



AMENDED 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 Amended 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 \$153,489.37.
  - 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 Deed of Easement Agreement- Non Exclusive Easement Agreement and Road Maintenance Agreement between the City of Middleton the following parties; Holbrook and Evelyn Mason, Richard and Joyce Smith, Cosgrove Living Trust, Ripley Stevens Living Trust, Bruce and Becky Hubler, William and Betty Hubler. Ms. Crofts
6. Consider approving final plat for the Piccadilly Square Subdivision. Ms. Stewart
7. 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)

8. **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
9. 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 30, 2023, 12:30 p.m.

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







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**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



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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



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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**



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**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.



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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.



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**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.

<u>Current Fee</u>		<u>PROPOSED FEE</u>
<b>ADMINISTRATIVE</b>		
Thumb Drive		\$2.00 per drive
<b>PERMIT</b>		
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 SchmittDEV 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 Trivelpiece, 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 portion 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 M-44 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 "Interim Access" 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. If ICD access is necessary to they 44 for the commercial site, 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 site to ensure that no lots are landlocked 5 access to they 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 they 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.

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**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 street 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. (Etabh QT)

**Applicant Information:** Application was accepted on November 16, 2021. Applicant is Taylor Schmidt/STEV LLC 1018 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/interim. They reported the SUP on the condition that the developer meets with the staff of Middleton Before 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.

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**Conclusions and Conditions of Approval:**

The State use 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.




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**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 they 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/Approach permit 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 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.

<sup>111</sup> 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

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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

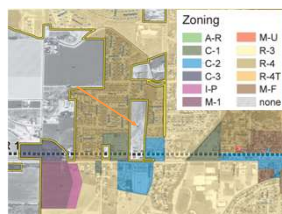
## Mixed-Use Comp Plan Designation

### 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

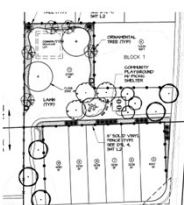
## SITE LAYOUT



- 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 <sup>83644</sup>				<input checked="" type="checkbox"/>	
2	Landon Helgeson	405 GARDEN COURT	208 901 4501		<input checked="" type="checkbox"/>		
3	Susie Huter	Westwood Subdivision				<input checked="" type="checkbox"/>	
4	MIKE GRNEFE	1489 RIDGE WAY	208-527-6277				
5	Mine McDowell	13037 GREY				<input checked="" type="checkbox"/>	
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	<del>Minae McDougall</del>	<del>13037 GREENWELL</del>	<del>208 606 2273</del>	<del>REEDS LANDING GREENWELL</del>
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](#).***



Public Works Contractors License Number 036543-C-4





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

Thank You For You Business







**From:** [Becky Crofts](#)  
**To:** [Amber Day](#)  
**Subject:** FW: 12048 Cemetery Road - Additional Match Due on Obligated Funds  
**Date:** Monday, January 30, 2023 10:43:12 AM  
**Attachments:** [12048 Participating Budget Review 01-24-23.pdf](#)  
[12048 Estimate 12 draft.pdf](#)  
**Importance:** High

---

Please include a copy of this email and the attachments.

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**From:** Matt Koster <MKoster@lhtac.org>  
**Sent:** Tuesday, January 24, 2023 8:40 AM  
**To:** Becky Crofts <bcrofts@middletoncity.com>  
**Subject:** 12048 Cemetery Road - Additional Match Due on Obligated Funds  
**Importance:** High

Becky,

It looks like LHTAC has finally received the necessary paperwork and agreed on the final estimate.

Please find the attached budget estimate for the participating funds. As planned, we will exhaust all the participating obligated funds for the project. Based on the attached budget estimate, the City of Middleton owes approximately \$5200 on all the expended matched funds.

The final estimate 12 is \$272,214.32 (attached) that is currently owed to the contractor. Including the \$175,000 in city local-participation the project currently has approximately \$230,499.85 left in the project to pay construction estimates which leaves the project short roughly \$41,715.

I estimate that the city owes  $\$5,200 + \$41,715 = \$46,915$

**I recommend that the City of Middleton pay an additional \$47,000 to ITD.** This amount should cover both the outstanding non-participating amount owed for the last estimate 12 (\$41,715) and pay the additional match owed on all used participating funds (\$5200).

I've attached the directions to the ITD portal payment system. Please let me know when the city has made the payment so I can get the payment obligated correctly and pay the final estimate. As always, please contact me with any questions. Thanks - Matt

T. Matt Koster, P.E.  
Resident Engineer | **LHTAC**  
**Office:** (208) 344-0565 ext. 1012  
**Cell:** (208) 401-5473  
[www.LHTAC.org](http://www.LHTAC.org)





Idaho Transportation Department

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AASHTOWare Project™ Version 4.8 Revision 023

Payment Estimate Summary By Project Report

Report v7

**Contract:** 8638, STC-7807, S CEMETERY ROAD; SH-44 TO WILLOW CREEK, MIDDLETON

**Prime Contractor:** C0139 - CONCRETE PLACING CO., INC.

**Estimate Number:** 12

**Estimate Period End Date:** 11/01/2022

**Address:**

**Federal Project Number:** A012(048)

**Previous Period End Date:** 03/04/2022

**Route:**

**Estimate Status:** Draft

**Lead Engineer:** Creator, SiteManager

**County:** 14 - Canyon

**Estimate Type:** Progress

**IRS Number:**

**District:** 33 - LHTAC Matt Koster

**Administrative Office:** 3 - 78112 LHTAC Matt Koster

**Surety Company:**

**Location:** Midpoint

**Project(s):** 12048, S CEMETERY ROAD; SH-44 TO WILLOW CREEK, MIDDLETON

**Comments:**

**Awarded Amount:** \$2,697,885.32

**Current Contract Amount:** \$3,545,750.72

**Remaining Contract Value:** -\$38,028.75

**Percent Complete (Dollar):** 101.07%

**Percent Complete (Time):** 95.49%

**Letting Date:** 11/24/2020

**Award Date:** 12/15/2020

**Time Began Date:** 02/01/2021

**Notice To Proceed Date:** 12/15/2020

**Work Began Date:** 02/01/2021

**Work Complete Date:**

Pre-Voucher Summary

Project	Project Description	Voucher Number	Dollar Amount
12048	S CEMETERY ROAD; SH-44 TO WILLOW CREEK, MIDDLETON	0012	\$272,214.32
<b>Total Estimated Payment:</b>			<b>\$272,214.32</b>

Contract: 8638, STC-7807, S CEMETERY ROAD; SH-44 TO WILLOW CREEK, MIDDLETON Estimate: 12

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**Project:** 12048, S CEMETERY ROAD; SH-44  
TO WILLOW CREEK, MIDDLETON

**Voucher Number:** 0012

**County:** C014

**Federal Project Number:** A012(048)

**Original Project Amount:** \$2,697,885.32

**Current Project Amount:** \$3,545,750.72

**State Project Number:**

**Project Balance:** -\$38,028.75

**Percent Dollar:** 101.07%

**Project Estimate Summary**

Estimate	Previous Pay Estimate	This Pay Estimate	Total (All Pay Est)
Posted Item Pay	\$3,369,065.15	\$272,214.32	\$3,641,279.47
Overrun	\$0.00	\$0.00	\$0.00
Price	\$0.00	\$0.00	\$0.00
Construction Stockpile	\$0.00	\$0.00	\$0.00
Other Item Adjustments	\$0.00	\$0.00	\$0.00
Gross Item Pay	\$3,369,065.15	\$272,214.32	\$3,641,279.47
Participating	\$3,369,065.15	\$272,214.32	\$3,641,279.47
Non-Participating	\$0.00	\$0.00	\$0.00
Retainage	\$0.00	\$0.00	\$0.00
Cash Retainage	\$0.00	\$0.00	\$0.00
Non-Cash Retainage	\$0.00	\$0.00	\$0.00
Incentive	\$0.00	\$0.00	\$0.00
Disincentive	\$0.00	\$0.00	\$0.00
Liquidated Damages	-\$57,500.00	\$0.00	-\$57,500.00

Contract: 8638, STC-7807, S CEMETERY ROAD; SH-44 TO  
WILLOW CREEK, MIDDLETON

Estimate: 12

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Other Contract Adjustments	\$0.00	\$0.00	\$0.00
Total Pay Amount	\$3,311,565.15	\$272,214.32	\$3,583,779.47
Prior Balance Due	\$0.00	\$0.00	\$0.00
Net Pay Amount	\$3,311,565.15	\$272,214.32	\$3,583,779.47





## Payment Estimate Summary By Project Report

Report v7

**Project:** 12048, S CEMETERY ROAD; SH-44 TO  
WILLOW CREEK, MIDDLETON**Category:** 0001, ROADWAY WORK BY CONTRACT

Project Line Num	Item	Unit	Unit Price	Bid Qty	Current Qty	Approved Amt	Qty Paid To Date	Qty Paid This Pay Estimate	Pay Amt This Pay Estimate	Percent Complete
0750	201-005A, CLEARING & GRUBBING	ACRE	\$793.50000	4.500	4.500	\$3,570.75	4.500	0.000	\$0.00	100.00%
<b>Supplemental Description:</b>										
0755	202-005A, SELECTIVE REM OF TREES INCLUDING STUMPS	EACH	\$576.00000	5.000	5.000	\$2,880.00	24.000	0.000	\$0.00	480.00%
<b>Supplemental Description:</b>		INCLUDING STUMPS								
0760	203-015A, REMOVAL OF BITUMINOUS SURFACE	SY	\$40.25000	14.000	14.000	\$563.50	18.300	0.000	\$0.00	130.71%
<b>Supplemental Description:</b>										
0761	203-125C, REM OF MISCELLANEOUS ITEMS	FT	\$29.75000	77.000	77.000	\$2,290.75	45.000	0.000	\$0.00	58.44%
<b>Supplemental Description:</b>										
0765	203-130A, REMOVAL OF PAV MARKINGS	FT	\$1.10000	744.000	744.000	\$818.40	228.000	0.000	\$0.00	30.65%
<b>Supplemental Description:</b>										





Idaho Transportation Department

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Project Line Num	Item	Unit	Unit Price	Bid Qty	Current Qty	Approved Amt	Qty Paid To Date	Qty Paid This Pay Estimate	Pay Amt This Pay Estimate	Percent Complete
0767	203-135A, REMOVAL OF SIGN	EACH	\$156.50000	1.000	1.000	\$156.50	1.000	0.000	\$0.00	100.00%
Supplemental Description:										
0770	205-005A, EXCAVATION	CY	\$40.00000	823.000	2,043.000	\$81,720.00	2,038.320	0.000	\$0.00	99.77%
Supplemental Description:										
0775	205-040A, GRANULAR BORROW	CY	\$16.00000	19,874.000	21,094.000	\$337,504.00	20,633.070	0.000	\$0.00	97.81%
Supplemental Description:										
0780	205-060A, WATER FOR DUST ABATEMENT	MG	\$0.00000	733.000	733.000	\$0.00	0.000	0.000	\$0.00	0.00%
Supplemental Description:										
0790	205-071A, EXCAVATION AND REPAIR OF SOFT SPOTS	CY	\$31.00000	250.000	250.000	\$7,750.00	0.000	0.000	\$0.00	0.00%
Supplemental Description:										





## Payment Estimate Summary By Project Report

Report v7

Project Line Num	Item	Unit	Unit Price	Bid Qty	Current Qty	Approved Amt	Qty Paid To Date	Qty Paid This Pay Estimate	Pay Amt This Pay Estimate	Percent Complete
0792	210-005A, STR EXCAVATION SCH NO. 1	CY	\$14.50000	421.000	421.000	\$6,104.50	562.370	0.000	\$0.00	133.58%
Supplemental Description:										
0795	210-015A, COMPACTING BACKFILL	CY	\$5.60000	224.000	224.000	\$1,254.40	244.600	5.150	\$28.84	109.20%
Supplemental Description:										
0800	212-011A, FIBER WATTLE	FT	\$1.80000	3,087.000	3,087.000	\$5,556.60	2,393.500	0.000	\$0.00	77.53%
Supplemental Description:										
0805	212-020A, SILT FENCE	FT	\$2.00000	1,041.000	1,041.000	\$2,082.00	521.000	0.000	\$0.00	50.05%
Supplemental Description:										
0810	212-060A, STABILIZED CONST ENTRANCE	EACH	\$2,321.00000	1.000	1.000	\$2,321.00	1.000	0.000	\$0.00	100.00%
Supplemental Description:										





## Payment Estimate Summary By Project Report

Report v7

Project Line Num	Item	Unit	Unit Price	Bid Qty	Current Qty	Approved Amt	Qty Paid To Date	Qty Paid This Pay Estimate	Pay Amt This Pay Estimate	Percent Complete
0815	212-095A, INLET PROTECTION	EACH	\$61.75000	6.000	6.000	\$370.50	6.000	0.000	\$0.00	100.00%
Supplemental Description:										
0817	212-105A, WATER POLLUTION AND EROSION CONTROL	CA	\$1.00000	7,000.000	7,000.000	\$7,000.00	1,757.200	0.000	\$0.00	25.10%
Supplemental Description:										
0820	213-005A, TOPSOIL	CY	\$9.50000	1,388.000	1,388.000	\$13,186.00	2,463.510	1,491.910	\$14,173.15	177.49%
Supplemental Description:										
0825	301-005A, GRANULAR SUBBASE	TON	\$11.75000	8,659.000	8,659.000	\$101,743.25	8,653.830	0.000	\$0.00	99.94%
Supplemental Description:										
0830	303-022A, 3/4" AGGR TY B TON FOR BASE		\$15.25000	4,432.000	4,432.000	\$67,588.00	5,096.600	0.000	\$0.00	115.00%
Supplemental Description:										





Idaho Transportation Department

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Payment Estimate Summary By Project Report

