



AGENDA
Middleton Planning & Zoning
Commission and Design Review Meeting

Date: **Monday, January 9, 2023**

Time: 5:30 p.m.

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


Call To Order, Pledge of Allegiance, Roll Call

Action Items

1. Consent Agenda (items of routine administrative business)
 - a. Consider approving minutes for November 14, 2022, regular meeting.
2. **Public Meeting:** Design Review application by Nick Guho & JGT Architecture for Guho Retail Building in Bozic Subdivision. – Ms. Stewart
3. **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

Public Comments, Commission and Staff Comments, Adjourn

Posted by:


Amber Day - Deputy Clerk, Administration

Date: January 5, 2022, at 12:00 p.m.

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

1a

**MIDDLETON CITY PLANNING AND ZONING
COMMISSION MINUTES
NOVEMBER 14, 2022**

Pledge of Allegiance, Roll Call & Call to Order: The November 14, 2022, Planning and Zoning Commission Meeting was called to order by Chairman Waltemate at 5:35 p.m. Commissioners Waltemate, Summers, Crofts, Christiansen and Tremble were present. Planning & Zoning Official Roberta Stewart, Planning Deputy Clerk Jennica Reynolds were also present.

Action Items:

1. **Consent Agenda (items of routine administrative business)**
 - a. Consider approving minutes for September 7, 2022, joint meeting
 - b. Consider approving minutes for September 12, 2022, regular meeting
 - c. Consider approving minutes for October 17, 2022, regular meeting
 - d. Consider approving FCO for Special Use Permit for CRMPRD at 18 Minot Street.
 - e. Consider approving FCO for Variance for Parcel R17787010. (Stephen's Application)
 - f. Consider approving FCR for City Code amendments (Sections MCC 1-3-1, 4-5-11, 5-4-1, Table 1, and 5-4-4).

Motion: Motion by Commissioner Christiansen to approve the consent agenda items 1a-f. Motion seconded by Commissioner Summers and approved unanimously.

2. **Consider approving Design Review Application for a US Bank ATM Kiosk located in the Ridley's parking lot. – Ms. Reynolds**

Ms. Reynolds presented the application; the Applicant attended the meeting via Microsoft Teams and answered Commissioners questions.

Motion: Motion by Commissioner Christiansen to Design Review Application for a US Bank ATM Kiosk located in the Ridley's parking lot amending the condition in the Staff Report to "if the kiosk poses a danger to pedestrian or vehicle traffic, the site will need to be modified and /or the kiosk removed." Motion seconded by Commissioner Summers and approved unanimously.

3. **Consider approving Design Review Application for Republic Storage buildings. – Ms. Stewart**

Ms. Stewart presented the application then the Applicant and Ms. Stewart answered the Commissioners questions regarding the application.

Motion: Motion by Chairman Summers to approve the Design Review Application for Republic Storage buildings with conditions of approval recommended in the Staff Report. Motion seconded by Commissioner Christiansen and approved unanimously.

4. **Consider approving dates for City Council and the Planning and Zoning Commission Regularly Scheduled Meetings in 2023. – Ms. Stewart**

Ms. Stewart presented the dates for Regularly Scheduled Meeting in 2023.

Motion: Motion by Chairman Waltemate to approve the dates for City Council and the Planning and Zoning Commission Regularly Scheduled Meetings in 2023. Motion seconded by Commissioner Summers and approved unanimously.

Public Comments, Commission and Staff Comments

Michael Graefe: Concerns about Willis and Hartley Road improvements.

Commissioners:

Would like to see some changes to code, requiring powerlines to be underground and Design Criteria.

Adjourn: Chairman Waltemate adjourned the meeting at 7:59 p.m.

Ray Waltemate, Chairman

ATTEST: Jennica Reynolds
Deputy Clerk, Planning

Approved: January 09, 2023



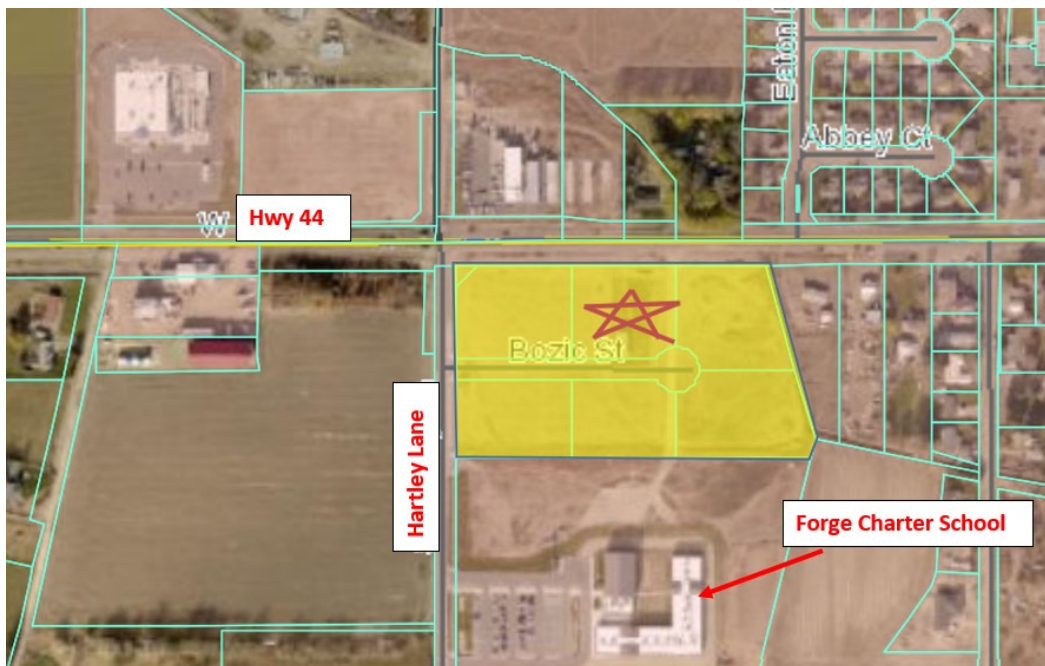
STAFF REPORT

Middleton Design Review Committee

Design Review – Guho Retail Building Bozic Subdivision



- A. **Design Review Meeting Date:** January 9, 2023
- B. **Project Description:** The Guho Retail Building is a 11,600 s.f., commercial/light industrial building proposed for 910 Bozic Street. It is located on the southeast corner of Hartley Lane & Hwy 44 in the Bozic Subdivision (Lot 2/Blk 1).



The building will be built as a vacant shell that can be improved to accommodate up to eight businesses, including retail, restaurant, office, personal services and light industrial businesses.

- C. Zoning & Site Conditions:** The project parcel is 1.25 acres and is zoned M-1 (Light Industrial), which means it can accommodate both commercial businesses and light industrial businesses such as warehousing, distribution, and light manufacturing.

The proposed building complies with all dimensional standards for M-1 Zoning.

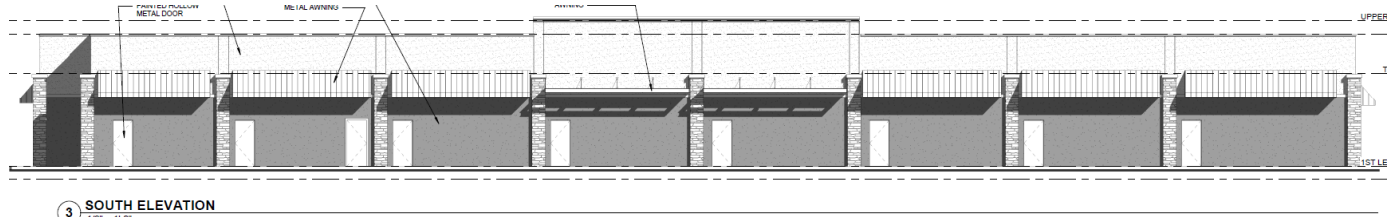
- D. Architectural Character:** MCC 1-15-8-2, requires the project material and colors to be in harmony with the townscape and surrounding neighborhood. Each building must also contain four or more of the following design elements: gable roof, stucco, brick/rock, accenting, metal siding, timberwork, or public art feature.

