



AGENDA
City Council Meeting
City of Middleton, Idaho

Date: Wednesday, May 15, 2019
Location: 6 N. Dewey Ave., Middleton, Idaho

Time: 6:30 p.m.

Call-to-order, roll call, Pledge of Allegiance, Invocation

Action Items

1. Consent Agenda (items of routine administrative business)
 - a) Consider approving minutes for Council's April 17, 2019 regular meeting.
 - b) Consider ratifying May 13, 2019 payroll in an amount of \$73,187.43 and approving accounts payable thru May 14, 2019 in the amount of \$140,396.26.
 - c) Consider renewing the annual beer and wine licenses for Chaparral Sportsbar and Grill, Garbonzos Pizza, Jacksons Food Store #22, and The Vault 21 Club.
 - d) Consider approving a permit for Outlet Fireworks LLC to sell fireworks at Middleton Village Center, 206 E. Main Street, Middleton, Idaho.
2. Administer oath to Officer Tony Snider.
3. Consider approving the purchase of Sanitaire replacement parts for the wastewater treatment plant from isiWest in an amount not to exceed \$7,866.56 plus freight and installation, if any.
4. Consider approving the sole source proposal from Water Solve for cleaning the sludge lagoon at the wastewater treatment plant in an amount not to exceed \$100,000.
5. Consider entering into an easement agreement with Gary Brown and Lisa Brown, and separately with Rick Menefee and Crystel Menefee, for extension of city water and sanitary sewer systems between Duff and Lansing lanes.
6. Consider confirming Mayor's appointment of Veronica McGinnis to the Library Board to fill the position vacated by Vicki Preston.
7. Consider approving Resolution No. 424-19 declaring certain city equipment and miscellaneous property no longer in use or obsolete and surplus, and authorizing its disposition by according to state law.
8. Consider waiving application fees for Middleton Cemetery District's preliminary plat, construction plan, and final plat applications for Middleton Cemetery Subdivision No. 3, and approving the preliminary plat for Middleton Cemetery Subdivision No. 3 (Third Addition).
9. **Public Hearing.** Consider adopting Ordinance No. 619, second reading.

AN ORDINANCE OF THE CITY OF MIDDLETON, CANYON COUNTY, IDAHO, AMENDING TITLES 1, 4, 7, AND 8 OF THE MIDDLETON CITY CODE, UPDATING THE GENERAL DEFINITIONS; CLARIFYING MEETING TIMES, JOB TITLES AND UNAPPOINTMENTS; UPDATING STANDARDS FOR PHASE DEVELOPMENTS; CLARIFYING EXEMPTIONS TO AND WAIVERS OF STANDARDS; UPDATING SPECIAL USE PERMIT REGULATIONS; UPDATING FLOOD CONTROL STANDARDS; MODIFYING FENCE STANDARDS; UPDATING AND MODIFYING NUISANCES; MAKING OTHER MINOR MODIFICATIONS; AND PROVIDING AN EFFECTIVE DATE.

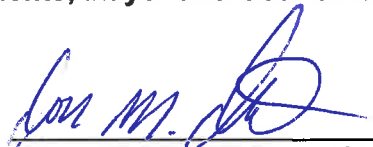
10. **Public Hearing.** Consider KCRJ LLC's appeal of the Planning and Zoning Commission's denial of KCRJ's application for a special use permit to amend or remove the Commission's condition for sidewalks on both sides of Valhalla St. and Nordic Ave. in Valhalla Country Estates Subdivision as required in Middleton City Code 5-4-11-2. The subject property is located at the southwest corner of Purple Sage Rd. and Middleton Rd., Middleton, Idaho.
11. Provide guidance for Valhalla Country Estates Subdivision to: 1) widen Middleton Road with phase 1 now; or 2) widen Middleton Road with phase 2 at the time Meadow Park Street is extended to connect with Middleton Road this summer; or 3) remove Lot 24 Block 3 and Lot 2 Block 5 from phase 1 so dedication of Middleton Road right-of-way is included in phase 2.
12. **Public Hearing.** WTW Development LLC's appeal of the Planning and Zoning Commission's denial of WTW's application for a special use permit to except Stonehaven Subdivision from Middleton City Code 5-4-1 Table 2 and reduce side setbacks from 10 feet to five feet. The subject property is located on the west side of Hartley Ln. approximately 2,640 feet south of Willis Road, Middleton, Idaho.

