lots and subdivisions. Ask a fire man. Any lot size being built on this land will set a foot hold to build smaller to the North which will hurt property value on Vahalla St.. I do feel for the property owner in that he has 5.79 acres, not enough to farm for profit, not enough to build a sub of more than what I would say three or four more homes with a loop street let alone a wide enough dead end with a turn around. Perhaps when land to the North and or South decide to do the same it will present a better plan.

EXHIBIT "C"

Agency Comments

BLACK CANYON IRRIGATION DISTRICT

NOTUS, IDAHO

January 3, 2023

City of Middleton
P.O. Box 487, 1103 W. Main St
Middleton, ID 83644
(208) 585-3133

RE: Annexation/Rezone and Development Agreement. Parcel No. R375640

Applicant: Rowe Sanderson

Planner: Roberta Stewart

The property is located at 24625 Middleton Road in the City of Middleton, Idaho.

The Black Canyon Irrigation District (District) has the following initial comments regarding this proposed land use change.

Any and all **maintenance road right-of ways, lateral right-of ways and drainage right-of ways** will need to be protected (including the restriction of all encroachments). Also, any crossing agreement(s) and/or piping agreement(s) will need to be acquired from the Bureau of Reclamation (Reclamation), once approved by the District, to cross over or under any existing lateral, pipe any lateral or encroach in any way the right-of ways of the District or the Reclamation.

The District will require that the laterals affected by this proposed land change be piped and structures built to ensure the delivery of irrigation water to our patrons.

Furthermore, as long as this property has irrigation water attached to it, an irrigation system with an adequate overflow needs to be installed to ensure the delivery of irrigation water to each lot and/or parcel of land entitled to receive irrigation water. Current irrigation is shown to be available on the site, however a water accounting for current irrigation vs. proposed irrigation will need to be performed to understand any overages or deficiencies.

Runoff and drainage from any proposed land splits should be addressed as well to ensure downstream users are not adversely affected by the proposed land use changes.

The District and Reclamation will require a signed agreement be in place prior to any changes being made to the sections of the Black Canyon C.E.18.1-2.0 lateral, C.E.18.1-2.0-0.8 lateral, and any appurtenant irrigation facilities that are affected by the proposed land changes not listed in this letter. NOTE: The District and Reclamation will require that this section be piped meeting all District and Reclamation standards. Furthermore, the District and Reclamation may require additional modifications to ensure irrigation water is made available to patrons as this proposed project proceeds.

All of the above requirements shall be met, including any others that arise during future review. It is assumed that this project is the same project submitted to the District under the project title of Mill Station Estates. Initial comments have been provided to the Developer for this project, including layout concerns of preliminary plat and relocation of District infrastructure.

Thank You,

Donald Popoff

Donald Popoff P.E.
District Engineer
Black Canyon Irrigation District

From: [Niki Benyakhlef](#)
To: [Roberta Stewart](#)
Subject: RE: Agency Notice - Rowe Station Project - City of Middleton
Date: Thursday, December 22, 2022 7:40:57 AM
Attachments: [image001.png](#)

Good Morning, Roberta –

After careful review of the transmittal submitted to ITD on 12/21/22 regarding Agency Notice – Rowe Station Project – City of Middleton, the Department has no comments or concerns to make at this time.

Thank you,



Niki Benyakhlef
Development Services Coordinator

District 3 Development Services
O: 208.334.8337
C: 208.296.9750
Email: niki.benyakhlef@itd.idaho.gov
Website: itd.idaho.gov

From: Roberta Stewart <rstewart@middletoncity.com>
Sent: Wednesday, December 21, 2022 9:00 AM
To: akrantz@msd134.org; MStowell@ccparamedics.com; gis@compassidaho.org; deann.gerthung@canyoncounty.id.gov; MYbarguen@idahopower.com; D3 Development Services <D3Development.Services@itd.idaho.gov>; gmpredjulia@gmail.com; lgrooms@msd134.org; mgee@msd134.org; permits@starfirerescue.org; monica.taylor@intgas.com; Mitch.Kiester@phd3.idaho.gov; westerninfo@idwr.idaho.gov; zoninginfo@canyoncounty.id.gov; Irichard@cityofcaldwell.org; lisa.boyd@vallivue.org; jenny.titus@vallivue.org; joseph.palmer@vallivue.org; Iriccio@canyonhd4.org; chopper@canyonhd4.org; aperry@cityofcaldwell.org; allenfun50@hotmail.com; irrigation.mm.mi@gmail.com; bryce@sawtoothlaw.com; irr.water.3@gmail.com; Jamie.macleod@sparklight.biz; dpopoff@rh2.com; Carl Hayes (Black Canyon) <carl@blackcanyonirrigation.com>
Subject: Agency Notice - Rowe Station Project - City of Middleton

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Hello Agency Personnel. Merry Christmas! Attached is the agency notice for an annexation/rezone and development agreement application pertaining to 24625 Middleton Road, just south of Purple Sage (6 acre parcel). Hearing before P&Z Commission is scheduled for January 9th. Please let me know if you have any questions.