The Guho building complies with the Code and contains more than four of the required building elements, including (1) two different colors of stucco, (2) two different types of metal popouts and awnings (3) cultured stone, (4) significant modulation in front façade and roof height, (5) banding accents.

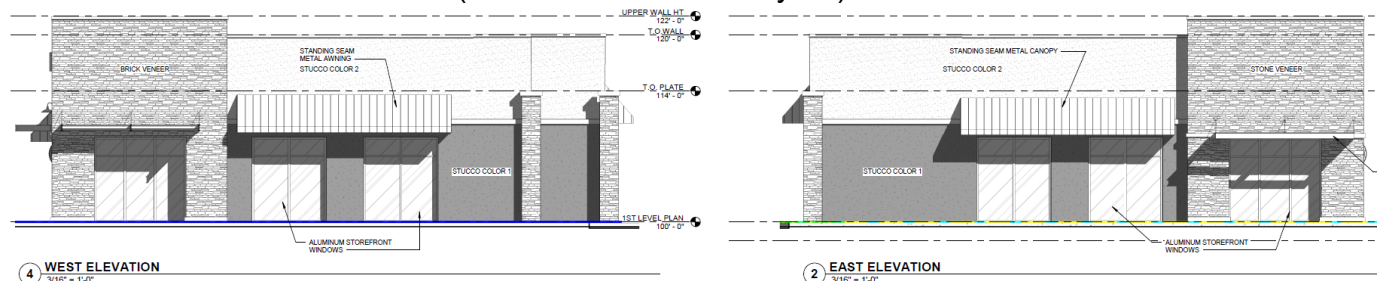
North Facing Elevation (towards Hwy 44):



South Elevation towards Bozic Street:



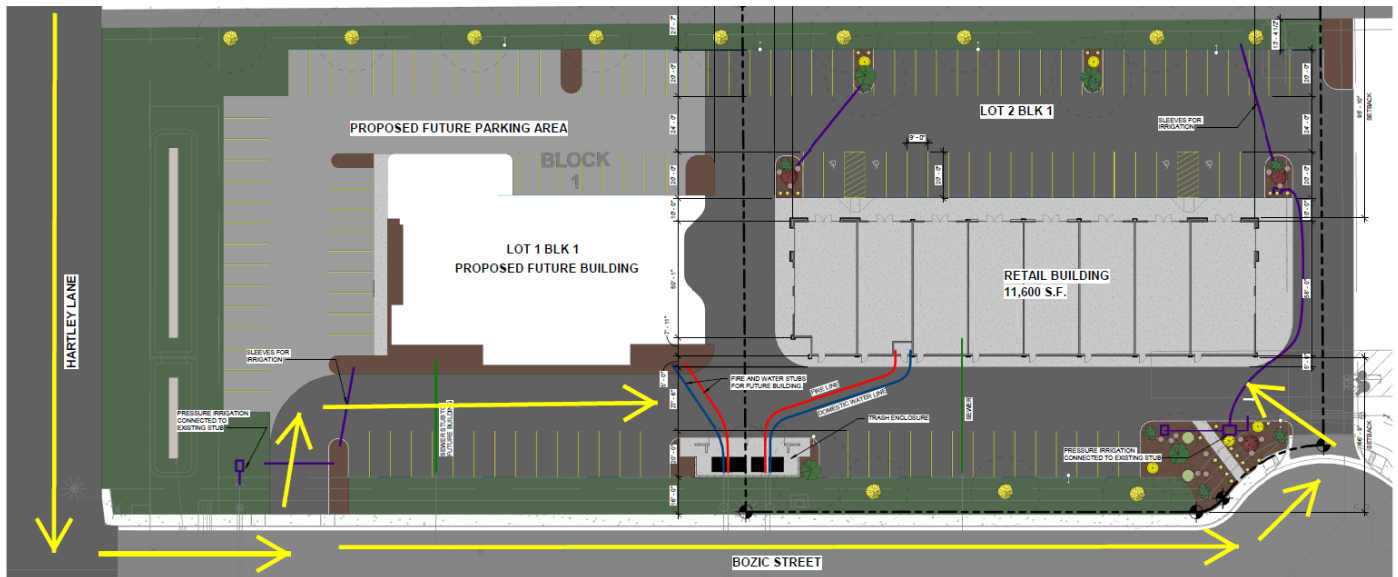
East & West Elevations: (Can be seen from Hwy 44)





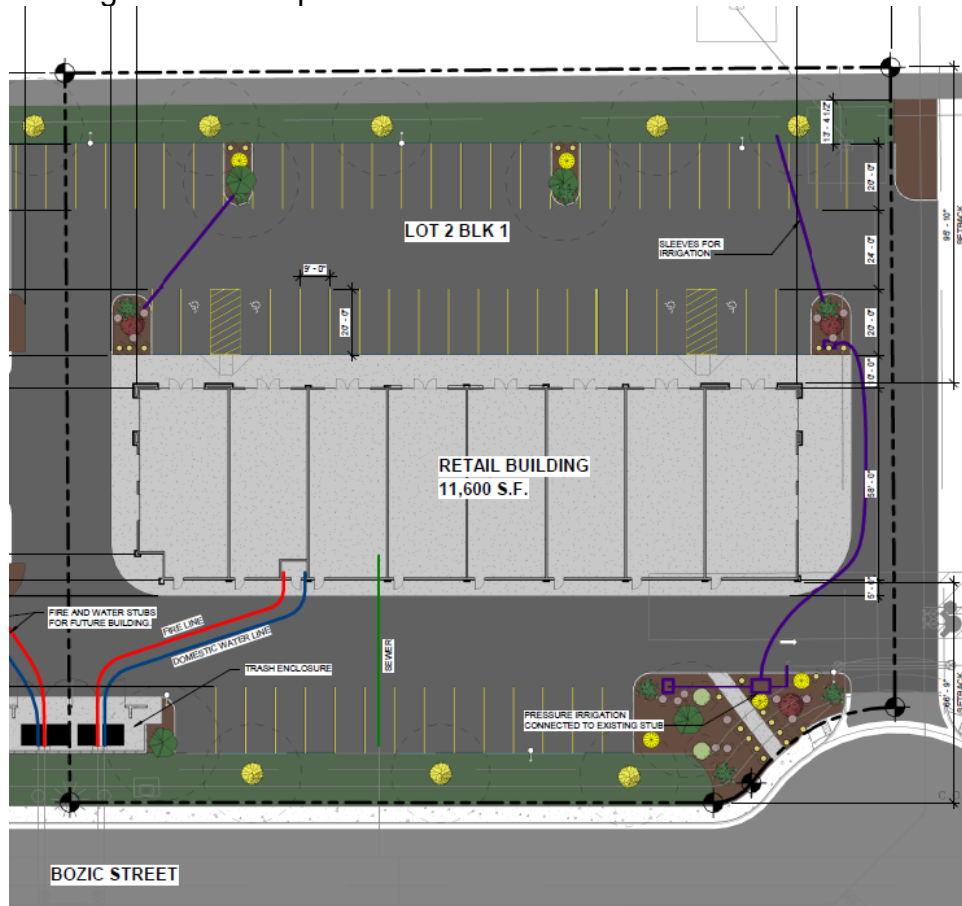
[Copy of Elevation Sheets are attached as Exhibit "A"]

- E. Streets & Access:** Access to the parcel is via South Hartley and Bozic Street. The parcel will not have direct access on to Bozic Street. Instead, access will be provided through Lots 1 and 3 on each side of the project parcel. Therefore, Owner should be required to execute and record a cross-access easement or agreement prior to submitting for building permit to ensure that the parcel is not landlocked.