Information

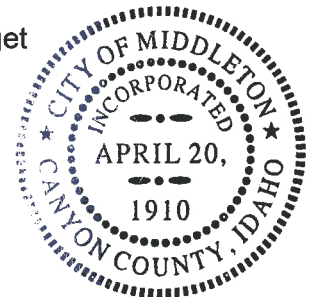
City Administrator and City Treasurer - Necessary Expenses in the FY2020 Budget

Public Comments, Mayor and Council Comments, Adjourn

Posted by:



Dawn M. Dalton, Deputy Clerk



Date: May 10, 2019 3:45 p.m.

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

**MIDDLETON CITY COUNCIL
MAY 1, 2019**

Mayor Darin Taylor called-to-order the May 1, 2019 Middleton City Council meeting at 6:36 p.m.

Roll Call: Council Members Carrie Huggins, Jeff Garner and Beverlee Furner, and Council President Rob Kiser, were present.

Action Items

1. **Consent Agenda (items of routine administrative business)**
 - a) Consider approving minutes for Council's April 17, 2019 regular meeting.
 - b) Consider ratifying April 26, 2019 payroll in an amount of \$86,956.92 and approving accounts payable thru April 30, 2019 in the amount of \$177,154.00
 - c) Consider renewing the annual beer and wine license for Casa Mexico, Tsai's Kitchen and Gem Stop.

Mayor Taylor called and introduced the agenda item.

Motion: Motion by Council President Kiser to approve consent agenda items a - c was seconded by Council Member Furner and carried unanimously.

2. **Consider consenting to the Mayor's appointment of Bruce Bayne as the Planning and Zoning Official, and Wendy Miles as the City Treasurer.**

Mayor Taylor called the agenda item and Mr. Bayne introduced himself. Mayor Taylor appointed Mr. Bayne as the Planning and Zoning Official.

Motion: Motion by Council President Kiser to confirm the appointment was seconded by Council Member Garner and carried unanimously.

Ms. Miles introduced herself. Mayor Taylor appointed Ms. Miles as the City Treasurer.

Motion: Motion by Council President Kiser to confirm the appointment was seconded by Council Member Garner and carried unanimously.

3. **Consider approving waiver of Trolley Station rental fees for a Canyon County Jail Bond Town Hall Meeting scheduled on May 6, 2019.**

Mayor Taylor called and introduced the agenda item, and asked if anyone in the audience would like to speak to this item: none.

Motion: Motion by Council President Kiser to waive rental fees was seconded by Council Member Huggins and carried unanimously.

4. **Consider ratifying a proposal with Control Engineers PA acquire and install a Data Historian System, which collects continuous data from the city's treated wastewater discharge point and the receiving waters, in an amount not to exceed \$18,388.**

Mayor Taylor called and introduced the agenda item, and asked if anyone in the audience would like to speak to this item: none.

Motion: Motion by Council President Kiser to ratify the proposal was seconded by Council Member Huggins and carried unanimously.

5. **Consider joining the City of Boise nearly 2,000 other cities and counties in a nation-wide, class-action, multi-district litigation against opioid manufacturers for encouraging over-prescription and over-supply, driving up costs of law enforcement medical care, health insurance, and more.**

Mayor Taylor called and introduced the agenda item, and asked if anyone in the audience would like to speak to this item: none.

Motion: Motion by Council President Kiser to decline participation in a class-action litigation against opioid manufacturers was seconded by Council Member Furner and carried unanimously.

Mayor Taylor declared a recess at 7:20 p.m. for council to sign Middleton High School students' agendas, and resumed the meeting at 7:27 p.m.

6. **Consider approving an application by TNT Fireworks to sell fireworks from the Ridley's parking lot.**

Mayor Taylor called and introduced the agenda item, and asked if anyone in the audience would like to speak to this item: none.

Motion: Motion by Council President Kiser to approve the application was seconded by Council Member Furner and carried unanimously.

7. **Consider scheduling a public hearing to determine if Willowbrook Development Inc. (Willowbrook) is in breach of that certain contract entered into between Willowbrook and the City of Middleton regarding annexation of Willowbrook land into a city other than the City of Middleton.**

Mayor Taylor called and introduced the agenda item, and asked if anyone in the audience would like to speak to this item: none.

Motion: Motion by Council President Kiser to schedule a public hearing was seconded by Council Member Furner and carried unanimously.