Roberta L. Stewart

PLANNING & ZONING OFFICIAL

City of Middleton, Planning & Zoning

1103 W. Main St.

P.O. Box 487

Middleton, ID 83644

Tele - (208) 585-3133

Fax – (208) 585-9601

rstewart@middletoncity.com

www.middleton.id.gov



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From: [Niki Benyakhlef](#)
To: [Roberta Stewart](#)
Subject: RE: Agency Notice - Rowe Station Project - City of Middleton
Date: Thursday, January 19, 2023 10:30:40 AM
Attachments: [image001.png](#)
[image003.png](#)

Good Morning, Roberta –

After careful review of the transmittal submitted to ITD on January 13, 2023 regarding Rowe Station Project, the Department has no comments or concerns to make at this time. Due to the size of the development along with the distance to SH-44, no direct impacts are anticipated to the state highway system.

Please let me know if you have any questions or concerns.

Thank you,



Niki Benyakhlef
Development Services Coordinator

District 3 Development Services
O: 208.334.8337
C: 208.296.9750
Email: niki.benyakhlef@itd.idaho.gov
Website: itd.idaho.gov

From: Roberta Stewart <rstewart@middletoncity.com>

Sent: Friday, January 13, 2023 10:35 AM

To: akrantz@msd134.org; MStowell@ccparamedics.com; gis@compassidaho.org; deann.gerthung@canyoncounty.id.gov; MYbarguen@idahopower.com; D3 Development Services <D3Development.Services@itd.idaho.gov>; gmpredjulia@gmail.com; lgrooms@msd134.org; mgee@msd134.org; permits@starfirerescue.org; monica.taylor@intgas.com; Mitch.Kiester@phd3.idaho.gov; westerninfo@idwr.idaho.gov; zoninginfo@canyoncounty.id.gov; Irichard@cityofcaldwell.org; lisa.boyd@vallivue.org; jenny.titus@vallivue.org; joseph.palmer@vallivue.org; Iriccio@canyonhd4.org; chopper@canyonhd4.org; aperry@cityofcaldwell.org; allenfun50@hotmail.com; irrigation.mm.mi@gmail.com; bryce@sawtoothlaw.com; irr.water.3@gmail.com; Jamie.macleod@sparklight.biz; dpopoff@rh2.com; Carl Hayes (Black Canyon) <carl@blackcanyonirrigation.com>

Subject: RE: Agency Notice - Rowe Station Project - City of Middleton

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Hello Agency Personnel. Attached is the agency notice for an annexation/rezone and development agreement application pertaining to 24625 Middleton Road, just south of Purple Sage (6 acre parcel). A Public Hearing is scheduled before City Council on February 1, 2023. The application is on

the public hearing portion of our website, but I've attached a copy for your convenience. Thanks,

Roberta L. Stewart

PLANNING & ZONING OFFICIAL

City of Middleton, Planning & Zoning

1103 W. Main St.

P.O. Box 487

Middleton, ID 83644

Tele - (208) 585-3133

Fax – (208) 585-9601

rstewart@middletoncity.com

www.middleton.id.gov



From: Roberta Stewart

Sent: Wednesday, December 21, 2022 9:00 AM

To: akrantz@msd134.org; MStowell@ccparamedics.com; gis@compassidaho.org; deann.gerthung@canyoncounty.id.gov; MYbarguen@idahopower.com; D3Development.services@ITD.idaho.gov; gmpdrjulie@gmail.com; lgrooms@msd134.org; mgee@msd134.org; permits@starfirerescue.org; monica.taylor@intgas.com; Mitch.Kiester@phd3.idaho.gov; westerninfo@idwr.idaho.gov; zoninginfo@canyoncounty.id.gov; lrichard@cityofcaldwell.org; lisa.boyd@vallivue.org; jenny.titus@vallivue.org; joseph.palmer@vallivue.org; lriccio@canyonhd4.org; chopper@canyonhd4.org; aperry@cityofcaldwell.org; allenfun50@hotmail.com; irrigation.mm.mi@gmail.com; bryce@sawtoothlaw.com; irr.water.3@gmail.com; Jamie.macleod@sparklight.biz; dpopoff@rh2.com; Carl Hayes (Black Canyon) <carl@blackcanyonirrigation.com>

Subject: Agency Notice - Rowe Station Project - City of Middleton

Hello Agency Personnel. Merry Christmas! Attached is the agency notice for an annexation/rezone and development agreement application pertaining to 24625 Middleton Road, just south of Purple Sage (6 acre parcel). Hearing before P&Z Commission is scheduled for January 9th. Please let me know if you have any questions.