[Larger Site Plan is attached as Exhibit "B"]

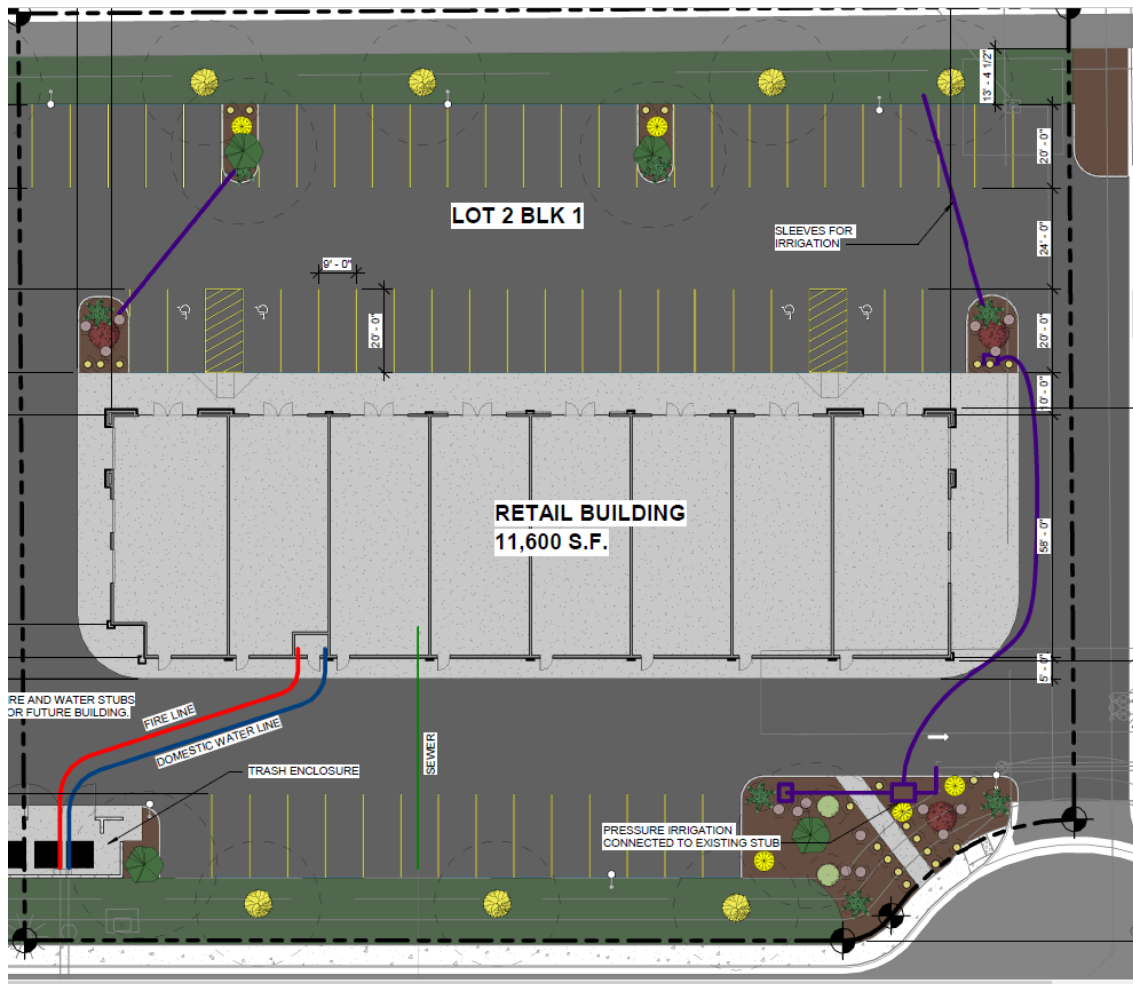
- F. Parking:** Retail parking requires 1 stall per 300 s.f. of gross floor space; therefore, this 11,600 s.f. building will require 39 parking stalls. Owner has provided 59 stalls, amply meeting the code requirement.



However, per code, stalls should have the following dimensions: 9' wide x 21' long. Owner's stalls are only 20' long. Any design review approval should be conditioned upon Owner increasing the length of the parking stalls from 20' to 21'.

- G. Utilities:** Sewer and water are already located in the Bozic Subdivision and stubbed to this parcel. Any fine-tuning of the utility connections will be handled at the building permit stage by City Engineer and the Public Works Department.
- H. Stormwater:** Stormwater facilities were constructed by the subdivision developer and have already been approved by City Engineer. However, Developer must submit a stormwater facilities design for the project parcel with the building permit application. The proposed stormwater facilities may not incorporate the stormwater facilities constructed along Hartley Lane because those facilities have been designed to handle only the run-off from right of way.

- I. **Lighting:** Applicant provided a photometric plan that showed little to no light spillage across the property boundary. Lighting in the City of Middleton must be shielded downward to prevent light pollution.
- J. **Landscaping:** Owner's landscaping involves landscaped parking islands, grassy buffers and shade trees.



[Exhibit "B"]

- K. **Applicable Codes and Standards:** Per MCC 1-15-8-1, a design review is required for all nonresidential structures in Middleton. The applicable Codes and Standards relevant to the review are MCC 1-15, 5-1, and 5-4.
- L. **Conclusions and Recommended Conditions of Approval:**

Applicant's Design Review application complies with dimensions and standards of the Middleton City Code for M-1 Zoning. If the Design Review Committee is inclined to

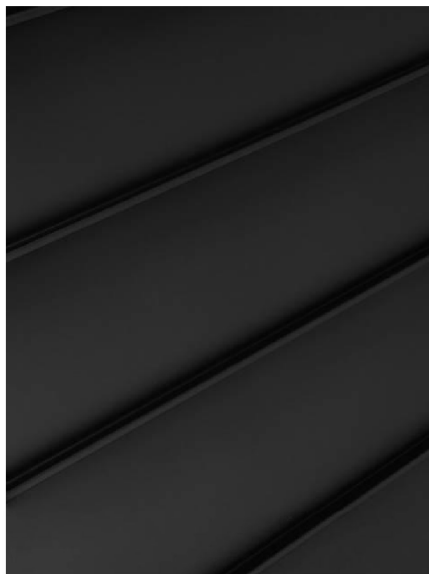
approve the application, City Planning Staff recommends that the following Conditions of Approval be made a part of the approval:

1. Parking stalls to be increased from 20' length to 21' length.
2. Owner/Developer to execute and record a cross-access easement or agreement via CC&Rs or separate instrument prior to submitting for a building permit.
3. Any restaurants or processing businesses must complete the Sewer Treatment Survey Form for the Middleton Public Works Department.
4. Stormwater facilities for the project parcel will be addressed at building permit and civil engineering review. Stormwater facilities for the project parcel may not incorporate the stormwater facilities already constructed along Hartley Lane to handle right of way run-off.

Prepared by Middleton Planning & Zoning Official,
Roberta Stewart
Dated: January 2022

EXHIBIT "A"