8. **Consider approving a commercial and industrial recycling rate increase to cover current program costs and allow commercial and industrial recycling service in Middleton to continue uninterrupted. China and its surrounding countries dropped acceptable contamination levels for inbound recyclable materials, virtually closing doors to US export of recyclables.**

Mayor Taylor called and introduced the agenda item, and asked if anyone in the audience would like to speak to this item: none.

Motion: Motion by Council President Kiser to approve a recycling rate increase for commercial and industrial recycling service in the amount of \$0.80 per loose yard was seconded by Council Member Garner and carried unanimously.

Public Comments: Mike Graffe presented the Mayor and Council with a diagram of the City of Star's purposed comprehensive plan for annexing and moving into the Middleton area of city impact.

City Treasure Ed Karass and City Administrator Becky Crofts, starting at 7:34 p.m., reviewed unbalanced and unprioritized draft capital project FY 2020 budget information.

Adjourn: Mayor Taylor adjourned the meeting at 9:30 p.m.

ATTEST:

Darin Taylor, Mayor

Dawn M. Dalton, Deputy Clerk
Minutes Approved: May 1, 2019

1C



CITY OF MIDDLETON

PO Box 487, 1103 W. MAIN ST.,
MIDDLETON, ID 83644
208-585-3133, 208-585-9601 FAX
WWW.MIDDLETONIDAHO.US

ADMINISTRATION

BEER WINE
APPLICATION/LICENSE

YEAR June 1, 2019 – May 31, 2020

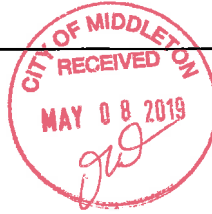
- ☐ New License
☒ Renewal

SALE FOR ON-PREMISE CONSUMPTION

- ☒ BEER (\$200.00)
☒ WINE (\$200.00)

SALE FOR OFF-PREMISE CONSUMPTION

- () BEER (\$50.00)
() WINE (\$200.00)



OFFICE USE ONLY:

RECEIPT

3.092559
\$ 400.00

LICENSE

Applicant Name: Kamm Reynolds

Business Name: Chaparral Sportsbar & Grill

Business Address (Street/P O.Box/City/Zip): 3 N. Dewey ave Middleton ID 83644

Mailing Address (Street/P.O.Box/City/Zip): P.O. Box 747 Middleton ID 83644

Business phone: 208-585-9983 Other Phone: 208-921-9737

Email address: Kammstradley@gmail.com

● Attach copy of application for State license, including a copy of site and floor plans submitted with state application.

● Attach a copy of your State and County Alcohol Beverage Licenses before a City license will be issued.

5-6-19
Date

Kamm Reynolds
Applicant Signature

Kamm Reynolds
Print Name

LICENSE

Application Approved by City Council on (date): _____

Application Denied: _____

License is hereby issued this _____ day of _____, 20____.

City Clerk

Notes: _____

Cycle Tracking Number: 110673

License Year: 2020
License Number: 3709

State of Idaho

Idaho State Police

Retail Alcohol Beverage License

Premise Number: 2C-44

This is to certify, that Kammi Reynolds

doing business as: Chaparral Sports Bar and Grill

is licensed to sell alcoholic beverages as stated below at:

3 N Dewey, Middleton, Canyon County

Acceptance of a license by a retailer shall constitute knowledge of and agreement to operate by and in accordance to the Alcohol Beverage Code, Title 23. Only the licensee herein specified shall use this license.

County and city licenses are also required in order to operate.

Liquor	No
Beer	Yes <u>\$50.00</u>
On-premises consumption	Yes <u>\$0.00</u>
Kegs to go	Yes <u>\$20.00</u>
Restaurant	No
Wine by the bottle	No
Wine by the glass	Yes <u>\$100.00</u>
Multipurpose arena	No
Growlers	No

TOTAL FEE: \$170.00

Kammi Reynolds
Signature of Licensee, Corporate Officer, LLC Member or Partner

KAMMI REYNOLDS
CHAPARRAL SPORTS BAR AND GRILL
PO BOX 747

MIDDLETON, ID 83644

Mailing Address

License Valid: 06/01/2019 - 05/31/2020

Expires: 05/31/2020



[Signature]
Director of Idaho State Police

CANYON COUNTY RECORDER AND PASSPORTS

111 North 11th Ave

Suite 330

Caldwell, Idaho 83605

Receipt #: 255408

Receipt Date: 05/03/2019 11:13 AM

Station: 21

Cashier: DLSTEPHENS

Receipt Name: CANYON COUNTY COMMISSIONERS

Comments: LIQUOR RENEWAL

LIQUOR LICENSE

Item #	Item Date	Doc Type	Beer	Wine	Liquor	Other	Total
2019-000160	05/03/2019 11:13:08 AM	LIC-LR	100.00	100.00			\$200.00
Totals:			\$100.00	\$100.00	\$0.00	\$0.00	\$200.00