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Project Line Num	Item	Unit	Unit Price	Bid Qty	Current Qty	Approved Amt	Qty Paid To Date	Qty Paid This Pay Estimate	Pay Amt This Pay Estimate	Percent Complete
0835	401-020A, CSS-1 DIL EMUL ASPH FOR TACK COAT	GAL	\$8.70000	356.000	356.000	\$3,097.20	0.000	0.000	\$0.00	0.00%
Supplemental Description:										
0837	405-240A, MISC PAV	SY	\$67.25000	48.000	48.000	\$3,228.00	48.000	0.000	\$0.00	100.00%
Supplemental Description:										
0840	405-425A, SUPERPAVE HMA PAV INCL ASPH&ADD CL SP-2	TON	\$76.00000	1,797.000	1,797.000	\$136,572.00	1,797.000	0.000	\$0.00	100.00%
Supplemental Description:										
0842	431-005A, COLD MILLING	SY	\$39.25000	42.000	42.000	\$1,648.50	94.400	0.000	\$0.00	224.76%
Supplemental Description:										
0845	511-005A, CONC WATERPROOF SYS	SY	\$27.50000	179.000	179.000	\$4,922.50	175.500	0.000	\$0.00	98.04%
Supplemental Description:		(TYPE D CULVERT)								





Idaho Transportation Department

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Payment Estimate Summary By Project Report

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Project Line Num	Item	Unit	Unit Price	Bid Qty	Current Qty	Approved Amt	Qty Paid To Date	Qty Paid This Pay Estimate	Pay Amt This Pay Estimate	Percent Complete
0850	578-005A, PRECAST CONCRETE CULVERT	LS	\$139,259.00000	1.000	1.000	\$139,259.00	1.000	0.000	\$0.00	100.00%
	Supplemental Description:	8'X4'								
0855	604-035A, 18" IRR PIPE	FT	\$78.25000	458.000	458.000	\$35,838.50	418.000	0.000	\$0.00	91.27%
	Supplemental Description:									
0860	604-095A, 54" IRR PIPE	FT	\$245.00000	481.000	0.000	\$0.00	0.000	0.000	\$0.00	
	Supplemental Description:									
0865	605-025A, 12" STORM SEWER PIPE	FT	\$63.75000	747.000	747.000	\$47,621.25	747.000	0.000	\$0.00	100.00%
	Supplemental Description:									
0870	605-045A, 24" STORM SEWER PIPE	FT	\$104.00000	827.000	827.000	\$86,008.00	803.000	0.000	\$0.00	97.10%
	Supplemental Description:									





Idaho Transportation Department

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Report v7

Project Line Num	Item	Unit	Unit Price	Bid Qty	Current Qty	Approved Amt	Qty Paid To Date	Qty Paid This Pay Estimate	Pay Amt This Pay Estimate	Percent Complete
0875	605-455A, MANHOLE TY A EACH		\$4,785.00000	5.000	5.000	\$23,925.00	5.000	0.000	\$0.00	100.00%
Supplemental Description:										
0880	605-465A, MANHOLE TY C EACH		\$6,037.00000	1.000	1.000	\$6,037.00	1.000	0.000	\$0.00	100.00%
Supplemental Description:										
0885	605-470A, SEDIMENT & OIL TRAP MANHOLE	EACH	\$4,420.00000	1.000	1.000	\$4,420.00	1.000	1.000	\$4,420.00	100.00%
Supplemental Description:										
0890	605-550A, SEDIMENT CONT CATCH BASIN	EACH	\$8,564.00000	2.000	2.000	\$17,128.00	2.000	0.000	\$0.00	100.00%
Supplemental Description:										
0895	605-610A, INLET TY 2	EACH	\$1,851.00000	4.000	4.000	\$7,404.00	4.000	0.000	\$0.00	100.00%
Supplemental Description:										





## Payment Estimate Summary By Project Report

Report v7

Project Line Num	Item	Unit	Unit Price	Bid Qty	Current Qty	Approved Amt	Qty Paid To Date	Qty Paid This Pay Estimate	Pay Amt This Pay Estimate	Percent Complete
0897	605-640A, ADJUST VALVE COVERS	EACH	\$411.50000	3.000	3.000	\$1,234.50	5.000	0.000	\$0.00	166.67%
Supplemental Description:										
0900	608-025A, 12" APRON FOR PIPE	EACH	\$1,750.00000	3.000	3.000	\$5,250.00	4.000	0.000	\$0.00	133.33%
Supplemental Description:										
0905	608-045A, 24" APRON FOR PIPE	EACH	\$1,810.00000	1.000	1.000	\$1,810.00	1.000	0.000	\$0.00	100.00%
Supplemental Description:										
0910	609-025A, MINOR STR	EACH	\$7,492.00000	3.000	0.000	\$0.00	0.000	0.000	\$0.00	
Supplemental Description:		IRRIGATION BOX - SIZE 7'X7'								
0911	609-025B, MINOR STR	EACH	\$6,637.00000	1.000	0.000	\$0.00	0.000	0.000	\$0.00	
Supplemental Description:		IRRIGATION BOX WITH GRATE								





## Payment Estimate Summary By Project Report

Report v7

Project Line Num	Item	Unit	Unit Price	Bid Qty	Current Qty	Approved Amt	Qty Paid To Date	Qty Paid This Pay Estimate	Pay Amt This Pay Estimate	Percent Complete
0916	613-035A, CRASH CUSHION, LOW MAINTENANCE	EACH	\$29,628.00000	2.000	2.000	\$59,256.00	2.000	0.000	\$0.00	100.00%
Supplemental Description:										
0920	614-015A, SIDEWALK	SY	\$39.00000	1,021.000	1,134.000	\$44,226.00	1,200.520	0.000	\$0.00	105.87%
Supplemental Description:										
0922	614-020A, DRIVEWAY	SY	\$39.00000	51.000	96.000	\$3,744.00	132.800	0.000	\$0.00	138.33%
Supplemental Description:										
0925	614-025A, CURB RAMP	SY	\$205.50000	37.000	67.000	\$13,768.50	43.300	0.000	\$0.00	64.63%
Supplemental Description:										
0930	615-492A, CURB & GUTTER TYPE 2	FT	\$18.50000	3,522.000	6,890.000	\$127,465.00	7,031.400	0.000	\$0.00	102.05%
Supplemental Description:										





## Payment Estimate Summary By Project Report

Report v7

Project Line Num	Item	Unit	Unit Price	Bid Qty	Current Qty	Approved Amt	Qty Paid To Date	Qty Paid This Pay Estimate	Pay Amt This Pay Estimate	Percent Complete
0935	616-010A, SIGNS TY B	SF	\$25.50000	36.000	36.000	\$918.00	52.500	16.500	\$420.75	145.83%
Supplemental Description:										
0940	616-035A, SIGN BRACKETS & BRACE ANGLES	LB	\$7.20000	15.000	15.000	\$108.00	14.800	0.000	\$0.00	98.67%
Supplemental Description:										
0945	616-050A, BRKAWY STL SIGN POST TY E	LB	\$10.50000	16.000	16.000	\$168.00	130.840	58.100	\$610.05	817.75%
Supplemental Description:										
0950	616-055A, BRKAWY WOOD SIGN POST TY D	MFBM	\$12,523.00000	0.064	0.064	\$801.47	0.064	0.000	\$0.00	100.00%
Supplemental Description:										
0952	616-080A, REINSTALL SIGNS	EACH	\$18.75000	1.000	1.000	\$18.75	1.000	0.000	\$0.00	100.00%
Supplemental Description:										





## Payment Estimate Summary By Project Report

Report v7

Project Line Num	Item	Unit	Unit Price	Bid Qty	Current Qty	Approved Amt	Qty Paid To Date	Qty Paid This Pay Estimate	Pay Amt This Pay Estimate	Percent Complete
0955	621-005A, SEED BED PREPARATION	ACRE	\$1,700.00000	1.730	1.730	\$2,941.00	1.850	0.000	\$0.00	106.94%
Supplemental Description:										
0958	621-010A, SEEDING	ACRE	\$1,032.00000	1.730	1.730	\$1,785.36	1.850	1.850	\$1,909.20	106.94%
Supplemental Description:										
0960	621-035A, FERTILIZING	ACRE	\$955.00000	1.730	1.730	\$1,652.15	1.850	1.850	\$1,766.75	106.94%
Supplemental Description:										
0962	621-060A, MULCH PLUS TACKIFIER	ACRE	\$1,459.00000	3.460	5.460	\$7,966.14	2.723	2.723	\$3,972.86	49.87%
Supplemental Description:										
0975	624-005A, LOOSE RIPRAP CY		\$76.00000	499.000	499.000	\$37,924.00	585.000	0.000	\$0.00	117.23%
Supplemental Description: (D50=18")										





## Payment Estimate Summary By Project Report

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Project Line Num	Item	Unit	Unit Price	Bid Qty	Current Qty	Approved Amt	Qty Paid To Date	Qty Paid This Pay Estimate	Pay Amt This Pay Estimate	Percent Complete
0980	624-005B, LOOSE RIPRAP CY		\$156.50000	99.000	99.000	\$15,493.50	147.840	0.000	\$0.00	149.33%
Supplemental Description:		(D50=9")								
0985	626-010A, TEMPORARY TRAFFIC CONTROL SIGNS	SF	\$6.20000	143.000	143.000	\$886.60	120.000	0.000	\$0.00	83.92%
Supplemental Description:										
0987	626-035A, BARRICADE TY EACH 2		\$30.75000	3.000	3.000	\$92.25	0.000	0.000	\$0.00	0.00%
Supplemental Description:										
0988	626-040A, BARRICADE TY EACH 3		\$51.50000	4.000	4.000	\$206.00	0.000	0.000	\$0.00	0.00%
Supplemental Description:										
0990	626-050A, DRUMS	EACH	\$10.25000	40.000	40.000	\$410.00	0.000	0.000	\$0.00	0.00%
Supplemental Description:										





## Payment Estimate Summary By Project Report

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Project Line Num	Item	Unit	Unit Price	Bid Qty	Current Qty	Approved Amt	Qty Paid To Date	Qty Paid This Pay Estimate	Pay Amt This Pay Estimate	Percent Complete
1000	626-105A, TRAF CNTL MAINTENANCE	HR	\$37.00000	80.000	80.000	\$2,960.00	0.000	0.000	\$0.00	0.00%
Supplemental Description:										
1005	626-135A, WEIGHTED BASE TUBULAR MARKERS	EACH	\$10.25000	37.000	37.000	\$379.25	30.000	0.000	\$0.00	81.08%
Supplemental Description:										
1010	630-020B, PAV MKG - PREFORMED THERMOPLASTIC	SF	\$10.25000	256.000	456.000	\$4,674.00	646.400	0.000	\$0.00	141.75%
Supplemental Description:										
1012	630-025A, LONGITUDINAL FT PAV MKG- WATERBORNE		\$0.40000	5,807.000	7,927.000	\$3,170.80	30,786.000	15,434.000	\$6,173.60	388.37%
Supplemental Description:										
1015	640-010A, RIPRAP/EROSION CONT GEOTEXTILE	SY	\$3.10000	392.000	392.000	\$1,215.20	533.500	0.000	\$0.00	136.10%
Supplemental Description:										





## Payment Estimate Summary By Project Report

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Project Line Num	Item	Unit	Unit Price	Bid Qty	Current Qty	Approved Amt	Qty Paid To Date	Qty Paid This Pay Estimate	Pay Amt This Pay Estimate	Percent Complete
1020	640-015A, SUBGRADE SEPARATION GEOTEXTILE	SY	\$1.10000	7,366.000	7,366.000	\$8,102.60	7,610.200	0.000	\$0.00	103.32%
Supplemental Description:										
1025	650-070A, TIME-LAPSE CAMERA	EACH	\$2,732.00000	1.000	1.000	\$2,732.00	1.000	0.000	\$0.00	100.00%
Supplemental Description:										
1030	650-070B, TIME-LAPSE CAMERA SERVICE	MO	\$327.00000	5.000	5.000	\$1,635.00	5.000	0.000	\$0.00	100.00%
Supplemental Description:		SERVICE								
1035	675-005A, SURVEY	LS	\$11,115.00000	1.000	1.000	\$11,115.00	1.000	0.000	\$0.00	100.00%
Supplemental Description:										
1040	675-010A, DIRECTED SURVEYING OFFICE COMPUTATIONS	CA	\$1.00000	800.000	800.000	\$800.00	414.000	0.000	\$0.00	51.75%
Supplemental Description:										





## Payment Estimate Summary By Project Report

Report v7

Project Line Num	Item	Unit	Unit Price	Bid Qty	Current Qty	Approved Amt	Qty Paid To Date	Qty Paid This Pay Estimate	Pay Amt This Pay Estimate	Percent Complete
1045	675-015A, DIRECTED SURVEYING CREW	CA	\$1.00000	1,000.000	1,000.000	\$1,000.00	2,760.000	776.250	\$776.25	276.00%
Supplemental Description:										
1047	677-005A, RECORD DRAWINGS	LS	\$864.00000	1.000	1.000	\$864.00	1.000	1.000	\$864.00	100.00%
Supplemental Description:										
1058	S900-50A, CONTINGENCY CA AMOUNT		\$1.00000	5,000.000	15,000.000	\$15,000.00	626.040	0.000	\$0.00	4.17%
Supplemental Description:		- MISC WORK								
1070	S912-05A, SP	SY	\$111.50000	185.000	185.000	\$20,627.50	196.700	0.000	\$0.00	106.32%
Supplemental Description:		SIDEWALK 6" REINFORCED								
1075	Z629-05A, MOBILIZATION	LS	\$154,000.00000	1.000	1.000	\$154,000.00	1.000	0.000	\$0.00	100.00%
Supplemental Description:										





## Payment Estimate Summary By Project Report

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Project Line Num	Item	Unit	Unit Price	Bid Qty	Current Qty	Approved Amt	Qty Paid To Date	Qty Paid This Pay Estimate	Pay Amt This Pay Estimate	Percent Complete
8000	604-095A, 54" IRR PIPE	FT	\$288.00000	0.000	481.000	\$138,528.00	464.000	0.000	\$0.00	96.47%
<b>Supplemental Description:</b>		54" Irr Pipe (c02)								
8005	609-025A, MINOR STR	EACH	\$15,000.00000	0.000	3.000	\$45,000.00	3.000	0.000	\$0.00	100.00%
<b>Supplemental Description:</b>		Minor Str 7'x7' (c02)								
8010	609-025B, MINOR STR	EACH	\$13,975.00000	0.000	1.000	\$13,975.00	1.000	0.000	\$0.00	100.00%
<b>Supplemental Description:</b>		Minor Str Irr Box w/ Grate (c02)								
8015	S900-50B, CONTINGENCY CA AMOUNT		\$1.00000	0.000	14,353.000	\$14,353.00	14,352.800	14,352.800	\$14,352.80	100.00%
<b>Supplemental Description:</b>		Prime OH&P (c02)								
8020	610-005A, FENCE A	FT	\$38.00000	0.000	1,800.000	\$68,400.00	1,712.000	0.000	\$0.00	95.11%
<b>Supplemental Description:</b>		Ty 6' White Vinyl (c03)								