Exterior Elevations



AWNING
ROOFING



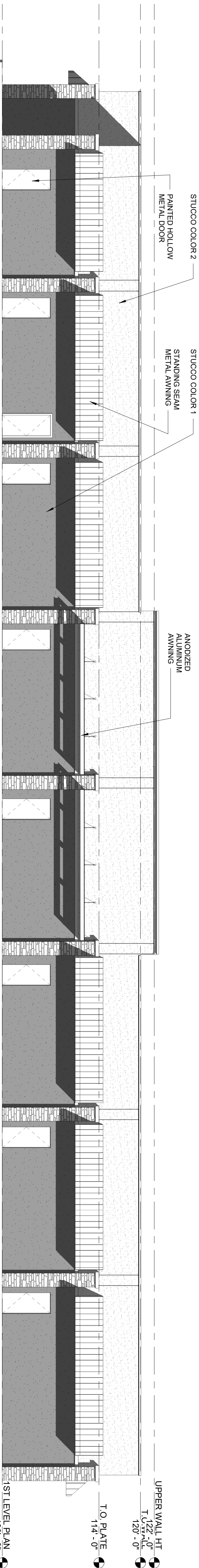
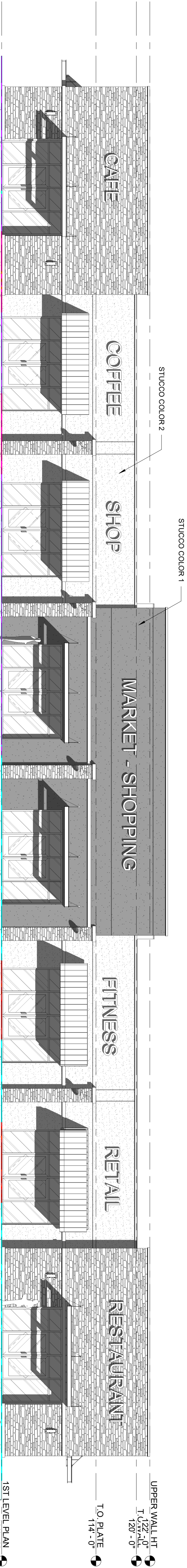
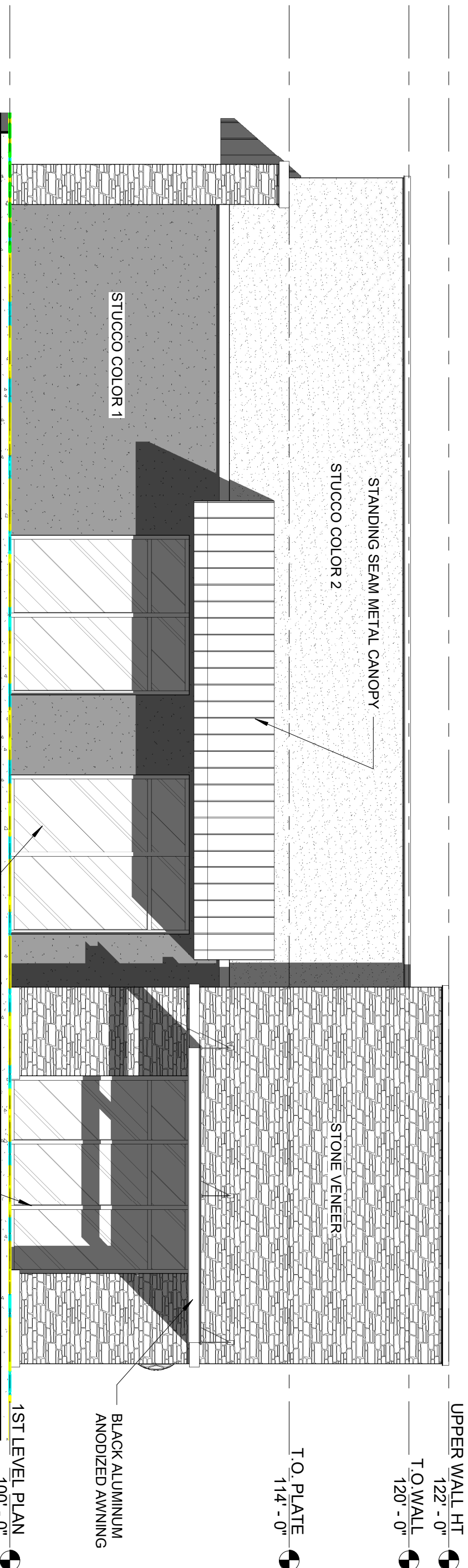
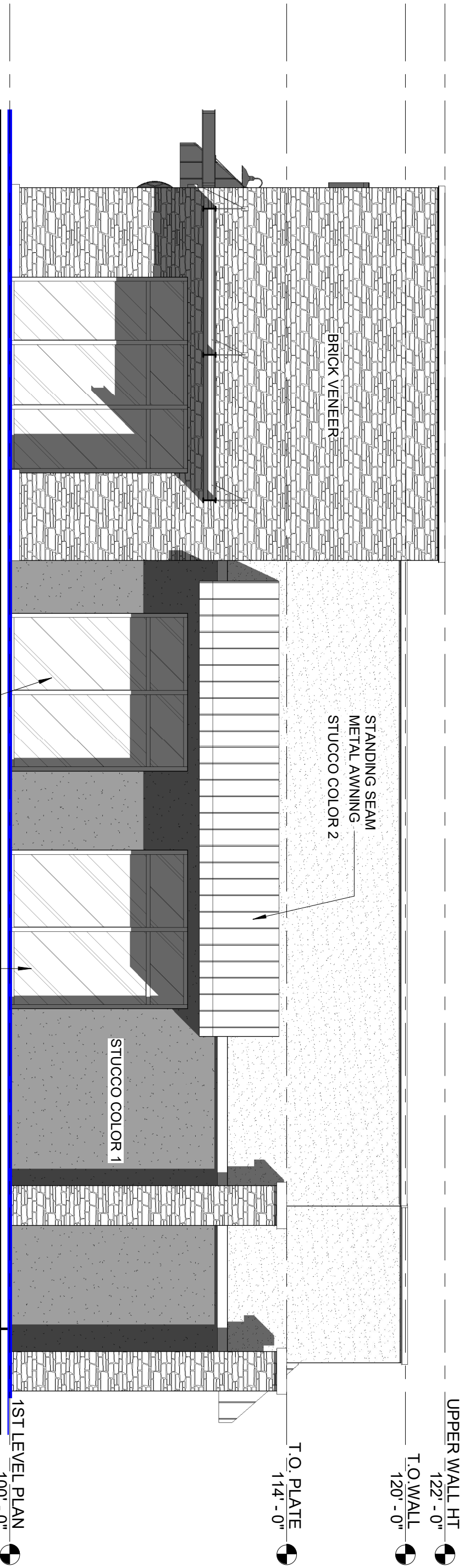
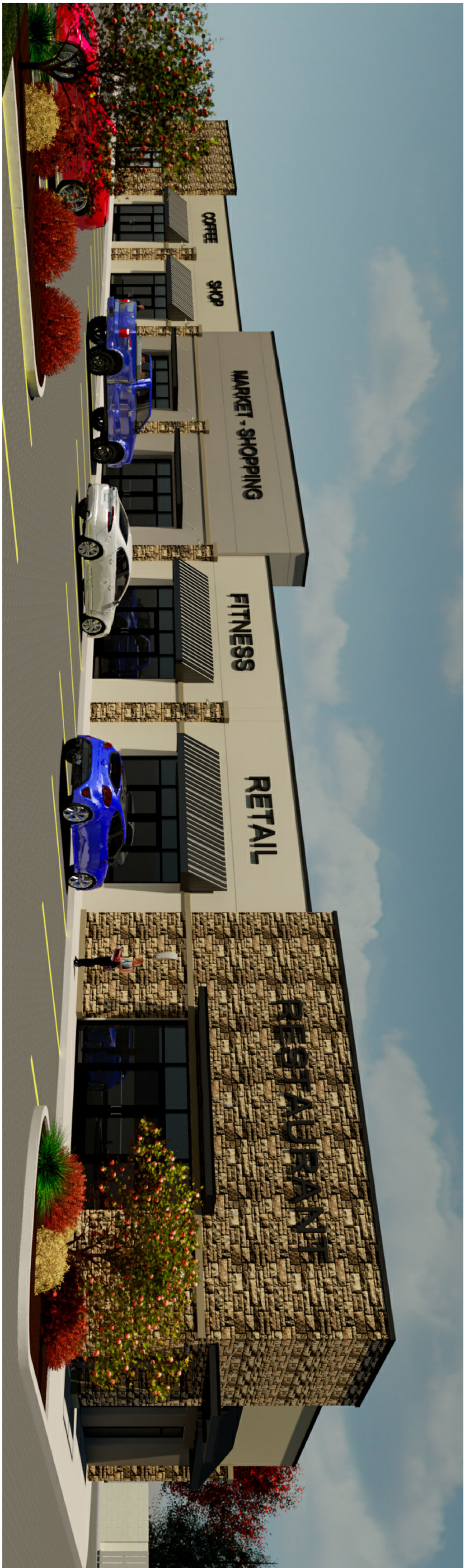
STONE VENEER



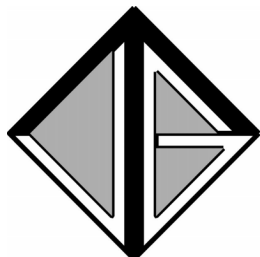
STUCCO COLOR 1
SHERWIN WILLIAMS "HIGH TEA"



STUCCO COLOR 2
SHERWIN WILLIAMS "RICE GRAY"



REVISIONS:



jgt architecture

1135 12th avenue road, nampa, idaho 83686
phone: (208) 463-9295 . fax: (208) 463-9299
email: jgt@jgt-architecture.com