Roberta L. Stewart

PLANNING & ZONING OFFICIAL

City of Middleton, Planning & Zoning

1103 W. Main St.

P.O. Box 487

Middleton, ID 83644

Tele - (208) 585-3133

Fax – (208) 585-9601

rstewart@middletoncity.com

www.middleton.id.gov



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EXHIBIT "D"

Planner Comments



CITY OF MIDDLETON

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

Rowe Station Annexation/Rezone & Lot Line Adjustment – Planner Comments

December 2, 2022

1. Ownership noted on Master Land Use Application does not match the actual ownership of the property, which is “MJV Properties, LLC”. Please submit an affidavit of legal interest from MJV Properties, LLC. (The affidavit from “Eric W. Randall” is insufficient. The AOL must be signed by an owner/agent/member of MJV Properties LLC.
2. Forward Microsoft Word formatted version of the annexation Legal Description. I only have a pdf version of the legal description. The Tax Commission needs to see a surveyor stamped pdf, but they also need the Word doc so they can block over the legal description when creating the tax parcel.
3. City engineer is reviewing the annexation survey data and lot line documentation. We may have more comments for you when she completes her review.

Roberta L. Stewart

Middleton Planning & Zoning Director



CITY OF MIDDLETON

P.O. Box 487 | 1103 W Main Street, Middleton, ID 83644
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Rowe Station Annexation/Rezone & Lot Line Adjustment – Planner Comments

December 19, 2022

City Engineer looked at the record of survey and legal descriptions for the annexation and the proposed lot line adjustment. She questioned the following::

1. Why does the warranty deed with instrument #2022-032716 references a “Parcel 1” and “Parcel 2”. Only a single parcel should have been conveyed in 2022 since this is an original parcel. Any explanation?
2. The monument at the southwest property corner is not referenced correctly.

Roberta L. Stewart

Middleton Planning & Zoning Director

ORDINANCE NO. 675
Rowe Station Project Parcel Annexation/Rezone
(24625 Middleton Road – Tax Parcel No. R37564000 0)

AN ORDINANCE OF THE CITY OF MIDDLETON, CANYON COUNTY, IDAHO, ANNEXING TO THE CITY OF MIDDLETON, IDAHO, CERTAIN REAL PROPERTY SITUATED IN THE UNINCORPORATED AREA OF CANYON COUNTY, IDAHO, AND CONTIGUOUS TO THE CORPORATE LIMITS OF THE CITY OF MIDDLETON, IDAHO; ESTABLISHING THE ZONING CLASSIFICATION OF SAID REAL PROPERTY TO R-3 (SINGLE-FAMILY RESIDENTIAL); DIRECTING THAT COPIES OF THIS ORDINANCE BE FILED AS PROVIDED BY LAW; AND PROVIDING AN EFFECTIVE DATE.

BE IT ORDAINED BY THE MAYOR AND CITY COUNCIL OF THE CITY OF MIDDLETON, COUNTY OF CANYON, STATE OF IDAHO:

Section 1. That the Middleton City Council, upon recommendation of the Planning & Zoning Commission, and following the public notice and hearing procedures set forth in the Local Land Use Planning Act (Idaho Code, Title 67, Chapter 65) and Middleton City Code Title 1, Chapter 14, approved the Annexation and Rezone of the Rowe Station Project (24625 Middleton Road - Parcel No. R37564000 0) at a public hearing held on February 1, 2023.

Section 2. The following described property, commonly known as 24625 Middleton Road (Tax Parcel No. R37564000 0), comprising approximately 5.81 acres, more or less, is contiguous to the City of Middleton, Idaho; the annexation enables the orderly development of the City; and the applicant has requested that the property described in Exhibit “A” should be annexed into the City of Middleton as R-3 (Single Family Residential):

See legal description attached hereto as Exhibit “A” and made a part hereof by this reference.

Section 3. That the above-described property is hereby annexed into the corporate limits of the City of Middleton and zoned R-3 (Single Family Residential).