## Payment Estimate Summary By Project Report

Report v7

Project Line Num	Item	Unit	Unit Price	Bid Qty	Current Qty	Approved Amt	Qty Paid To Date	Qty Paid This Pay Estimate	Pay Amt This Pay Estimate	Percent Complete
8025	S900-50C, CONTINGENCY AMOUNT	CA	\$1.00000	0.000	7,340.000	\$7,340.00	7,005.600	0.000	\$0.00	95.44%
<b>Supplemental Description:</b>		Prime OH&P (c03)								
8030	203-015A, REMOVAL OF BITUMINOUS SURFACE	SY	\$45.00000	0.000	36.000	\$1,620.00	28.800	0.000	\$0.00	80.00%
<b>Supplemental Description:</b>		Rem of Bit Surface (c04)								
8035	203-060A, REM OF CONC SIDEWALK	SY	\$80.00000	0.000	9.000	\$720.00	19.800	0.000	\$0.00	220.00%
<b>Supplemental Description:</b>		Rem of Sidewalk (c04)								
8040	203-070A, REM OF CURB & GUTTER	FT	\$95.00000	0.000	17.000	\$1,615.00	29.700	0.000	\$0.00	174.71%
<b>Supplemental Description:</b>		Rem of Curb & Gutter (c04)								
8045	205-005A, EXCAVATION	CY	\$30.00000	0.000	375.000	\$11,250.00	539.460	539.460	\$16,183.80	143.86%
<b>Supplemental Description:</b>		Excavation-Roadway (c04)								





## Payment Estimate Summary By Project Report

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Project Line Num	Item	Unit	Unit Price	Bid Qty	Current Qty	Approved Amt	Qty Paid To Date	Qty Paid This Pay Estimate	Pay Amt This Pay Estimate	Percent Complete
8050	205-005B, EXCAVATION	CY	\$40.00000	0.000	670.000	\$26,800.00	713.840	713.840	\$28,553.60	106.54%
<b>Supplemental Description:</b>		Excavation-Bioswale (c04)								
8055	205-040A, GRANULAR BORROW	CY	\$21.00000	0.000	690.000	\$14,490.00	435.380	0.000	\$0.00	63.10%
<b>Supplemental Description:</b>		Granular Borrow (c04)								
8060	301-005A, GRANULAR SUBBASE	TON	\$14.25000	0.000	1,180.000	\$16,815.00	253.570	0.000	\$0.00	21.49%
<b>Supplemental Description:</b>		Granular Subbase (c04)								
8065	303-022A, 3/4" AGGR TY B FOR BASE	TON	\$18.45000	0.000	3,202.000	\$59,076.90	3,491.960	0.000	\$0.00	109.06%
<b>Supplemental Description:</b>		3/4" Agg Base (c04)								
8070	405-435A, SUPERPAVE HMA PAV INCL ASPH&ADD CL SP-3	TON	\$79.00000	0.000	1,417.000	\$111,943.00	1,360.680	0.000	\$0.00	96.03%
<b>Supplemental Description:</b>		Superpave HMA (c04)								





## Payment Estimate Summary By Project Report

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Project Line Num	Item	Unit	Unit Price	Bid Qty	Current Qty	Approved Amt	Qty Paid To Date	Qty Paid This Pay Estimate	Pay Amt This Pay Estimate	Percent Complete
8075	605-635A, ADJUST MANHOLE COVERS	EACH	\$500.00000	0.000	2.000	\$1,000.00	3.000	0.000	\$0.00	150.00%
<b>Supplemental Description:</b>		Adjust MH (c04)								
8080	612-005A, GUARDRAIL (OBSOLETE 2018)	FT	\$40.00000	0.000	228.000	\$9,120.00	228.000	0.000	\$0.00	100.00%
<b>Supplemental Description:</b>		Guardrail, W-Beam (c04)								
8085	612-080A, GUARDRAIL TERMINAL TY 7	EACH	\$1,700.00000	0.000	1.000	\$1,700.00	1.000	0.000	\$0.00	100.00%
<b>Supplemental Description:</b>		Guardrail Term Ty 7 (c04)								
8090	612-085A, GUARDRAIL TERMINAL TY 8	EACH	\$1,750.00000	0.000	1.000	\$1,750.00	1.000	0.000	\$0.00	100.00%
<b>Supplemental Description:</b>		Guardrail Term Ty 8 (c04)								
8095	612-090A, GUARDRAIL TERMINAL TY 9 (obsolete)	EACH	\$3,350.00000	0.000	1.000	\$3,350.00	1.000	0.000	\$0.00	100.00%
<b>Supplemental Description:</b>		Guardrail Term Ty 9 Flared (c04)								





## Payment Estimate Summary By Project Report

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Project Line Num	Item	Unit	Unit Price	Bid Qty	Current Qty	Approved Amt	Qty Paid To Date	Qty Paid This Pay Estimate	Pay Amt This Pay Estimate	Percent Complete
8100	612-110A, GUARDRAIL ANCHOR	EACH	\$1,350.00000	0.000	2.000	\$2,700.00	2.000	0.000	\$0.00	100.00%
<b>Supplemental Description:</b>		Guardrail Anchor (c04)								
8105	612-120A, GUARDRAIL TRANSITION, LOW SPEED	EACH	\$1,800.00000	0.000	4.000	\$7,200.00	4.000	0.000	\$0.00	100.00%
<b>Supplemental Description:</b>		Guardrail Transition (c04)								
8110	612-150A, CONCRETE BARRIER	FT	\$120.00000	0.000	40.000	\$4,800.00	40.000	40.000	\$4,800.00	100.00%
<b>Supplemental Description:</b>		Concrete Barrier (c04)								
8115	612-165A, CONCRETE BARRIER CONNECTOR	EACH	\$2,000.00000	0.000	2.000	\$4,000.00	2.000	2.000	\$4,000.00	100.00%
<b>Supplemental Description:</b>		Concrete Barrier Connector (c04)								
8120	640-015A, SUBGRADE SEPARATION GEOTEXTILE	SY	\$2.50000	0.000	6,124.000	\$15,310.00	4,844.400	0.000	\$0.00	79.11%
<b>Supplemental Description:</b>		Subgrade Separation Geotextile (c04)								





## Payment Estimate Summary By Project Report

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Project Line Num	Item	Unit	Unit Price	Bid Qty	Current Qty	Approved Amt	Qty Paid To Date	Qty Paid This Pay Estimate	Pay Amt This Pay Estimate	Percent Complete
8125	675-005A, SURVEY	LS	\$19,055.00000	0.000	1.000	\$19,055.00	1.000	1.000	\$19,055.00	100.00%
<b>Supplemental Description:</b>		Survey (c04)								
8130	S600-15A, ADJUST VALVE EACH BOX (OBSOLETE 2018)		\$500.00000	0.000	3.000	\$1,500.00	3.000	0.000	\$0.00	100.00%
<b>Supplemental Description:</b>		Adjust Valves (c04)								
8135	S600-20A, FIRE HYDRANT EACH ASSEMBLY		\$7,796.00000	0.000	1.000	\$7,796.00	1.000	1.000	\$7,796.00	100.00%
<b>Supplemental Description:</b>		Fire Hydrant (c04)								
8140	S600-45A, WATER LINE	FT	\$270.29500	0.000	200.000	\$54,059.00	200.000	200.000	\$54,059.00	100.00%
<b>Supplemental Description:</b>		Waterline - C900 Plus Fittings & Valves (c04)								
8145	S901-05A, SP	EACH	\$250.00000	0.000	6.000	\$1,500.00	6.000	0.000	\$0.00	100.00%
<b>Supplemental Description:</b>		Curb Opening Inlet (c04)								





## Payment Estimate Summary By Project Report

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Project Line Num	Item	Unit	Unit Price	Bid Qty	Current Qty	Approved Amt	Qty Paid To Date	Qty Paid This Pay Estimate	Pay Amt This Pay Estimate	Percent Complete
8150	S901-05B, SP	EACH	\$18,000.00000	0.000	1.000	\$18,000.00	1.000	0.000	\$0.00	100.00%
<b>Supplemental Description:</b>		Scupper Drain System (c04)								
8155	S912-05A, SP	SY	\$46.25000	0.000	500.000	\$23,125.00	500.000	0.000	\$0.00	100.00%
<b>Supplemental Description:</b>		Bio-Infiltration Swale (c04)								
8160	Z629-05A, MOBILIZATION	LS	\$35,000.00000	0.000	1.000	\$35,000.00	1.000	0.000	\$0.00	100.00%
<b>Supplemental Description:</b>		Mobilization (c04)								
8165	S900-50B, CONTINGENCY CA AMOUNT		\$1.00000	0.000	25,000.000	\$25,000.00	24,363.940	24,363.940	\$24,363.94	97.46%
<b>Supplemental Description:</b>		Prime OH&P (c04)								
8170	S904-05A, SP	LS	\$6,336.50000	0.000	1.000	\$6,336.50	1.000	1.000	\$6,336.50	100.00%
<b>Supplemental Description:</b>		Modified Storm Drain System (c05)								





Idaho Transportation Department

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Project Line Num	Item	Unit	Unit Price	Bid Qty	Current Qty	Approved Amt	Qty Paid To Date	Qty Paid This Pay Estimate	Pay Amt This Pay Estimate	Percent Complete
8175	S904-05B, SP	LS	\$42,113.00000	0.000	1.000	\$42,113.00	1.000	1.000	\$42,113.00	100.00%
<b>Supplemental Description:</b>		Waterline - C900 Pipe w/ Fittings & Valves (c06)								
8180	S900-50D, CONTINGENCY AMOUNT	CA	\$1.00000	0.000	4,712.000	\$4,712.00	4,711.300	4,711.300	\$4,711.30	99.99%
<b>Supplemental Description:</b>		Prime OH&P (c06)								
<b>Category 0001 Total:</b>						\$2,539,022.07			\$261,440.39	10.30%

**Project:** 12048, S CEMETERY ROAD; SH-44 TO WILLOW CREEK, MIDDLETON

**Category:** 0002, BRIDGE WORK BY CONTRACT

Project Line Num	Item	Unit	Unit Price	Bid Qty	Current Qty	Approved Amt	Qty Paid To Date	Qty Paid This Pay Estimate	Pay Amt This Pay Estimate	Percent Complete
0005	210-005A, STR EXCAVATION SCH NO. 1	CY	\$14.50000	481.000	481.000	\$6,974.50	459.470	0.000	\$0.00	95.52%
<b>Supplemental Description:</b>										
0006	210-015A, COMPACTING BACKFILL	CY	\$5.60000	934.000	934.000	\$5,230.40	542.110	-111.690	-\$625.46	58.04%
<b>Supplemental Description:</b>										

Contract: 8638, STC-7807, S CEMETERY ROAD; SH-44 TO WILLOW CREEK, MIDDLETON

Estimate: 12

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## Payment Estimate Summary By Project Report

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Project Line Num	Item	Unit	Unit Price	Bid Qty	Current Qty	Approved Amt	Qty Paid To Date	Qty Paid This Pay Estimate	Pay Amt This Pay Estimate	Percent Complete
0009	301-010A, GRANULAR SUBBASE	CY	\$17.00000	934.000	934.000	\$15,878.00	1,195.910	542.110	\$9,215.87	128.04%
Supplemental Description:										
0010	502-140A, CONC CL 40-A SCH NO. 1	CY	\$321.00000	244.600	244.600	\$78,516.60	240.780	0.000	\$0.00	98.44%
Supplemental Description:										
0011	502-310A, CONC CL 40 AF SCH NO. 2	CY	\$434.00000	297.500	297.500	\$129,115.00	297.500	0.000	\$0.00	100.00%
Supplemental Description:										
0012	502-380A, PRESTRESSED FT WF GIRDER		\$403.50000	596.700	596.700	\$240,768.45	596.700	0.000	\$0.00	100.00%
Supplemental Description:		58" DEPTH								
0014	502-430A, CONC PARAPET	FT	\$121.00000	322.000	322.000	\$38,962.00	322.000	0.000	\$0.00	100.00%
Supplemental Description:		42" SINGLE SLOPE								





## Payment Estimate Summary By Project Report

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Project Line Num	Item	Unit	Unit Price	Bid Qty	Current Qty	Approved Amt	Qty Paid To Date	Qty Paid This Pay Estimate	Pay Amt This Pay Estimate	Percent Complete
0015	502-435A, APPROACH SLAB	SY	\$197.50000	259.000	259.000	\$51,152.50	259.000	0.000	\$0.00	100.00%
Supplemental Description:										
0019	503-010A, METAL REINF SCH NO. 1	LB	\$0.95000	39,482.000	39,482.000	\$37,507.90	41,664.000	2,298.440	\$2,183.52	105.53%
Supplemental Description:										
0373	503-015A, METAL REINF SCH NO. 2	LB	\$0.95000	21,223.000	21,223.000	\$20,161.85	21,218.880	0.000	\$0.00	99.98%
Supplemental Description:										
0378	503-020A, EPOXY COATED METAL REINF	LB	\$1.30000	30,146.000	30,146.000	\$39,189.80	30,145.430	0.000	\$0.00	100.00%
Supplemental Description:										
0383	504-035A, PEDESTRIAN / BICYCLE RAILING	FT	\$193.00000	562.800	562.800	\$108,620.40	564.000	0.000	\$0.00	100.21%
Supplemental Description:										





## Payment Estimate Summary By Project Report

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Project Line Num	Item	Unit	Unit Price	Bid Qty	Current Qty	Approved Amt	Qty Paid To Date	Qty Paid This Pay Estimate	Pay Amt This Pay Estimate	Percent Complete
0388	505-110A, PROV&DRIV 16" DIA STEEL SHELL PILE	FT	\$80.50000	1,080.000	1,080.000	\$86,940.00	1,083.000	0.000	\$0.00	100.28%
<b>Supplemental Description:</b>										
0393	505-160A, PROV&DRIV TEST STEEL SHELL PILE (16")	FT	\$92.50000	108.000	108.000	\$9,990.00	81.000	0.000	\$0.00	75.00%
<b>Supplemental Description:</b>										
0395	505-205A, PROV&INST 14" EACH DIA PILE SHOES OR TIPS		\$211.00000	32.000	32.000	\$6,752.00	32.000	0.000	\$0.00	100.00%
<b>Supplemental Description:</b>		16" DIA								
0396	507-005A, BRIDGE BEARINGS PLAIN (Size__ )	EA	\$41.00000	10.000	10.000	\$410.00	10.000	0.000	\$0.00	100.00%
<b>Supplemental Description:</b>		ELASTOMERIC PADS								
0397	521-005A, DYNAMIC PILE TESTING	EA	\$2,169.00000	2.000	2.000	\$4,338.00	2.000	0.000	\$0.00	100.00%
<b>Supplemental Description:</b>										