STAMP
NOT FOR
CONSTRUCTION

MIDDLETON RETAIL MALL
FOR
GUHO CORP.
910 BOZIC STREET MIDDLETON, ID

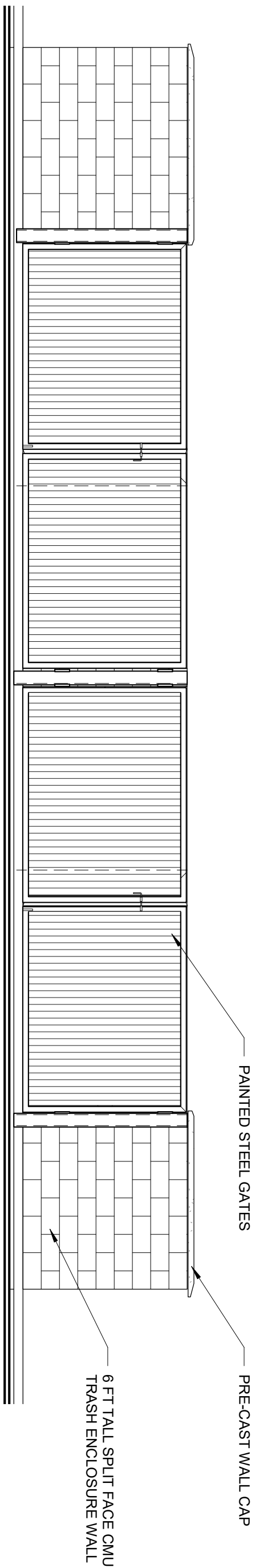
DRAWN BY/DATE:
Author 12/14/22
CHECKED: JOB NO.:
JPV 2278

EXTERIOR
ELEVATIONS

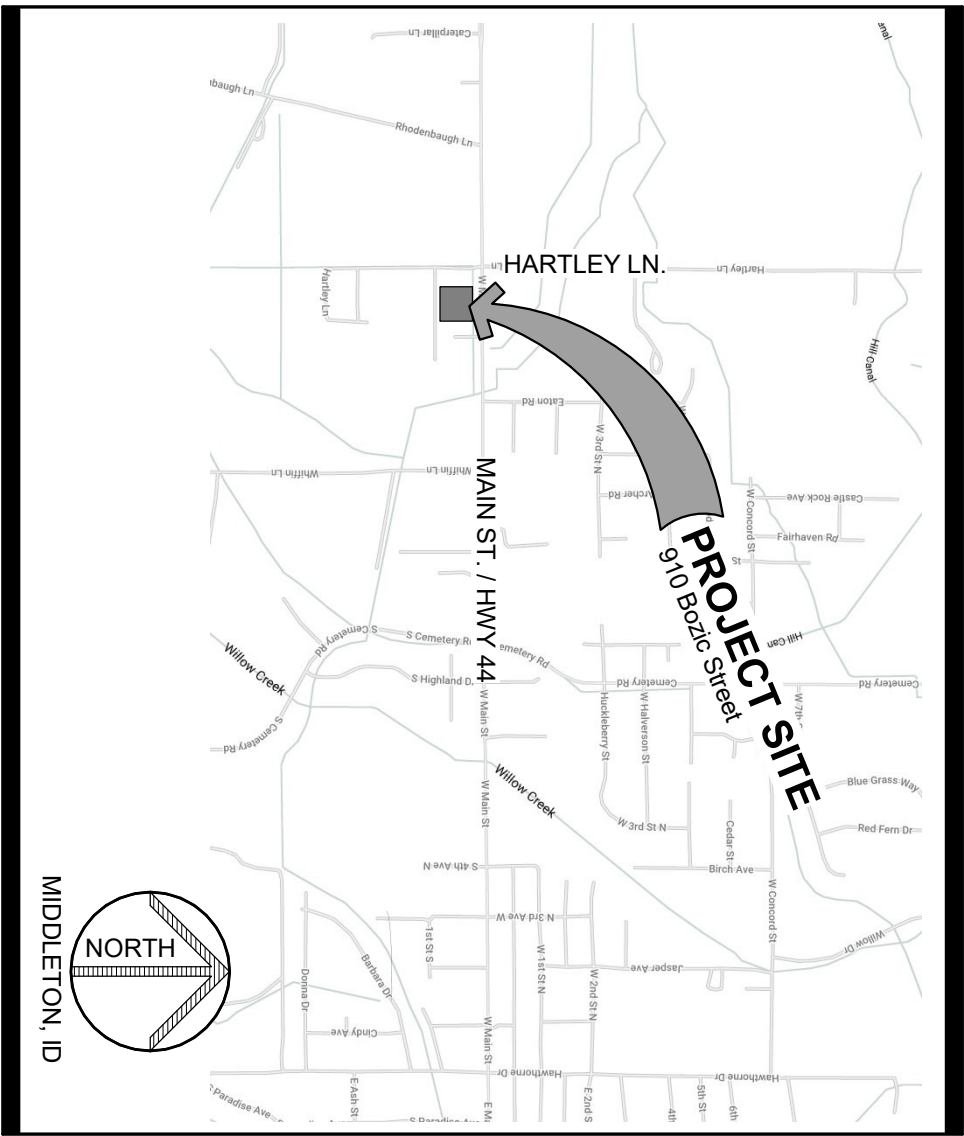
DR-2.0
SHEET
OF

EXHIBIT "B"