Section 4. That the City Engineer and the Planning & Zoning Official of the City of Middleton, Idaho, are hereby instructed to so designate the same above-described property on the official zoning map and other area maps of the City of Middleton, Idaho as lying within the city limits and zoned R-3 (Single Family Residential).

Section 5. All ordinances, resolutions, orders or parts thereof in conflict herewith are hereby repealed, rescinded and annulled.

Section 6. This ordinance shall be in full force and in effect from and after its passage, approval, and publication, according to law.

Section 7. The Clerk of the City of Middleton, Idaho shall, within 10 days following the effective date of this ordinance, duly file a certified copy of this ordinance and a map prepared in a draftsman-like manner plainly and clearly designating the boundaries of the City of Middleton, including the land herein annexed, with the following officials of the County of Canyon, State of Idaho, to-wit: the Recorder, Auditor, Treasurer and Assessor and shall file simultaneously a certified copy of this ordinance with the State Tax Commission of the State of Idaho, all in compliance with Idaho Code§ 63-215.

PASSED BY THE COUNCIL OF THE CITY OF MIDDLETON, IDAHO, this ____ day of _____, 2023.

APPROVED BY THE MAYOR OF THE CITY OF MIDDLETON, IDAHO, this ____ day of _____, 2023.

Attest:

Steven J. Rule
Mayor, City of Middleton

Becky Crofts
City Clerk

EXHIBIT A

Legal Description of Annexed Property

Annexation Description

A parcel of land, being a portion of Parcel 1 as described in Warranty Deed Instrument Number 2022-032716, Records of Canyon County, lying within the Northeast Quarter of the Southeast Quarter of the Northeast Quarter of Section 31, Township 5 North, Range 2 West, Boise Meridian, Canyon County, Idaho, being more particularly described as follows:

COMMENCING at the East Quarter Corner of Section 31, monumented by a found brass cap, from which the Northeast Corner of Section 31, bears North 00°23'20" East, 2,639.36 feet, monumented by a found brass cap, thence along the East boundary of Section 31, North 00°23'20" East, 659.84 feet to the Southeast Corner of the Northeast 1/4 of the Southeast 1/4 of the Northeast 1/4 of Section 31, monumented by a found 5/8" rebar with cap stamped "LRG PLS 12464", the **POINT OF BEGINNING**;

Thence along the South boundary of the Northeast 1/4 of the Southeast 1/4 of the Northeast 1/4 of Section 31, North 89°49'22" West, 662.32 feet to the West boundary of the Northeast 1/4 of the Southeast 1/4 of the Northeast 1/4 of Section 31, monumented by a found 5/8" rebar with cap stamped "SULLIVAN PLS 13446";

Thence along said West boundary, North 00°28'18" East, 279.26 feet to a found copper cap stamped "LRG PLS 12464";

Thence North 65°35'33" East, 294.34 feet;

Thence along a tangent curve to the right, having a radius of 90.00 feet, a delta angle of 24°54'50", with an arc length of 39.13 feet, subtended by a chord bearing North 78°02'58" East a distance of 38.83 feet;

Thence South 89°29'37" East, 356.78 feet to the East boundary of Section 31, monumented by a found 5/8" rebar with cap stamped "LRG PLS 12464";

Thence along said East boundary, South 00°23'20" West, 407.82 feet to the **POINT OF BEGINNING**.

Containing 252,350 square feet or 5.793 acres, more or less.

End of Description



Prepared By: Aaron Rush, PLS



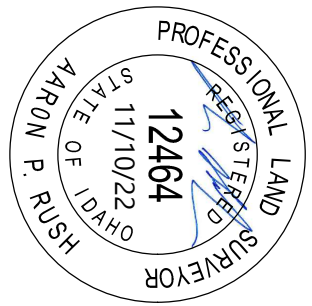
Annexation Sketch

NE 1/4, SEC. 31, T5N, R2W



SCALE:
1" = 100'

NOTE
PLEASE REFER TO RECORD OF
SURVEY NO. 2022-028428 FOR
ADDITIONAL BOUNDARY DETAILS.



LEGEND

- SURVEYED PARCEL BOUNDARY
- SECTIONAL LINE
- FOUND 5/8" REBAR, STAMPED "PLS LRG 12464"
- FOUND COPPER CAP WITH MAGNET, STAMPED "PLS LRG 12464"
- FOUND BRASS CAP
- CALCULATED POSITION ONLY

CURVE TABLE				
TAG	DELTA	RADIUS	LENGTH	CHORD BEARING
C1	024°54'50"	90.00'	39.13'	N78° 02' 58" E

CHORD LENGTH		
C1	024°54'50"	38.83'