## Payment Estimate Summary By Project Report

Report v7

Project Line Num	Item	Unit	Unit Price	Bid Qty	Current Qty	Approved Amt	Qty Paid To Date	Qty Paid This Pay Estimate	Pay Amt This Pay Estimate	Percent Complete
0398	521-010A, CAPWAP ANALYSIS	EA	\$360.00000	2.000	2.000	\$720.00	2.000	0.000	\$0.00	100.00%
Supplemental Description:										
0399	560-005A, DEWATERING FOUNDATION	LS	\$1.00000	1.000	1.000	\$1.00	1.000	0.000	\$0.00	100.00%
Supplemental Description:										
0409	566-005A, COMPRESSION FT EXPANSION JOINT		\$37.00000	111.000	111.000	\$4,107.00	111.000	0.000	\$0.00	100.00%
Supplemental Description:										
0410	576-005A, (GFRP) REINFORCEMENT	FT	\$1.20000	550.000	550.000	\$660.00	550.000	0.000	\$0.00	100.00%
Supplemental Description:										
0411	586-005A, UTILITY CONDUIT	LS	\$20,965.00000	1.000	1.000	\$20,965.00	1.000	0.000	\$0.00	100.00%
Supplemental Description:		- COMPLETE INSTALLATION WITH HANGERS								
Category 0002 Total:						\$906,960.40			\$10,773.93	1.19%





## Payment Estimate Summary By Project Report

Report v7

**Project:** 12048, S CEMETERY ROAD; SH-44 TO  
WILLOW CREEK, MIDDLETON

**Category:** 0003, NON-BID

Project Line Num	Item	Unit	Unit Price	Bid Qty	Current Qty	Approved Amt	Qty Paid To Date	Qty Paid This Pay Estimate	Pay Amt This Pay Estimate	Percent Complete
9000	A100-05A, LIQUIDATED DAMAGES	CA	-\$2,500.00000	10.000	10.000	-\$25,000.00	-23.000	0.000	\$0.00	-230.00%
<b>Supplemental Description:</b>										
9005	A100-30A, INCENTIVE/DISINCENTIVE	CA	\$1.00000	5,000.000	5,000.000	\$5,000.00	0.000	0.000	\$0.00	0.00%
<b>Supplemental Description:</b>		Misc Items								
9010	A100-30B, INCENTIVE/DISINCENTIVE	CA	\$1.00000	5,000.000	5,000.000	\$5,000.00	0.000	0.000	\$0.00	0.00%
<b>Supplemental Description:</b>		QA - AGGR FOR SUBBASE								
9015	A100-70A, FUEL ADJUSTMENT	CA	\$1.00000	2,500.000	2,500.000	\$2,500.00	16,231.240	0.000	\$0.00	649.25%
<b>Supplemental Description:</b>										
9020	A100-80A, ASPHALT ADJUSTMENT	CA	\$1.00000	5,000.000	5,000.000	\$5,000.00	13,038.600	0.000	\$0.00	260.77%
<b>Supplemental Description:</b>										





## Payment Estimate Summary By Project Report

Report v7

Project Line Num	Item	Unit	Unit Price	Bid Qty	Current Qty	Approved Amt	Qty Paid To Date	Qty Paid This Pay Estimate	Pay Amt This Pay Estimate	Percent Complete
9025	A303-05A, QA -AGGR FOR CA BASE		\$1.00000	5,000.000	5,000.000	\$5,000.00	7,107.490	0.000	\$0.00	142.15%
Supplemental Description:										
9030	A405-05A, QA- PL MIX PAV	CA	\$1.00000	5,000.000	5,000.000	\$5,000.00	-8,319.620	0.000	\$0.00	-166.39%
Supplemental Description:										
9035	A405-10A, PL MIX SMOOTHNESS	CA	\$1.00000	2,500.000	2,500.000	\$2,500.00	0.000	0.000	\$0.00	0.00%
Supplemental Description:										
9040	A502-05A, CONCRETE PRICE ADJUSTMENT	CA	\$1.00000	2,500.000	2,500.000	\$2,500.00	0.000	0.000	\$0.00	0.00%
Supplemental Description:										
9045	A502-310A, CONC RESISTIVITY	CA	\$1.00000	2,500.000	2,500.000	\$2,500.00	0.000	0.000	\$0.00	0.00%
Supplemental Description:										





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Payment Estimate Summary By Project Report

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Project Line Num	Item	Unit	Unit Price	Bid Qty	Current Qty	Approved Amt	Qty Paid To Date	Qty Paid This Pay Estimate	Pay Amt This Pay Estimate	Percent Complete
9050	A505-05A, PILE CUT-OFF	CA	\$1.00000	2,500.000	2,500.000	\$2,500.00	11,142.880	0.000	\$0.00	445.72%
<b>Supplemental Description:</b>										
9055	A505-10A, PILE SPLICE	CA	\$1.00000	2,500.000	2,500.000	\$2,500.00	0.000	0.000	\$0.00	0.00%
<b>Supplemental Description:</b>										
<b>Category 0003 Total:</b>						\$15,000.00			\$0.00	0.00%

**Project:** 12048, S CEMETERY ROAD; SH-44 TO WILLOW CREEK, MIDDLETON

**Category:** 0004, RETAINING WALL WORK BY CONTRACT

Project Line Num	Item	Unit	Unit Price	Bid Qty	Current Qty	Approved Amt	Qty Paid To Date	Qty Paid This Pay Estimate	Pay Amt This Pay Estimate	Percent Complete
0412	S501-17A, MSE RETAINING WALL	SF	\$30.00000	2,342.000	2,342.000	\$70,260.00	2,885.920	0.000	\$0.00	123.22%
<b>Supplemental Description:</b>		WELDED WIRE MECHANICALLY STABILIZED EARTH								
0578	S501-40A, SP BRIDGE	CY	\$32.75000	443.000	443.000	\$14,508.25	522.300	0.000	\$0.00	117.90%
<b>Supplemental Description:</b>		SUBGRADE PREPARATION FOR MSE WALLS								

Contract: 8638, STC-7807, S CEMETERY ROAD; SH-44 TO WILLOW CREEK, MIDDLETON

Estimate: 12

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Payment Estimate Summary By Project Report

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Category 0004 Total:	\$84,768.25	\$0.00	0.00%
Project 12048 Total:	\$3,545,750.72	\$272,214.32	7.68%
Contract 8638 Total:	\$3,545,750.72	\$272,214.32	7.68%





Payment Estimate Summary By Project Report

Report v7

Project Item Adjustments

Project:

Category:

Project Line Num	Item	Unit	Adjustment Type	Previous Pay Estimate	Current Pay Estimate	Total (All Pay Estimates)
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## 12048 Cemetery Road Budget Estimate 1/24/23

**Estimated Project Budget (Total Match/7.34%)** **\$4,480,967.30**

Project Costs

Contractor (participating) \$3,367,065.00

Construction Engineering/Inspection (CE&I, EOR, ITD, LHTAC) \$536,998.00

Project Design (Consultant, LHTAC, ITD) \$647,296.00

**Total Project Costs** **\$4,551,359.00**

Budget Cost Difference **-\$70,391.70**

7.34% of budget cost difference - Participating **-\$5,166.75**

<b>Estimated Amount Owed by the City of Middleton</b>	<b>\$5,166.75</b>
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Match Paid by the City of Middleton

S&L Total Match Paid **\$328,903.00**

Participating Funds







**DEED OF EASEMENT - NON-EXCLUSIVE EASEMENT AGREEMENT  
And Road Maintenance Agreement**

INDENTURE (hereinafter, the "Agreement") made this \_\_\_\_\_ day January, 2023, by and between, Holbrook Maslen and Evelyn Loveless Maslen, husband and wife, and Richard Glenn Smith and Joyce Marie Smith, husband and wife, Ralph D. Crosgrove and Marlys Y. Crosgrove, Trustees of the Ralph and Marlys Crosgrove Living Trust, and Linda Jane Stevens and Steven Henry Rippey, as Trustees of the Rippey Stevens Living Trust, and Bruce F. Hubler and Becky L. Hubler, husband and wife, and William F. Hubler and Betty M. Hubler, husband and wife, all of which are referred to herein as "Grantees"; and the City of Middleton, Middleton, Idaho, referred to herein as "Grantor"; and all named above hereinafter referred to commonly and jointly as "the Parties."

**RECITALS:**

1. Holbrook Maslen and Evelyn Loveless Maslen, husband and wife (herein after referred to as Maslen), are the owners of the following described premises; see **Exhibit A**, attached hereto and incorporated herein by reference.
2. Richard Glenn Smith and Joyce Marie Smith, husband and wife, (herein after referred to as Smith) are the owners of two (2) parcels of property; said parcels are described in **Exhibit B and Exhibit C**; attached hereto



and incorporated herein by reference.

3. Ralph D. Crosgrove and Marlys Y. Crosgrove, Trustees of the Ralph and Marlys Crosgrove Living Trust (herein after referred to as Crosgrove Trust), is the owner of the following described premises; see **Exhibit D**, attached hereto and incorporated herein by reference.
4. Linda Jane Stevens and Steven Henry Rippey, as Trustees of the Rippey Stevens Living Trust (herein after referred to as Rippey Stevens Trust), are the owners of four (4) parcels, said parcels are described in **Exhibit E**, **Exhibit F**, **Exhibit G** and **Exhibit H**; attached hereto and incorporated herein by reference.
5. Bruce F. Hubler and Becky L. Hubler, husband and wife, (herein after referred to as B&B Hubler) are the owners of the following described premises; see **Exhibit I**, attached hereto and incorporated herein by reference.
6. William F. Hubler and Betty M. Hubler (herein after referred to as W&B Hubler), husband and wife, are the owners of the following described premises; see **Exhibit J**, attached hereto and incorporated herein by reference.
7. The City of Middleton, Middleton, Idaho, owns a parcel of land consisting of approximately 0.539 acres, more or less, Parcel No. R33909010A, more fully described in **Exhibit K**, attached hereto and incorporated



herein by reference as if fully set forth herein, subject to the limitations and exclusions contained therein related to mineral rights. See also the map attached as **Exhibit K1** depicting the Grantor Property, said Exhibit K1 being for reference purposes only.

8. Grantees have used a portion of Grantor's property, described in Exhibit L, (hereinafter referred to as the "Grantor's Property"), for ingress/egress to the respective Grantees' parcels.
9. All Parties herein agree that the use of the Grantor's Property for ingress/egress has been done so through oral agreement, and no written easement or grant to use Grantor's Property for ingress/egress has existed between the Parties. In order to clarify the use of the ingress/egress access and make the use perpetual, the Grantors hereto desire to grant and convey to Grantees an ingress and egress Easement over, across, and upon Grantor's Property.

### **SECTION ONE Creation of Easement**

#### **WITNESSETH:**

For and in consideration of the sum of Ten Dollars (\$10.00) lawful money of the United States of America, and other good and valuable consideration, paid to the Parties hereto, the receipt whereof is hereby acknowledged, the Parties hereto do hereby grant, bargain, sell and convey one unto the other, and their successors and assigns forever, the following described Easement, situate in the County of Canyon,



State of Idaho, as follows:

1. An easement is hereby granted for vehicular and pedestrian ingress and egress to the Grantees' property over, across, and upon the Grantor's Property, the Grantor's Property being more fully described in Exhibit K, attached hereto and incorporated herein by reference as if set forth in full, (hereinafter, the "Easement"). The Easement benefits the property of all Grantees and burdens the property of Grantor, as identified herein.
2. The said Easement is subject to Grantors' reservation of all other rights and uses in said lands not inconsistent with the use granted to each of the Grantees herein.
3. Grantor herein covenants and agrees that Grantees shall have a perpetual right to use the Easement for the purpose of ingress and egress on the Grantor's property.
4. The Parties herein covenant and agree that said Easement shall run with the lands herein above described and shall extend to and be binding upon the heirs, personal representatives, successors, assigns and encumbrancers of the respective Parties.
5. The Grantor herein covenants and agrees that it has good and sufficient title to the Grantor's Property and that Grantees, and each of them and their successors, heirs and assigns shall have quiet and peaceful use and possession of the Easement.



**SECTION TWO**  
**Duration of Easement**

1. This Agreement and Easement granted hereby shall be perpetual and with this Easement the Grantor grants to all Grantees, their successors, heirs and assigns, access to the Grantor's Property for repair and maintenance of the ingress/egress roadway upon the Easement.
2. This Easement shall run with the land of all properties herein described.
3. This Easement shall automatically terminate in the event that the portion of Grantor's Property that is being utilized for access is converted to a public right-of-way or roadway, but only in the event said public right-of-way or roadway still provides the same level of access in-fact to the Grantees' property. In such an event, the Grantor is authorized, with no further consent, written or otherwise, from any or all Grantees, their heirs, successors, or assigns, to record a termination of this Agreement and the Easement contemplated herein.

**SECTION THREE**  
**Maintenance Paid by Grantees Unless Grantor Improves Property**

1. Grantor will not pay for any maintenance of the property identified in Exhibit K.

**SECTION FOUR**  
**Peaceful Possession**

1. Grantor warrants that it has good and sufficient title to the said property identified in Exhibit K, subject to the exclusion of the Deed therefore, and



that all Grantees, their successors, heirs and assigns shall have quiet and peaceful use of the Easement.

#### **SECTION FIVE Governing Law**

1. This Agreement shall be governed by, construed, and enforced in accordance with the laws of the State of Idaho.
2. The invalidity of any portion of this Agreement shall not affect the validity of the remainder, which will be enforced to the fullest extent possible to achieve the intentions expressed herein.