Site Plan & Landscaping



2 TRASH ENCLOSURE ELEVATION
1/4" = 1'-0"

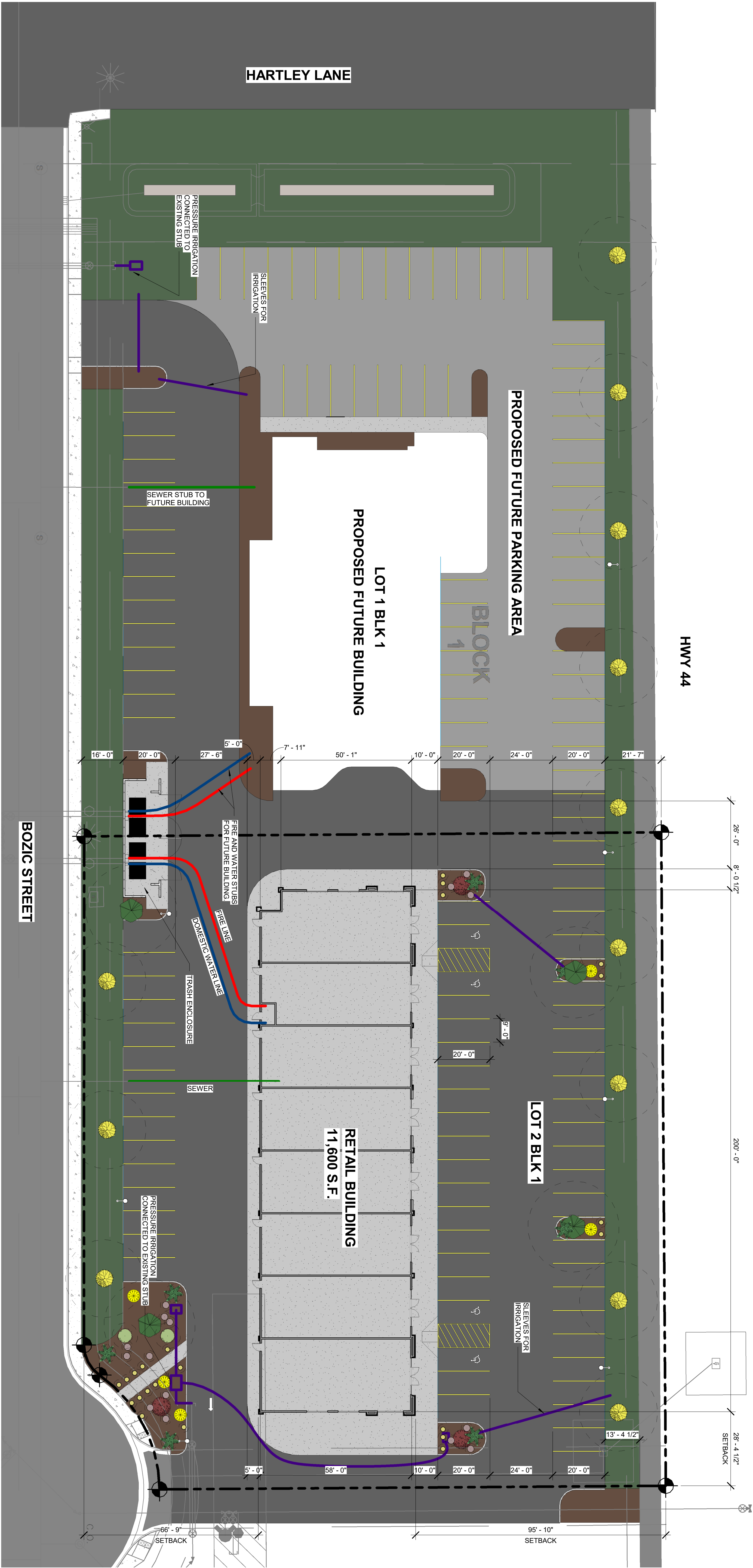


VICINITY MAP

SITE INFO

BUILDING AREA: 11,600 SQUARE FEET.
LOT SIZE: 54,601 SQUARE FEET
EASEMENTS, UTILITY EASEMENTS
ALONG NORTH, SOUTH, AND EAST
PROPERTY LINES
UTILITIES - ALL UTILITIES ARE
STUBBED TO THE SITE.

The site currently has shared access with lot 3 from Bozic Street, and the applicant is proposing to use a second access from lot 1 to be constructed at this time for future shared access with a proposed building on the eastern side of the site. The proposed main retail front facade facing Highway 44. The site will consist of 79 parking stalls constructed at this time, with the balance of lot 1 at the time of that future project. The site will be provided with perimeter landscaping at the front and rear of the property as well as interior landscape islands. The eastern side of the building will also have an expanded area of concrete that could be used as outdoor patio seating depending on the future layout.



1 SITE / LANDSCAPE PLAN
1" = 20'-0"

REVISIONS:

STAMP

NOT FOR CONSTRUCTION

jgt architecture

1135 12th avenue road, nampa, idaho 83686
phone: (208) 463-9295 . fax: (208) 463-9299
email: jgt@jgt-architecture.com