#### **SECTION SIX Entire Agreement**

1. This Agreement shall constitute the entire Agreement between the Parties, and any prior understanding or representation of any kind preceding the date of this Agreement shall not be binding upon any Party except to the extent incorporated in this Agreement.

#### **SECTION SEVEN Modification of Agreement and Termination**

1. Except as provided in Section Two above, any modification of this Agreement or additional obligation assumed by any of the Parties in connection with this Agreement shall be binding only if evidenced in writing signed by each Party or an authorized representative of each Party.



2. The Parties hereto shall have the ability to terminate this Agreement, if all Parties, their heirs, successor, or assigns, consent to such termination in writing.

#### **SECTION EIGHT No Waiver**

1. The failure of any Party to this Agreement to insist upon the performance of any of the terms and conditions of this Agreement, or the waiver of any breach of any of the terms and conditions of this Agreement, shall not be construed as thereafter waiving any such terms and conditions, but the same shall continue and remain in full force and effect as if no such forbearance or waiver had occurred.

#### **SECTION NINE Attorney Fees**

1. In the event that any action is filed in relation to this Agreement, the non-prevailing Party in the action shall pay to the prevailing Party, in addition to all the sums that any Party may be called to pay, a reasonable sum for the prevailing Party's attorney's fees.

#### **SECTION TEN Paragraph Headings**

1. The titles to the paragraphs of this Agreement are solely for the convenience of the Parties and shall not be used to explain, modify, simplify, or aid in the interpretation of the provisions of this Agreement.



**SECTION ELEVEN**  
**Easement Use Expandable**

1. Grantor covenants and agrees that this grant of Easement is expandable and will not be limited to the Parties hereto, subject to the following: if in the future, a Grantee, desires to subdivide or split their property described herein, and if that parcel is legally divisible pursuant to Canyon County zoning ordinances, those parcels too shall enjoy the benefit of said non-exclusive Easement. Increased use of the road by subsequent owners of parcels created pursuant to then-applicable Canyon County Code shall not constitute an impermissible expansion of this Easement. Such created parcels shall have the perpetual use and enjoyment of said Easement, along with all of the responsibilities, covenants and obligations contained herein.

IN WITNESS WHEREOF, the Grantor hereto has hereunto set its hand and seal the day and year first above written.

GRANTOR:  
City of Middleton

By: \_\_\_\_\_  
Name: \_\_\_\_\_  
Its: \_\_\_\_\_



STATE OF IDAHO            )  
  ) ss.  
COUNTY OF CANYON        )

On this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_, before me the undersigned, a Notary Public in and for said State personally appeared \_\_\_\_\_ known or identified to me to be the \_\_\_\_\_ of the City of Middleton, that executed the said instrument, and acknowledged to me that the City of Middleton, executed the same.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my official seal the day and year in this certificate first above written.

\_\_\_\_\_  
NOTARY PUBLIC FOR IDAHO  
Residence: \_\_\_\_\_  
My Commission Expires: \_\_\_\_\_

\*SEAL



## **Exhibit A**

Real property of Maslen  
Parcel R33475601800

Real property located in Canyon County, State of Idaho and as more specifically identified as follows:

### **SECTION 12; TOWNSHIP 4 NORTH**

This Parcel is Situated in Government Lot 6 Range 3 West of the Boise Meridian and is more particularly described as follows;

Commencing at the SE corner of said Lot 6 thence North  $2^{\circ} 25' 30''$  E along the East Boundary of said Lot 6, A distance of 488.0 feet;

Thence N  $61^{\circ} 22' 40''$  West A distance of 936.65 feet

Thence N  $28^{\circ} 37' 20''$  E. A distance of 165 feet to TRUE POINT OF BEGINNING,

Thence continuing N  $28^{\circ} 37' 20''$  East A distance of 60 feet,

Thence N  $61^{\circ} 22' 40''$  W. A Distance of 70 feet,

Thence S  $28^{\circ} 37' 20''$  W. A Distance of 60 feet,

Thence S  $61^{\circ} 22' 40''$  E. A Distance of 70 feet to

THE TRUE POINT OF BEGINNING.



## **Exhibit B**

Real property of Smith  
Parcel R34758000000

Real property located in Canyon County, State of Idaho, and as more specifically identified as follows:

This parcel is situated in Government Lot 6; Section 12; Township 4 North; Range 3 West of Boise Meridian and is more particularly described as follows:

COMMENCING at the SE corner of said Lot 6;

Thence North, (formerly N 2° 25' 30" E), along the East boundary of said Lot 6, a distance of 488.00 feet;

Thence N 61° 22' 40" W, a distance of 876.65 feet;

Thence N 28° 37' 20" E, a distance of 89.00 feet; TO TRUE POINT OF BEGINNING;

Thence N 61° 22' 40" W, a distance of 60.00 feet;

Thence N 28° 37' 20" E, a distance of 70.00 feet;

Thence S 61° 22' 40" E, a distance of 60.00 feet;

Thence S 28° 37' 20" W, a distance of 70.00 feet to the TRUE POINT OF BEGINNING;

This parcel is subject to all easements and rights-of-way of use or of record.



### **Exhibit C**

Real property of Smith  
Parcel R3475601300

Real property located in Canyon County, State of Idaho, and as more specifically identified as follows:

This Parcel is Situated in Government Lot 6 SECTION 12; TOWNSHIP 4 NORTH Range 3 West of the Boise Meridian and is more particularly described as follows;

Commencing at the SE corner of said Lot 6 thence North  $2^{\circ} 25' 30''$  E along the East Boundary of said Lot 6, A distance of 488.0 feet;  
Thence N  $61^{\circ} 22' 40''$  West A distance of 936.65 feet  
Thence N  $28^{\circ} 37' 20''$  E A distance of 85 feet to TRUE POINT OF BEGINNING, Thence continuing N  $28^{\circ} 37' 20''$  E A distance of 80 feet.  
Thence N  $61^{\circ} 22' 40''$  West A distance of 70 feet, Thence S  $28^{\circ} 37' 20''$  W A distance of 80 feet, Thence S  $61^{\circ} 22' 40''$  E A distance of 70 feet to TRUE POINT OF BEGINNING.

This parcel is subject to all Easements and Rights of Way of use on Record.



## **Exhibit D**

Real property of Crosgrove Trust  
Parcel R3475700000

Real property located in Canyon County, State of Idaho, and as more specifically identified as follows:

Parcel situate in Government Lot 6, Section 12, Township 4 North, Range 3 West of the Boise Meridian, more particularly described as follows:

COMMENCING at the SE corner of said Lot 6;  
Thence North, (formerly N 2°25'30" E), along the East boundary of said Lot 6, a distance of 488.00 feet;  
Thence N 61°22'40" W, a distance of 686.65 feet to the TRUE POINT OF BEGINNING;  
Thence continuing N 61°22'40" W, a distance of 70 feet;  
Thence N 28°37'20" E, a distance of 89 feet;  
Thence S 61°22'40" E, a distance of 70 feet;  
Thence S 28°27'20" W, a distance of 89 feet to the TRUE POINT OF BEGINNING;

This parcel is subject to all easements and rights of way of record.



## **Exhibit E**

**Real property of Rippey Stevens Trust  
Parcel R34759**

Real property located in Canyon County, State of Idaho, and as more specifically identified as follows:

This parcel is situated in Government Lot 6, Section 12; Township 4 North; Range 3 West of Boise Meridian, and is more particularly described as follows:  
Commencing at the SE corner of said Lot 6;

Thence N 2° 25' 30" E along the East Boundary of said Lot 6, a distance of 488.0 feet;

Thence N 61° 22' 40" W a distance of 816.65 feet;

Thence N 28° 37' 20" E a distance of 204.0 feet to TRUE POINT of BEGINNING;

Thence N 61° 22' 40" W a distance of 60 feet;

Thence N 28° 37' 20" E a distance of 50 feet;

Thence S 61° 22' 40" E a distance of 60 feet;

Thence S 28° 37' 20" W a distance of 50 feet;



## **Exhibit F**

**Real property of Rippey Stevens Trust  
Parcel R347561000**

Real property located in Canyon County, State of Idaho, and as more specifically identified as follows:

A tract of land situated in Government Lot 6, Section 12, Township 4 North, Range 3 West, Boise Meridian, Canyon County, Idaho, and said tract being a portion of Tract 3 and more particularly described as follows:

COMMENCING at a found brass cap monument, stamped "Section Corners 12, 7, 13, 18, R.M.B." which bears  
South 02° 25' 30" West, 5,239.59 feet from the Northeast corner of said Section 12, and thence  
North 02° 25' 30" East, 480.66 feet to a point marked by a set 5/8-inch iron pin and thence  
North 60° 15' 48" West, 361.46 feet to a point marked by a set 5/8-inch iron pin, L.S. 874, THE REAL POINT OF BEGINNING, and thence continuing  
North 60° 15' 48" West, 183.66 feet, marked by a set 5/8-inch iron pin, L.S. 874, and thence  
North 29° 44' 12" East, 302.59 feet to a point on the High Water Line on the South Bank of the Boise River, as determined on December 23, 1981 marked by a set 5/8-inch iron pin, L. S. 874 and thence  
South 54° 24' 26" East, 81.16 feet along said High Water Line to a set 5/8-inch iron pin, L.S. 874, and thence continuing along said High Water Line  
South 48° 29' 08" East, 105.14 feet to a set 5/8-inch iron pin, L.S. 874, and thence leaving said High Water Line of the Boise River  
South 29° 44' 12" West, 272.85 feet to the POINT OF BEGINNING.



## **Exhibit G**

Real property of Rippey Stevens Trust  
Parcel R347561100

Real property located in Canyon County, State of Idaho, and as more specifically identified as follows:

A parcel of land situated in Government Lot 6, Section 12, Township 4 North, Range 3 West, Boise Meridian, Canyon County, Idaho. Said parcel including all of Tract 1 and Tract 2, and a portion of Tract 3 being more particularly described as follows:

COMMENCING at a found brass cap monument, stamped "Section Corners 12, 7, 13, 18, R.M.B.", which bears  
South 02° 25' 30" West, 5,239.59 feet from the Northeast corner of said Section 12, and thence  
North 02° 25' 30" East, 480.66 feet to a point marked by a set 5/8-inch iron pin, L.S. 874, and thence  
North 60° 15' 48" West, 545.12 feet to a point marked by a set 5/8-inch iron pin, L.S. 874, THE REAL POINT OF BEGINNING, and thence continuing  
North 60° 15' 48" West, 155.27 feet to a point marked by a found 1/2-inch iron pin, and thence  
North 29° 44' 12" East, 89.00 feet to a point marked by a found 1/2-inch iron pin, and thence  
North 60° 15' 48" West, 69.92 feet to a point marked by a set 5/8-inch iron pin, L.S. 874, and thence  
South 29° 44' 12" West, 89.00 feet to a point marked by a found 1/2-inch iron pin, and thence  
North 60° 15' 48" West, 60.00 feet to a point marked by a set 5/8-inch iron pin, L.S. 874, and thence  
North 29° 44' 12" East, 321.01 feet to a point on the High Water Line on the South Bank of the Boise River, as determined on December 23, 1981, marked by a set 5/8-inch iron pin, L.S. 874, and thence  
South 59° 11' 35" East, 124.33 feet along said High Water Line to a point marked by a set 5/8-inch iron pin, L.S. 874, and thence continuing along said High Water Line  
South 54° 24' 26" East, 161.72 feet to a point marked by a set 5/8-inch iron pin, L.S. 874, and thence leaving said High Water Line of the Boise River  
South 29° 44' 12" West, 302.59 feet to the POINT OF BEGINNING.



## Exhibit H

Real property of Rippey Stevens Trust  
Parcel R3475601200

Real property located in Canyon County, State of Idaho, and as more specifically identified as follows:

A tract of land situated in Government Lot 6, Section 12, Township 4 North, Range 3 West, Boise Meridian, Canyon County, Idaho more particularly described as follows:

COMMENCING at a found brass cap monument which bears South 02° 25' 30" West, 5,239.59 feet from the Northeast corner of said Section 12, and thence North 02° 25' 30" East, 480.66 feet to a point marked by a set 5/8-inch iron pin, L.S. 874, THE REAL PINT OF BEGINNING, and thence North 60° 15' 48" West, 361.46 feet to a point marked by a set 5/8-inch iron pin, L.S. 874, and thence North 29° 44' 12" East, 272.85 feet to a point on the High Water Line on the South Bank of the Boise River as determined on December 23, 1981, marked by a set 5/8-inch iron pin, L.S. 874, and thence along said High Water Line of the Boise River the following courses and distances:  
South 48° 29' 08" East, 73.70 feet to a set 5/8-inch iron pin, L.S. 874;  
South 31° 20' 43" East, 86.80 feet to a set 5/8-inch iron pin, L.S. 874;  
South 21° 45' 27" East, 107.92 feet to a set 5/8-inch iron pin, L.S. 874;  
South 18° 50' 32" East, 127.70 feet to a point on the East line of said Section 12, marked by a set 5/8-inch iron pin, L.S. 874, and thence South 02° 25' 30" West, 72.21 feet along the said East line of Section 12, to the POINT OF BEGINNING.



## **Exhibit I**

Real property of B&B Hubler

That portion of Government Lot 1 lying south of the existing Boise River of Section 12, Township 4 North, Range 3 West of the Boise Meridian, Canyon County, Idaho.

Excepting any portion deeded to the City of Middleton, through deeds 2016-036889, 2017-031092 and 2018-039403.



## Exhibit J

### Real property of Hubler (Grantors)



#### Sawtooth Land Surveying, LLC

P: (208) 398-8104 F: (208) 398-8105  
2030 S. Washington Ave., Emmett, ID 83617

#### Parcel 'A' Legal Description

A parcel of land being a portion of Government Lot 6 of Section 12, Township 4 North, Range 3 West of the Boise Meridian, Canyon County, Idaho, more particularly described as follows:

**BEGINNING** at the southeast corner of said Section 12, marked by a brass cap, from which the S1/4 corner of said Section 12, marked by an aluminum cap/PLS 3627, bears North 89°34'00" West, 2646.06 feet;

Thence North 89°34'00" West, coincident with south line of said Government Lot 6, a distance of 478.00 feet;

Thence North 24°39'00" West, 44.00 feet;

Thence South 89°34'00" East, parallel with said south line, 127.00 feet;

Thence North 24°39'00" West, 264.60 feet;

Thence North 62°32'00" West, 187.32 feet;

Thence North 24°39'00" West, 233.08 feet;

Thence North 63°31'00" West, 632.14 feet to the westerly line of said Government Lot 6;

Thence North 61°00'00" East, coincident with said westerly line, 54.18 feet;

Thence South 62°37'57" East, 197.51 feet;

Thence North 27°22'03" East, 75.00 feet;

Thence North 62°37'57" West, 147.62 feet to said westerly line;

Thence North 61°00'00" East, coincident with said westerly line, 580.75 feet to an angle point on said Government Lot 6;

Thence South 65°13'26" East, coincident with the northerly line of said Government Lot 6, a distance of 129.83 feet;

Thence South 29°05'34" West, 62.08 feet;

Thence North 60°54'26" West, 60.00 feet;

Thence South 29°05'34" West, 50.00 feet;



Thence South 60°54'26" East, 60.00 feet;  
Thence South 29°05'34" West, 204.00 feet;

Thence South 60°54'26" East, 830.31 feet to the east line of said Government Lot 6;

Thence South 01°46'52" West, coincident with said east line, 160.76 feet;

Thence North 89°34'00" West, parallel with said south line of Government Lot 6, a distance of 226.40 feet;

Thence South 02°25'30" West, 130.00 feet;

Thence North 89°34'00" West, parallel with said south line, 80.10 feet;

Thence North 02°25'30" East, 124.63 feet;

Thence South 88°27'47" West, 156.59 feet;

Thence South 24°39'00" East, 297.10 feet;

Thence South 89°34'00" East, parallel with said south line, 330.65 feet to said east line of Government Lot 6;

Thence South 01°46'52" West, coincident with said east line, 39.99 feet to the **POINT OF BEGINNING**.

The above described parcel contains 11.345 acres, more or less.

#### **EXCEPTING THEREFROM**

A parcel of land being a portion of Government Lot 6 of Section 12, Township 4 North, Range 3 West of the Boise Meridian, Canyon County, Idaho, more particularly described as follows:

**COMMENCING** at the southeast corner of said Section 12, marked by a brass cap, from which the S1/4 corner of said Section 12, marked by an aluminum cap/PLS 3627, bears North 89°34'00" West, 2646.06 feet;

Thence North 89°34'00" West, coincident with south line of said Government Lot 6, a distance of 478.00 feet;

Thence North 24°39'00" West, 635.68 feet;

Thence North 26°29'00" East, 20.00 feet to the **POINT OF BEGINNING**;

Thence North 63°31'00" West, 300.00 feet;

Thence North 26°29'00" East, 50.00 feet;

Thence South 63°31'00" East, 300.00 feet;

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Page | 2



Thence South 26°29'00" West, 50.00 feet to the **POINT OF BEGINNING**.

The above described parcel contains 0.344 acres, more or less.

**AND ALSO EXCEPTING THEREFROM**

A parcel of land being a portion of Government Lot 6 of Section 12, Township 4 North, Range 3 West of the Boise Meridian, Canyon County, Idaho, more particularly described as follows:

**COMMENCING** at the southeast corner of said Section 12, marked by a brass cap, from which the S1/4 corner of said Section 12, marked by an aluminum cap/PLS 3627, bears North 89°34'00" West, 2646.06 feet;

Thence North 01°46'52" East, coincident with the east line of said Government Lot 6, a distance of 480.66 feet;

Thence North 60°54'26" West, 940.07 feet;

Thence North 27°58'42" East, 73.30 feet to the **POINT OF BEGINNING**;

Thence North 62°01'18" West, 70.00 feet;

Thence North 27°58'42" East, 140.00 feet;

Thence South 62°01'18" East, 70.00 feet;

Thence South 27°58'42" West, 66.00 feet;

Thence South 62°01'18" East, 60.00 feet;

Thence South 27°58'42" West, 70.00 feet;

Thence North 62°01'18" West, 60.00 feet;

Thence South 27°58'42" West, 4.00 feet to the **POINT OF BEGINNING**.

The above described parcel contains 0.321 acres, more or less.

The above described parcel, minus **EXCEPTIONS**, contains 10.680 acres, more or less.

**SUBJECT TO**

A 20 foot wide right of way for the purpose of egress and regress and conveyance of utilities and underground pipes, as described in Personal Representative's Deed Instrument No. 2019-008675, recorded on March 4, 2019, Canyon County Records.

**AND ALSO SUBJECT TO**

A 40 foot wide non-exclusive perpetual easement interest for the purposes of using an existing water line, utilities including a telephone line, and roadway for ingress and egress over, across and under the

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Page | 3



parcel described in Warranty Deed Instrument No. 9637953, recorded on November 21, 1996, Canyon County Records.

**BASIS OF BEARINGS** for this legal description is North 89°34'00" West, between the southeast corner and S1/4 corner of Section 12, T. 4 N., R. 3 W., B.M., Canyon County, Idaho. I.S.P.C.S., West Zone.

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Page | 4



**Exhibit K**  
**City of Middleton Property**

A parcel of land being a portion of Government Lot 7 of Section 7 Township 4 North, Range 2 West, Boise Meridian, City of Middleton, Canyon County Idaho, more particularly described as follows:

BEGINNING at a found 3 inch diameter aluminum disk stamped "1975 RMB" marking the SW corner of said Government Lot 7, (South west corner of section 7), said corner bears S.  $02^{\circ} 22' 26''$  W., a distance of 2614.48 feet from a found 3 inch diameter brass disk marking the NW corner of Government Lot 4, (West 1/4 corner of said Section 7);

Thence along the west boundary of said Government Lot 7, N.  $02^{\circ} 22' 26''$  E., a distance of 279.00 feet to a found 5/8 inch diameter iron pin stamped "PLS 8960" marking a point on the southerly ordinary high water line of the Boise River;

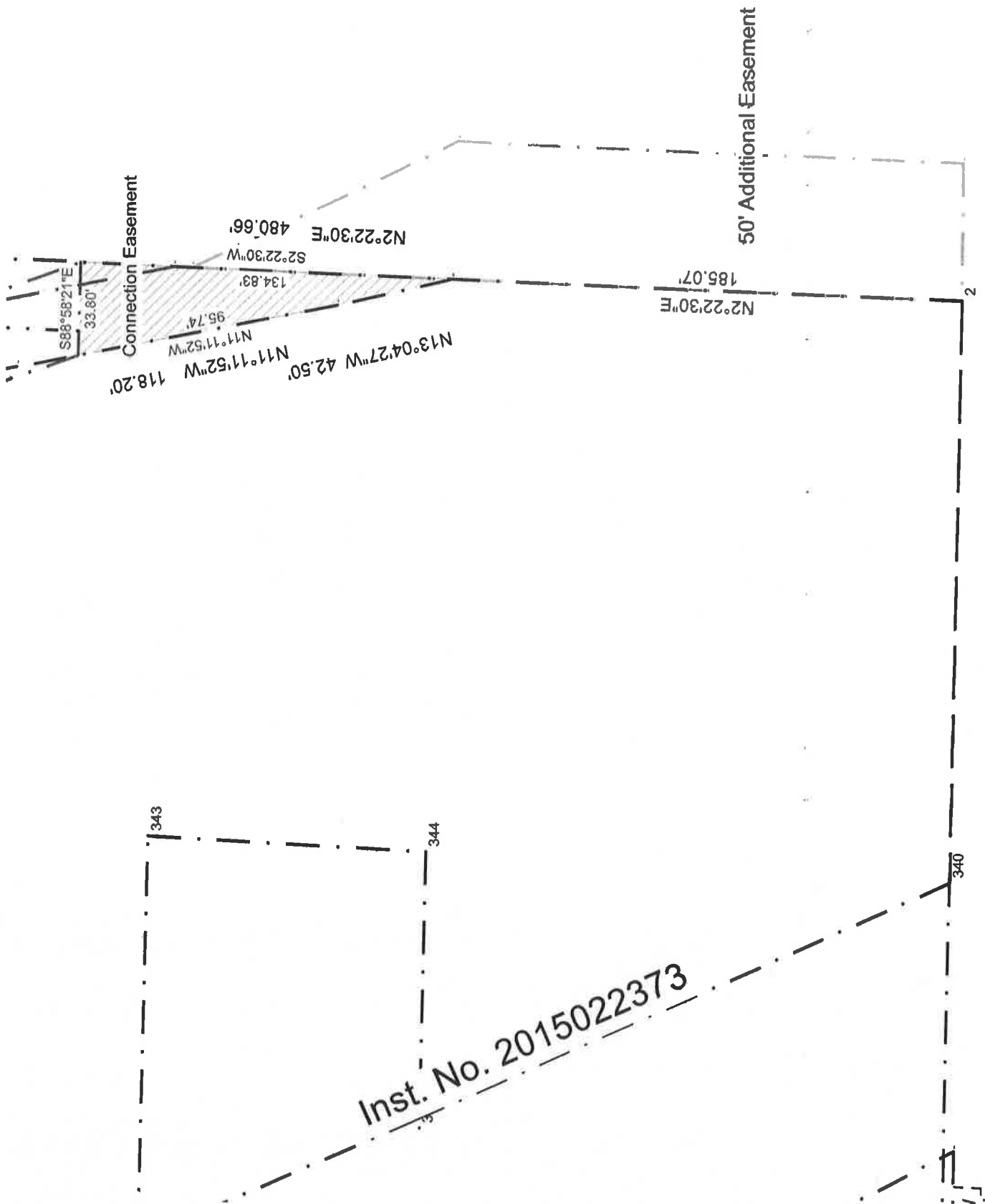
Thence along the southerly ordinary high water line of the Boise River, S.  $25^{\circ} 38' 19''$  E., a distance of 159.34 feet to a found 5/8 inch diameter iron pin stamped "PLS 8960";

Thence continuing along the southerly ordinary high water line of the Boise River, S.  $39^{\circ} 13' 42''$  E., a distance of 176.84 feet to a found 5/8 inch diameter iron pin stamped "PLS 8960" marking the southerly boundary of said Government Lot 7;

Thence leaving the southerly ordinary high water line of the Boise River and along the southerly boundary of said Government Lot 7, N.  $89^{\circ} 26' 31''$  W., a distance of 192.34 feet to the POINT OF BEGINNING. Shown as Parcel D on Survey.



Exhibit K-1





**Exhibit L**  
**Portion of City of Middleton Property used by Grantees**

A parcel of land consisting of the land lying between the western boundary of the following described real property:

A parcel of land being a portion of Government Lot 7 of Section 7 Township 4 North, Range 2 West, Boise Meridian, City of Middleton, Canyon County Idaho, more particularly described as follows:

BEGINNING at a found 3 inch diameter aluminum disk stamped "1975 RMB" marking the SW corner of said Government Lot 7, (South west corner of section 7), said corner bears S. 02° 22' 26" W., a distance of 2614.48 feet from a found 3 inch diameter brass disk marking the NW corner of Government Lot 4, (West 1/4 corner of said Section 7);

**Thence along the west boundary of said Government Lot 7, N. 02° 22' 26" E., a distance of 279.00 feet to a found 5/8 inch diameter iron pin stamped "PLS 8960" marking a point on the southerly ordinary high water line of the Boise River;**

Thence along the southerly ordinary high water line of the Boise River, S. 25° 38' 19" E., a distance of 159.34 feet to a found 5/8 inch diameter iron pin stamped "PLS 8960";

Thence continuing along the southerly ordinary high water line of the Boise River, S. 39° 13' 42" E., a distance of 176.84 feet to a found 5/8 inch diameter iron pin stamped "PLS 8960" marking the southerly boundary of said Government Lot 7;

Thence leaving the southerly ordinary high water line of the Boise River and along the southerly boundary of said Government Lot 7, N. 89° 26' 31" W., a distance of 192.34 feet to the POINT OF BEGINNING. Shown as Parcel D on Survey.

and a line running parallel to the line described in the bold portion of the foregoing real property, to the east of said described line at a distance of fifty feet (50'), excluding any real property not contained within the foregoing legal description.









- PLUMTREE SUBDIVISION NO. 2  
BOOK 24, PAGE 4

WESTWOOD SUBDIVISION  
BOOK 39, PAGE 5

Basis of Bearing  
W. MAIN ST. (PUBLIC)

2. THIS PLAT WAS DONE AT THE REQUEST OF HUNDOBLE FAMILY TRUST TO SUBDIVIDE THIS PROPERTY INTO A RESIDENTIAL DEVELOPMENT.

- P.O.B. *Point of Beginning*

BOOK \_\_\_\_\_ PAGE \_\_\_\_\_

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

SHEET  
1

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

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
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CHKCD. 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 \_\_\_\_<sup>th</sup>  
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;

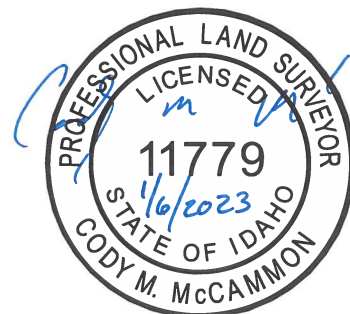
thence on said north and south boundary lines, North 89°43'55" East, 384.41 feet to the Northwest corner of Lot 14, Block 3 of Westwood Subdivision as filed in Book 39 of Plats at Page 5, records of Canyon County, Idaho;

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.