MIDDLETON RETAIL MALL
FOR
GUHO CORP.
910 BOZIC STREET MIDDLETON, ID

DRAWN BY/DATE:
Author 12/14/22
CHECKED: JOB NO.:
JPW 2278

SITE / LANDSCAPE
PLAN

DR-1.0
SHEET
OF

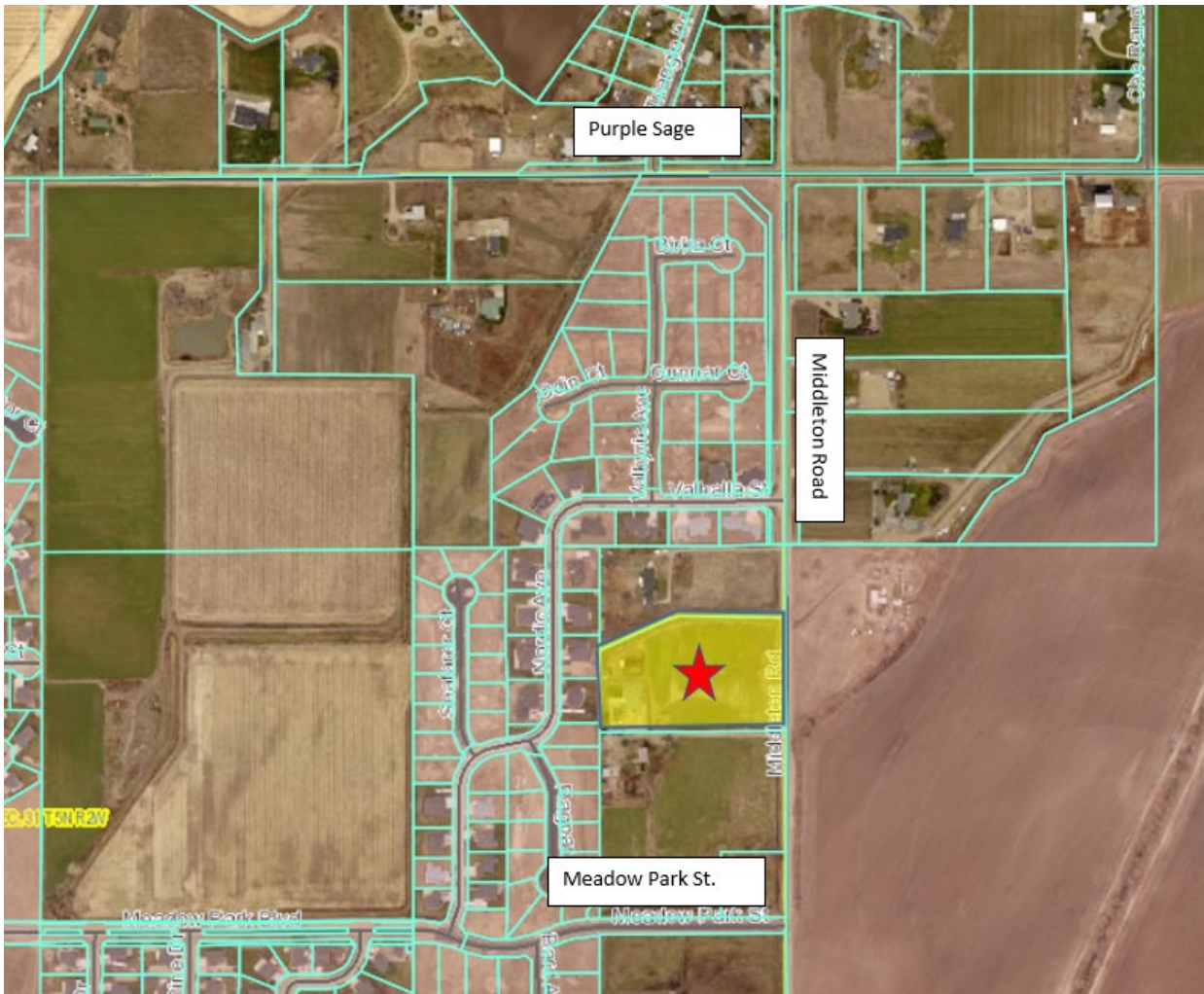


STAFF REVIEW AND REPORT

Middleton Planning & Zoning Commission

Rowe Station Project

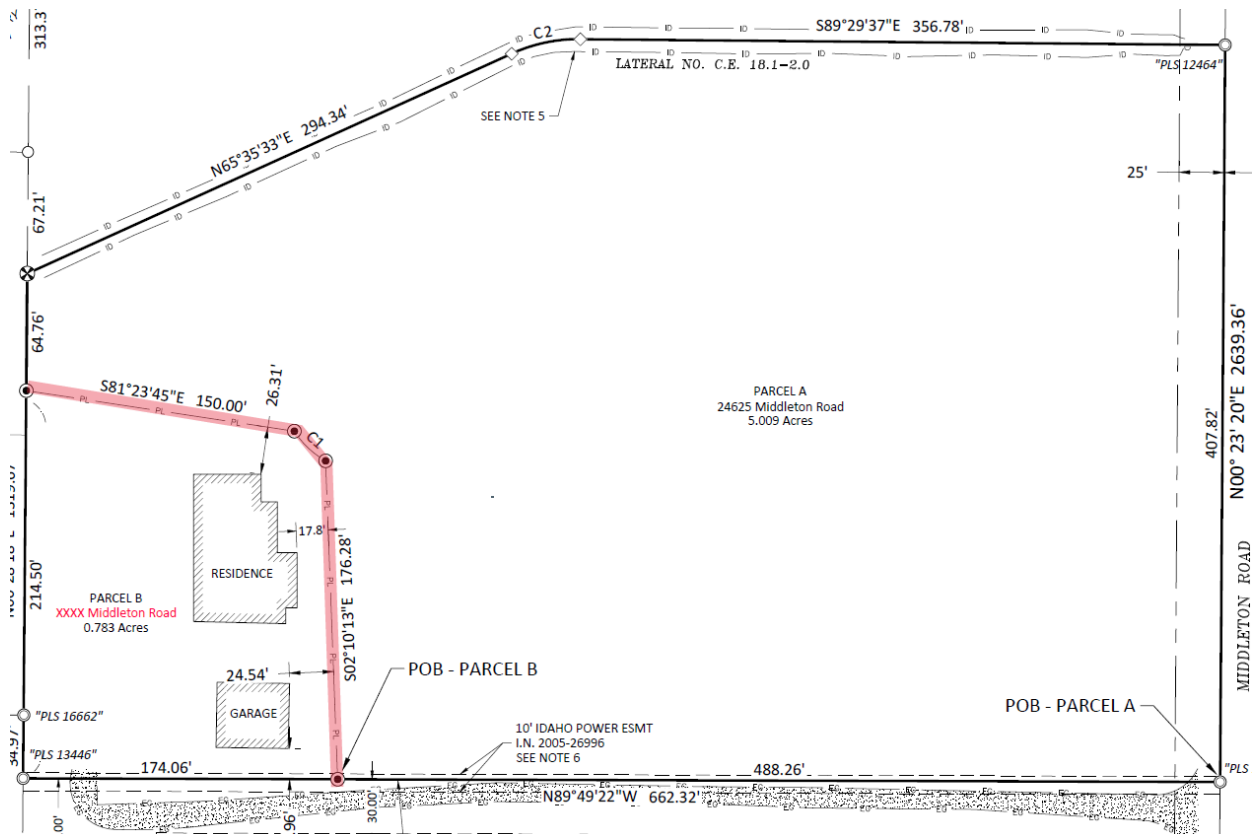
Vicinity



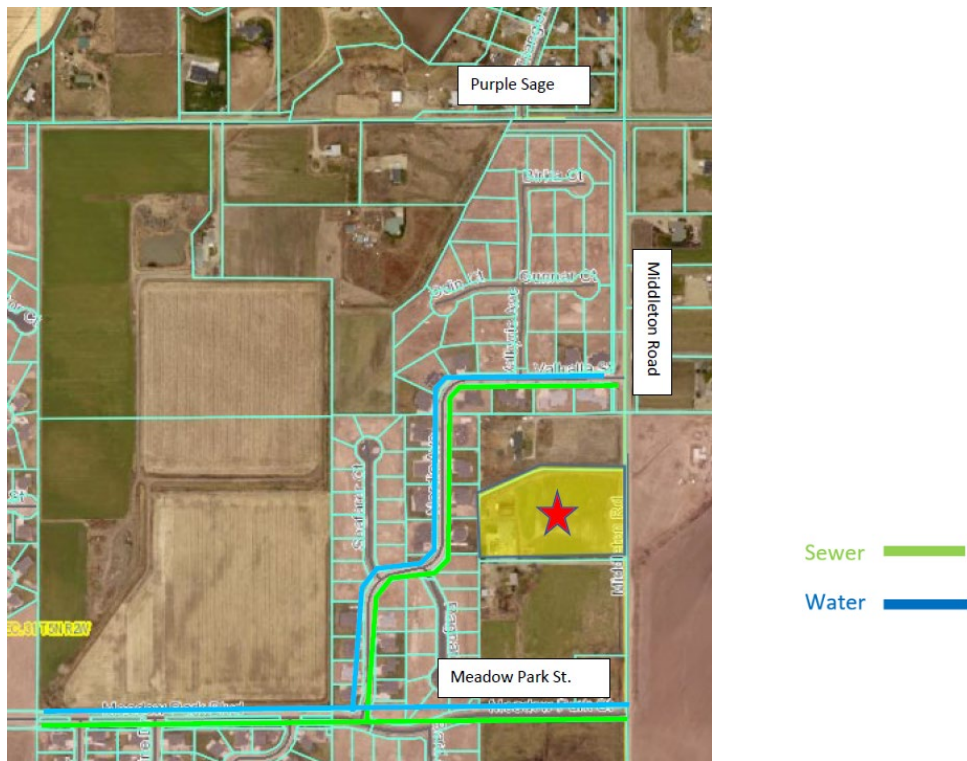
- A. **Planning & Zoning Commission Hearing Date:** January 9, 2023
- B. **Project Description & Conditions:** The project parcel is located at 24625 Middleton Road (Tax Parcel No. R3756400). It is currently located in Canyon County and is zoned "Agricultural." The parcel is approximately six acres and 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 so the parcel containing the homesite can be sold to a 3rd party.

The homesite parcel will be approximately .75 acres. The remaining five acres will be positioned for a future subdivision that can accommodate up to 15 single family home sites.

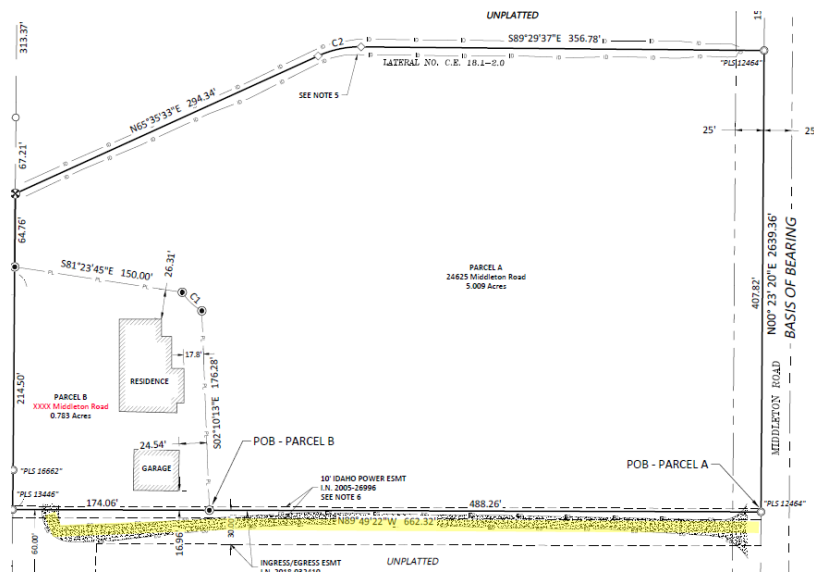


- C. **Application Requests:** Applications include (1) annexation and rezone to R-3 (Single Family Residential) and (2) Development Agreement.
- D. **City Services:** Water and sewer are immediately adjacent to the project site. Developer can connect to sewer and water either to the north, west, or south. Developer will work with City Engineer on the best path for connection at the time a subdivision plat application is submitted.



E. Traffic, Access & Streets:

Access to the project parcel will be via Middleton Road if the parcel is split and developed further. Current access for the homesite is via a shared access easement to the south.



There was no traffic study required for this project due to its small size.

- F. 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.
- G. Middleton Fire & Police:** The project parcel will be served by the Middleton Rural Fire Department and the Middleton City Police Department.
- H. 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 readily available.

Middleton Rural Fire Department has not submitted comments or otherwise noted a problem with the project.

Heights Elementary is at 134% capacity, but the school district is actively working on solutions to relieve the overcrowding. If the Applicant does not pursue a preliminary plat entitlement in the future and only splits the lot in two, there will be no significant impact on the school district because there will be only two homesites on the project parcel.

If Applicant pursues a subdivision plat in the future, Applicant would be entitled to develop up to 15 homesites. Per School Superintendent Gee, each household impacts the school district by .559 students. In light of that, a future plat on this parcel could impact the school system with eight students.

As to traffic, a typical rule of thumb is 10 trips per household. If the project parcel is only split in two, then generated trips will increase by only 10 trips per day. 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 noted above.