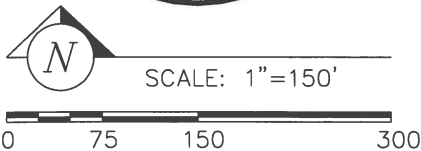
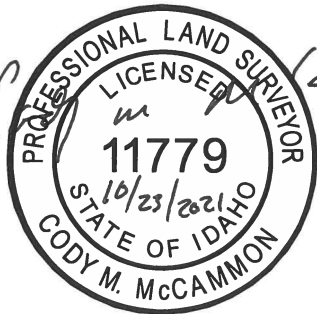
W. 3RD ST. N

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

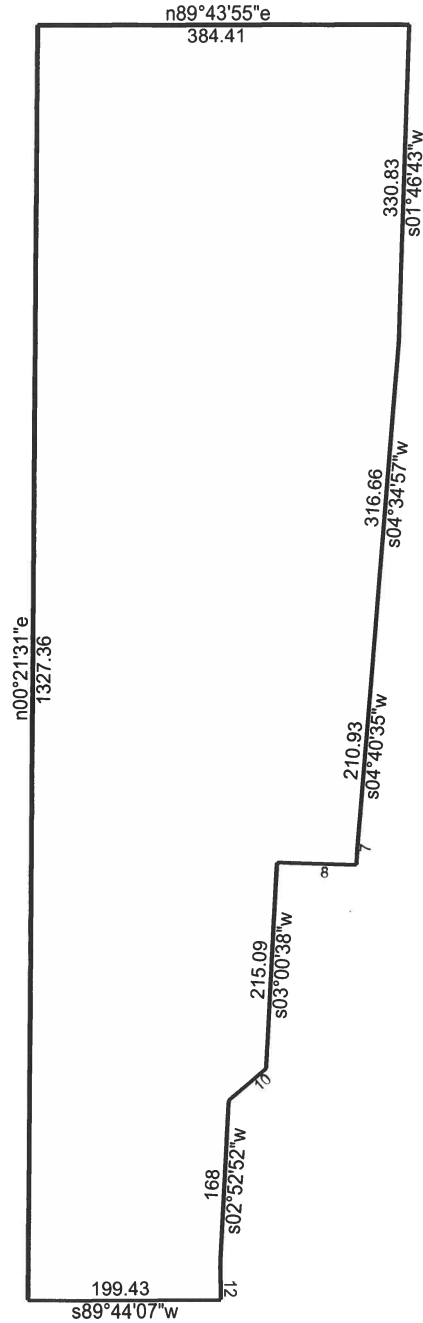
A PORTION BLOCKS 6, 7 AND 8, HAWTHORN PLAT OF MIDDLETON LYING IN THE SE  
1/4 OF THE SE 1/4 OF SECTION 1, T.4N., R.3W., B.M., CANYON COUNTY, IDAHO

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;

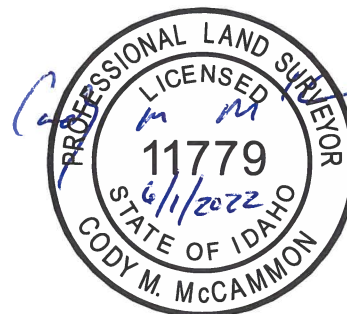
thence on said west boundary line, South 04°34'57" West, 81.95 feet;

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.

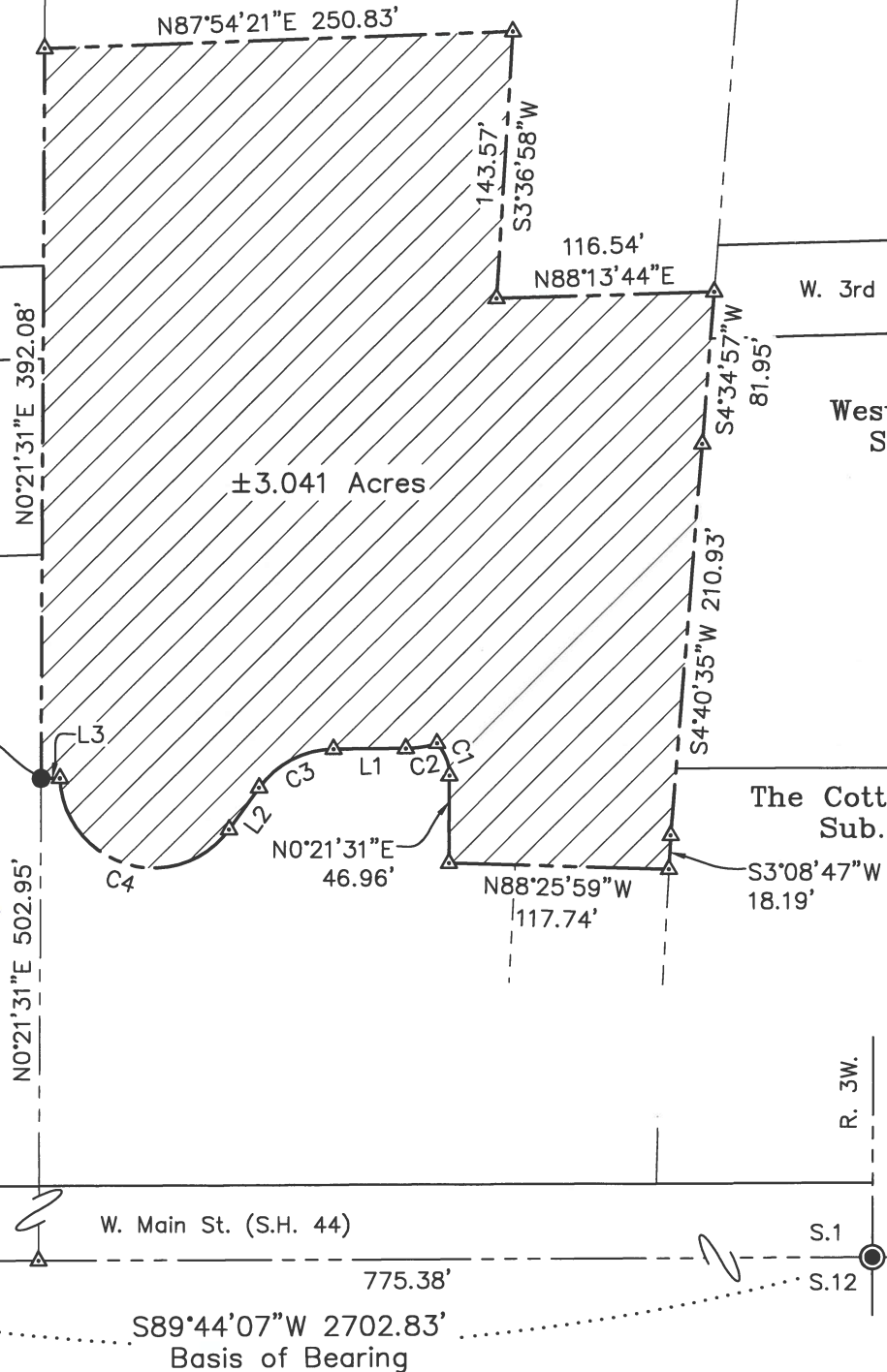
W. 3rd St. N.

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'

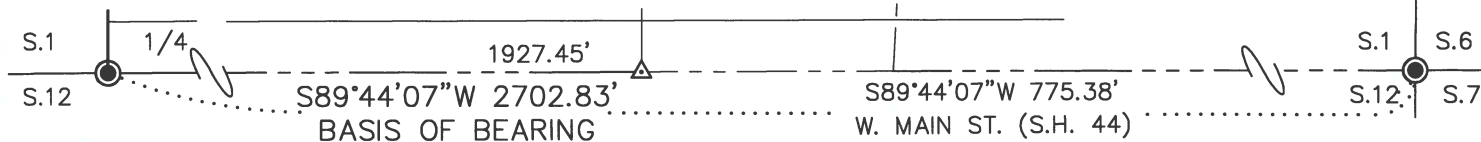
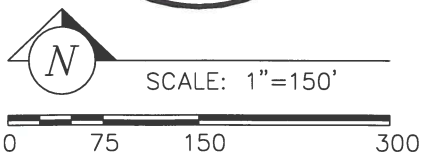
W. 3RD ST. N

W. 3RD ST. N

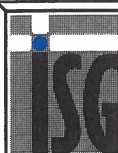
S88°13'44"W  
116.54'

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



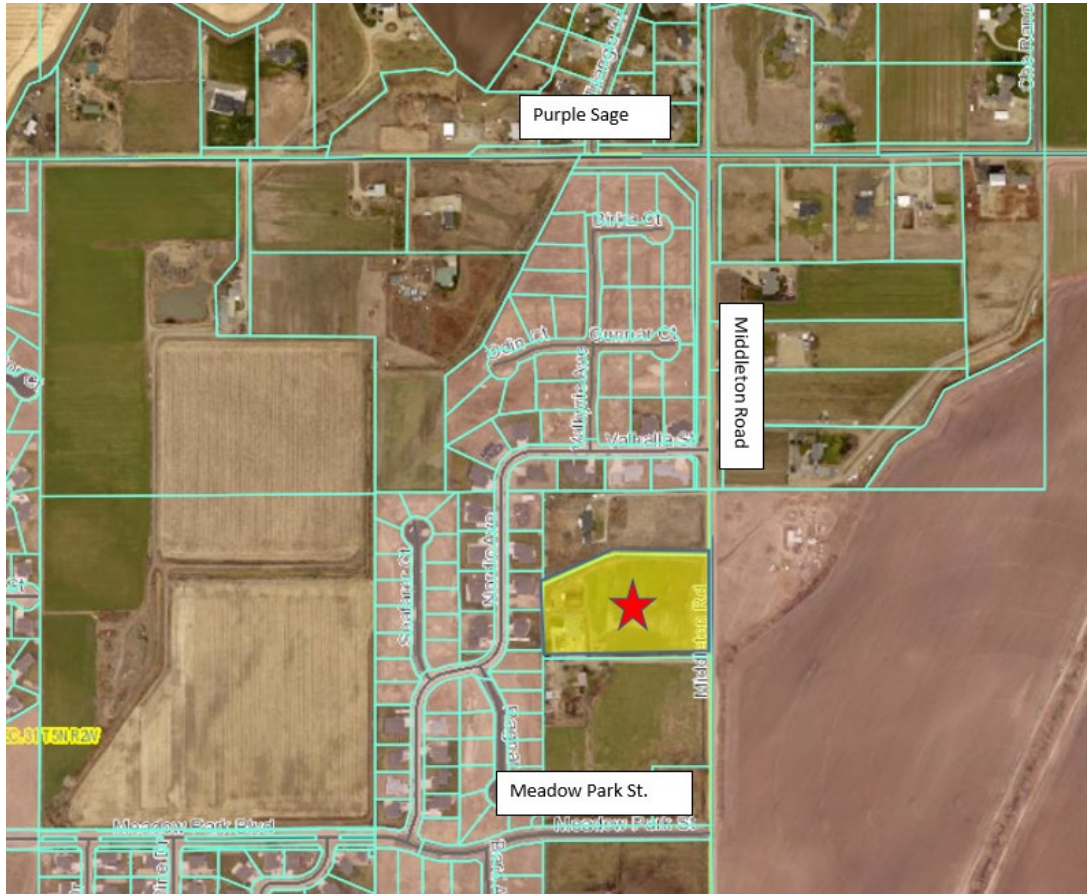






## STAFF REVIEW AND REPORT Middleton City Council

### Rowe Station Project Vicinity

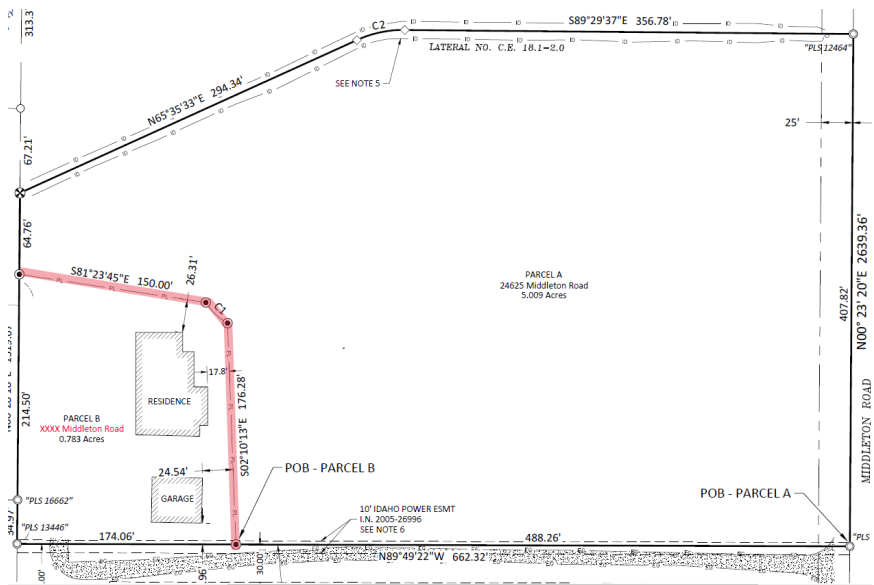


- A. City Council Public Hearing Date:** February 1, 2023
- B. Project Description & Conditions:** The project parcel is located at 24625 Middleton Road (Tax Parcel No. R3756400). It is currently located in Canyon County and is zoned "Agricultural." The parcel is approximately six acres and contains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

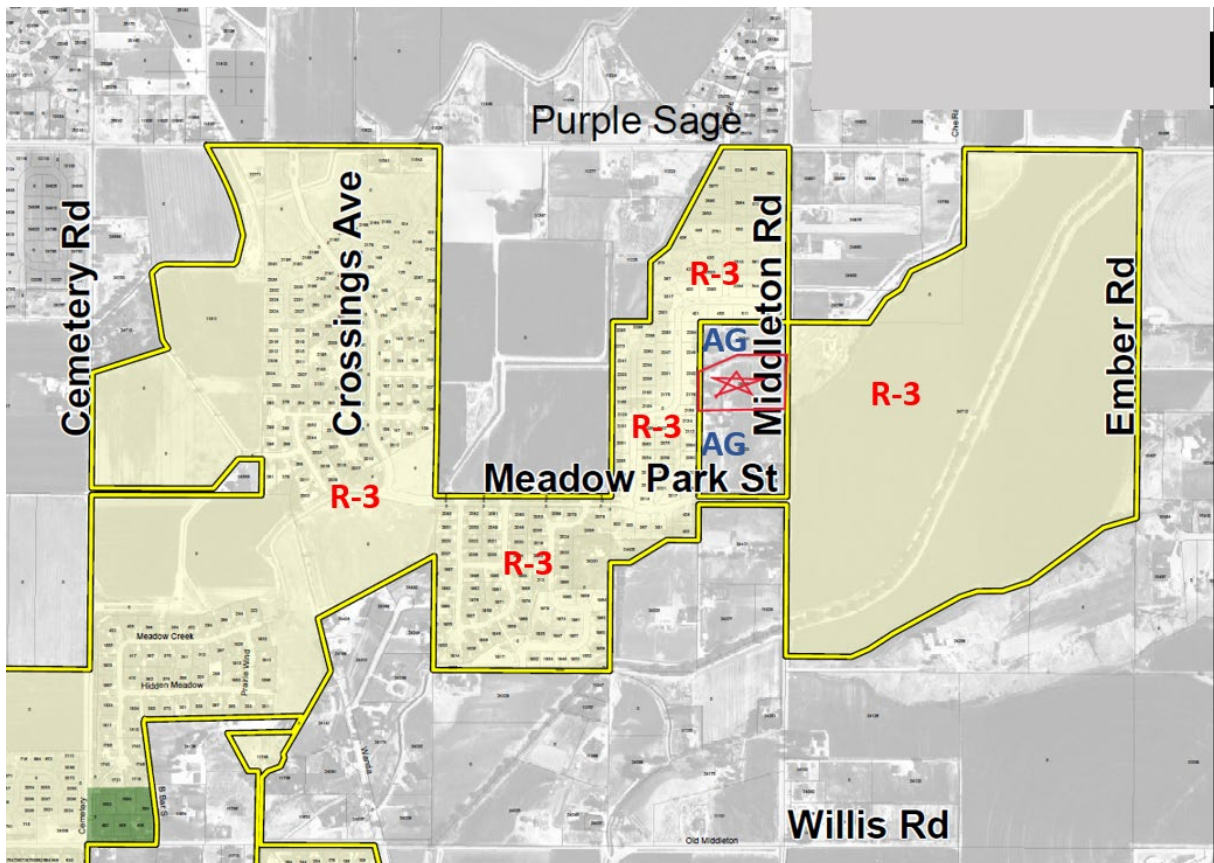


Any future subdivision on the parcel could look similar to the concept plan below. Whatever design is ultimately submitted will simply need to comply with the dimension standards of the R-3 Zone, e.g., lots must be a minimum of 8000 s.f. with 75' wide street frontage.



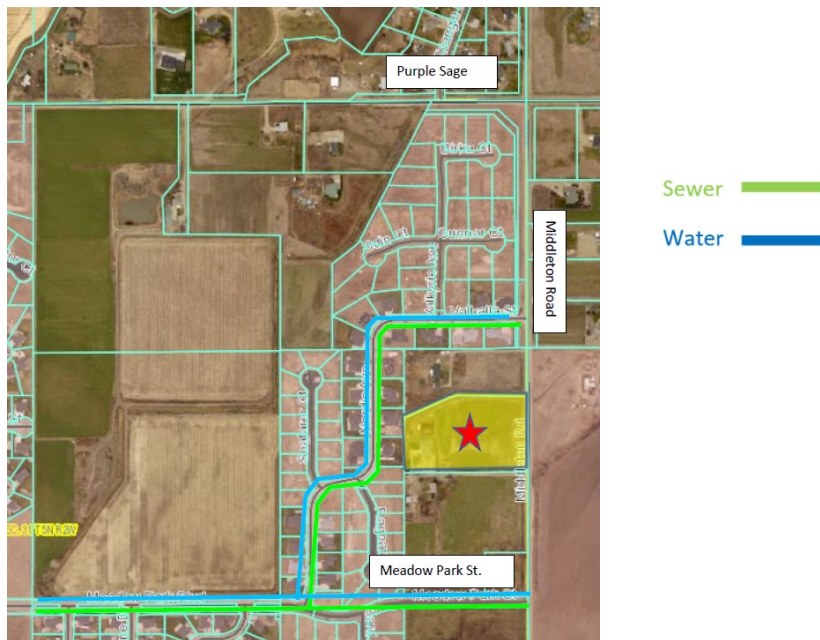


- C. **Application Requests:** Applications include (1) annexation and rezone to R-3 (Single Family Residential) and (2) Development Agreement.
- D. **Zoning:** The project parcel is currently zoned County Agricultural. The parcel is entirely surrounded on the north, west, east, and south side with City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



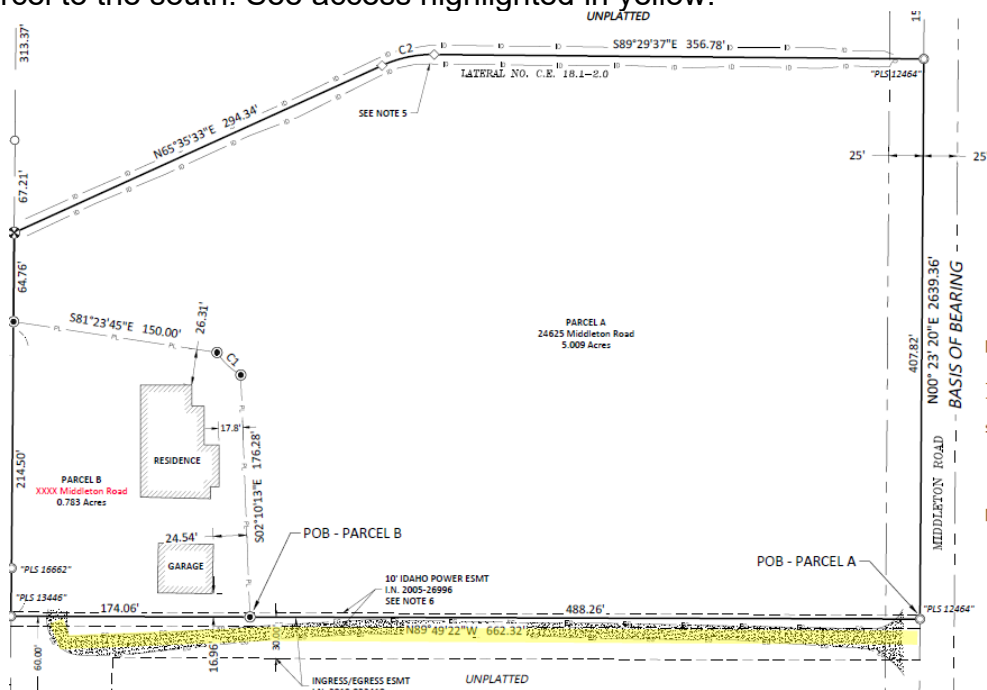
- E. **City Services:** Water and sewer are immediately adjacent to the project site. Developer can connect to sewer and water either to the north, west, or south. Developer will work with City Engineer on the best path for connection at the time a subdivision plat application is submitted.





#### 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.

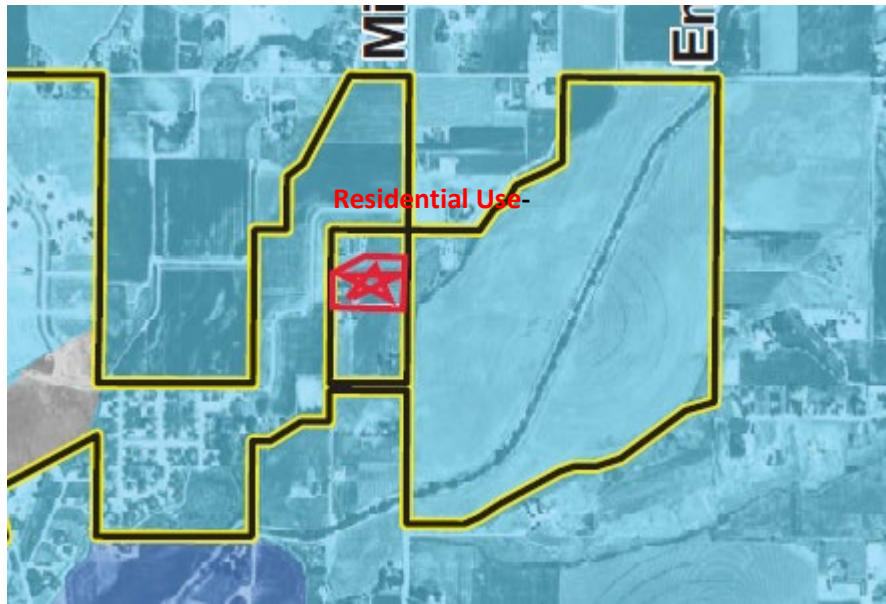
**J. Development Agreement:** Applications for annexation/rezone are generally accompanied by an application for Development Agreement ("DA"). Attached as Exhibit "A" is the proposed Development Agreement for the project. The Developer has used the City's DA form, and only Article III regarding conditions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

<b>P. Notices &amp; Neighborhood Meeting:</b>	<b>Dates:</b>
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

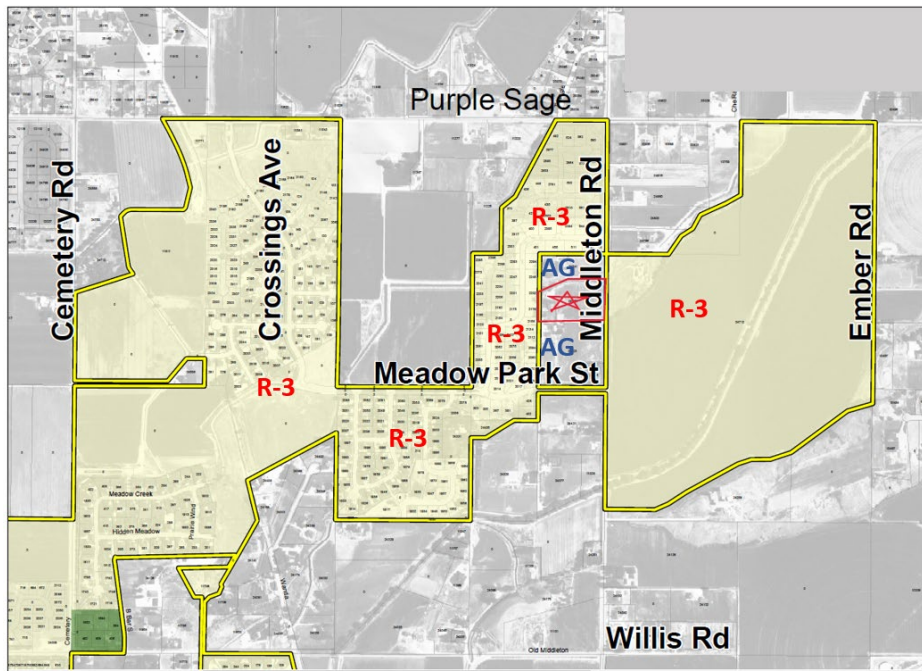
**Q. Applicable Codes and Standards:**

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 13<sup>th</sup> 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

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## **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

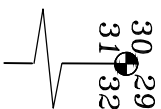


Prepared By: Aaron Rush, PLS





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



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



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

N89°49'22"W 662.32'

## LEGEND

## SECTIONAL LINE

FOUND COPPER CAP WITH MAGNET, STAMPED "PLS LRG 12464"

FOUND BRASS CAP

CALCULATED POSITION ONLY



1571.70'

N00°23'20"E 2639.36'  
BASIS OF BEARING

POINT OF  
BEGINNING

N89°49'22"W 662.32'

MIDDLETON ROAD



## 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

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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](mailto:theresa.denham@realestate-ID.com)



***Theresa Denham***

Phone: 208-505-7675

email: [theresa.denham@realestate-ID.com](mailto: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

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**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](mailto: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](#)

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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](mailto:niki.benyakhlef@itd.idaho.gov)  
Website: [itd.idaho.gov](http://itd.idaho.gov)

---

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

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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 9<sup>th</sup>. 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](mailto:rstewart@middletoncity.com)

[www.middleton.id.gov](http://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](#)

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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](mailto:niki.benyakhlef@itd.idaho.gov)  
Website: [itd.idaho.gov](http://itd.idaho.gov)

---

**From:** Roberta Stewart <[rstewart@middletoncity.com](mailto:rstewart@middletoncity.com)>

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

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

[www.middleton.id.gov](http://www.middleton.id.gov)



---

**From:** Roberta Stewart

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

**To:** [akrantz@msd134.org](mailto:akrantz@msd134.org); [MStowell@ccparamedics.com](mailto:MStowell@ccparamedics.com); [gis@compassidaho.org](mailto:gis@compassidaho.org); [deann.gerthung@canyoncounty.id.gov](mailto:deann.gerthung@canyoncounty.id.gov); [MYbarguen@idahopower.com](mailto:MYbarguen@idahopower.com); [D3Development.services@ITD.idaho.gov](mailto:D3Development.services@ITD.idaho.gov); [gmpdrjulie@gmail.com](mailto:gmpdrjulie@gmail.com); [lgrooms@msd134.org](mailto:lgrooms@msd134.org); [mgee@msd134.org](mailto:mgee@msd134.org); [permits@starfirerescue.org](mailto:permits@starfirerescue.org); [monica.taylor@intgas.com](mailto:monica.taylor@intgas.com); [Mitch.Kiester@phd3.idaho.gov](mailto:Mitch.Kiester@phd3.idaho.gov); [westerninfo@idwr.idaho.gov](mailto:westerninfo@idwr.idaho.gov); [zoninginfo@canyoncounty.id.gov](mailto:zoninginfo@canyoncounty.id.gov); [lrichard@cityofcaldwell.org](mailto:lrichard@cityofcaldwell.org); [lisa.boyd@vallivue.org](mailto:lisa.boyd@vallivue.org); [jenny.titus@vallivue.org](mailto:jenny.titus@vallivue.org); [joseph.palmer@vallivue.org](mailto:joseph.palmer@vallivue.org); [lriccio@canyonhd4.org](mailto:lriccio@canyonhd4.org); [chopper@canyonhd4.org](mailto:chopper@canyonhd4.org); [aperry@cityofcaldwell.org](mailto:aperry@cityofcaldwell.org); [allenfun50@hotmail.com](mailto:allenfun50@hotmail.com); [irrigation.mm.mi@gmail.com](mailto:irrigation.mm.mi@gmail.com); [bryce@sawtoothlaw.com](mailto:bryce@sawtoothlaw.com); [irr.water.3@gmail.com](mailto:irr.water.3@gmail.com); [Jamie.macleod@sparklight.biz](mailto:Jamie.macleod@sparklight.biz); [dpopoff@rh2.com](mailto:dpopoff@rh2.com); Carl Hayes (Black Canyon) <[carl@blackcanyonirrigation.com](mailto: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 9<sup>th</sup>. 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](mailto:rstewart@middletoncity.com)

[www.middleton.id.gov](http://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





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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:

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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





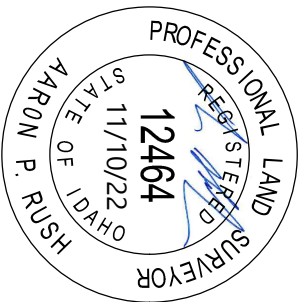
# Annexation Sketch

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
			38.83'	CHORD LENGTH