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

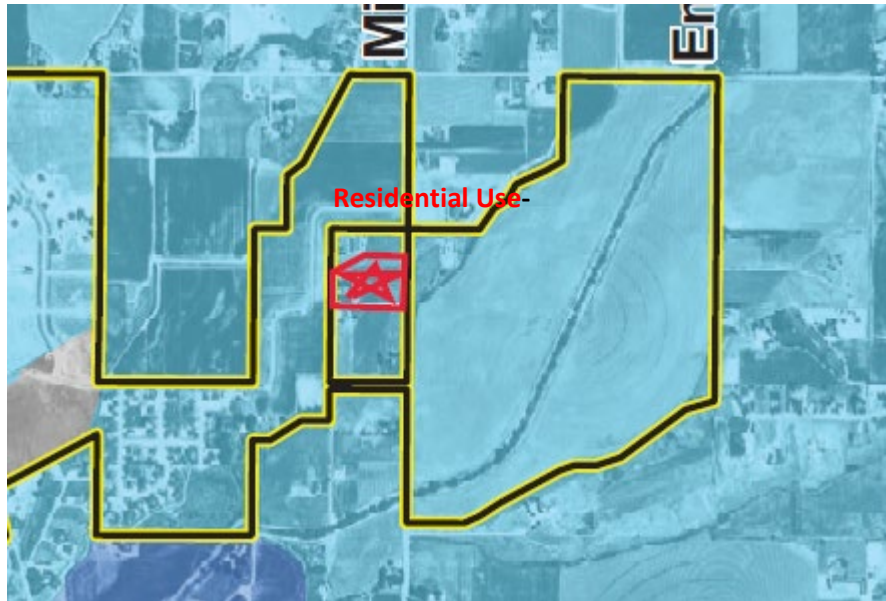
Final note: if City Council approves this annexation/rezone, pursuant to the current code, Applicant will be entitled to move forward with a preliminary plat that includes up to 15 homesites so long as Applicant complies with the zoning code and does not request any variances or exceptions.

[Proposed Annexation/Rezone Ordinance 675 is attached to this Staff Report as Exhibit "A".]

- I. Development Agreement:** Applications for annexation/rezone are generally accompanied by an application for Development Agreement ("DA"). Attached as Exhibit "B" 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. (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 "B".]

- J. 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.

- K. Comments Received from Surrounding Landowners:** City has received comments from the public. See comments attached as Exhibit "C".
- L. Comments from Agencies:** City received comments from Black Canyon Irrigation District and ITD. See comments attached as Exhibit "D".

M. Comments from City Engineer and Planning Staff: Copies of engineering and planning staff comments are attached as Exhibit “E”.

N. 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.

O. Notices & Neighborhood Meeting:	Dates:
Newspaper Notification	12/23/2022
Radius notice to adjacent landowners	12/21/2022
Circulation to Agencies	12/21/2022
Sign Posting property	12/20/2022
Neighborhood Meeting	9/21/2022

P. 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.

Q. Conclusions and Recommended Conditions of Approval:

The Planning & Zoning Commission is tasked with recommending approval or denial of the applications for annexation/rezone and development agreement, with or without conditions of approval.

Per State law and the Middleton City Code, any recommendation or decision 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 the Commission has the authority to hear these applications and to recommend approval or denial of 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 the Commission is inclined to recommend approval of the annexation/rezone and development agreement applications, then 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 project site, including the existing homesite, if 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 the Commission recommends denial of the applications, then the Commission should state on the record what the applicant could do, if anything, to obtain a recommendation for approval. (Middleton City Code 1-14(E)(8)).

Prepared by Roberta Stewart
Planning & Zoning Director

Dated: 1/5/2023

EXHIBIT "A"

Proposed Ordinance 675 for Annexation/Rezone

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 _____, 2023.

Section 2. The following described property, commonly known as 24725 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





SCALE:
1" = 100'

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

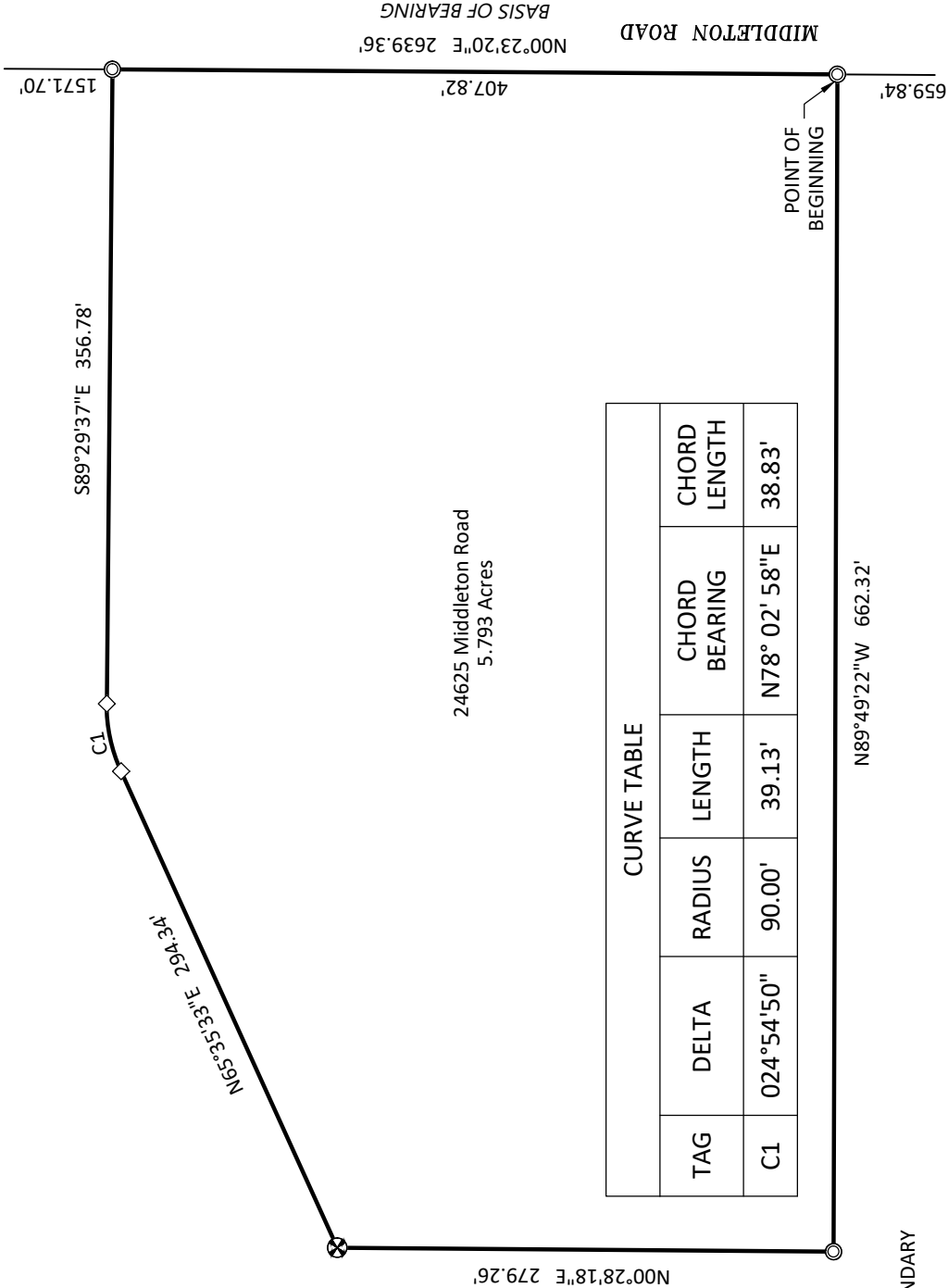


LEGEND

- 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

Annexation Sketch

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



24625 Middleton Road
5.793 Acres

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"

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 _____ ("**Developer**"), 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.

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

EXHIBIT “C”

Public Comments

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 "D"

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

CAUTION: This email originated outside the State of Idaho network. Verify links and attachments BEFORE you click or open, even if you recognize and/or trust the sender. Contact your agency service desk with any concerns.

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



CONFIDENTIALITY NOTICE: The contents of this email message and any attachments are intended solely for the addressee(s) and may contain Personal Information from a DMV file which is legally protected from disclosure under both state and Federal law. Be advised that Personal Information may only be disclosed to third parties under the provisions of Idaho Code section 49-203. If you are not the intended recipient of this message, or if this message has been addressed to you in error, please immediately delete this message and any attachments, and alert the sender.

EXHIBIT “E”

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
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 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