Thank You

Receipt Total		\$200.00
CASH	7528	\$200.00



CITY OF MIDDLETON

PO Box 487, 1103 W. MAIN ST.,
MIDDLETON, ID 83644
208-585-3133, 208-585-9601 FAX
WWW.MIDDLETONIDAHO.US

ADMINISTRATION

BEER WINE APPLICATION/LICENSE

YEAR June 1, 2019 – May 31, 2020

- ☐ New License
☒ Renewal

SALE FOR ON-PREMISE CONSUMPTION

- ☒ BEER (\$200.00)
☐ WINE (\$200.00)

SALE FOR OFF-PREMISE CONSUMPTION

- ☐ BEER (\$50.00)
☐ WINE (\$200.00)



OFFICE USE ONLY:

RECEIPT
3.092679
\$ 200.00

LICENSE

Applicant Name: Garbonzo's Pizza, Inc. Thomas E. Genter

Business Name: Garbonzo's Pizza

Business Address (Street/P O.Box/City/Zip): 250 E. main, Middleton, ID 83644

Mailing Address (Street/P.O.Box/City/Zip): PO Box 271 Middleton, ID 83644

Business phone: 208-585-3083 Other Phone: 208-249-7201

Email address: tongenta@hotmail.com

● Attach copy of application for State license, including a copy of site and floor plans submitted with state application.

● Attach a copy of your State and County Alcohol Beverage Licenses before a City license will be issued.

Date 5/3/19

Applicant Signature Thomas E. Genter

Print Name Thomas E. Genter

LICENSE

Application Approved by City Council on (date): _____

Application Denied: _____

License is hereby issued this ____ day of _____, 20____.

City Clerk _____

Notes: _____

State of Idaho

Cycle Tracking Number: 110218

Idaho State Police Retail Alcohol Beverage License

Premise Number: 2C-197

License Year: 2020

License Number: 1896

This is to certify, that Garbonzo's Pizza Inc
doing business as: Garbonzo's Pizza

is licensed to sell alcoholic beverages as stated below at:
250 E Main, Middleton, Canyon County

Acceptance of a license by a retailer shall constitute knowledge of and agreement to operate by and in
accordance to the Alcohol Beverage Code, Title 23. Only the licensee herein specified shall use this license.
County and city licenses are also required in order to operate.

Liquor	No
Beer	Yes <u>\$50.00</u>
On-premises consumption	Yes <u>\$0.00</u>
Kegs to go	No
Restaurant	Yes <u>\$0.00</u>
Wine by the bottle	No
Wine by the glass	No
Multipurpose arena	No
Growlers	No

TOTAL FEE: \$50.00

Signature of Licensee, Corporate Officer, LLC Member or Partner

GARBONZO'S PIZZA INC
GARBONZO'S PIZZA
PO BOX 271

MIDDLETON, ID 83644

Mailing Address

License Valid: 06/01/2019 - 05/31/2020

Expires: 05/31/2020



Director of Idaho State Police

SEE REVERSE SIDE FOR SALE OR TRANSFER OF THIS LICENSE



Idaho State Police
Alcohol Beverage License Renewal Application
 Alcohol Beverage Control
 700 S. Stratford Dr. Ste 115, Meridian, ID 83642
 Phone (208) 884-7060 - Fax (208) 884-7096 - abc renewal@isp.idaho.gov



Premise Number: 2C-197

License #: 1896

License Period: 2020

License Expiration: 05/31/2019

GARBONZO'S PIZZA INC
 GARBONZO'S PIZZA
 PO BOX 271
 MIDDLETON, ID 83644

Mailing Address

1. Applicant Information

✓ **Applicant:** Garbonzo's Pizza Inc
(Applicant Name: Individuals(s), Corporation, LLC or Partnership)

✓ **DBA:** Garbonzo's Pizza

Location: 250 E Main

City, County, Zip: Middleton, Canyon, 83644

Business Telephone: 208 585 3083

Email Address: tomgenta@hotmail.com

2. License Type and Fees

Liquor	No	
Beer	Yes	\$50.00
On-premises consumption	Yes	\$0.00
Kegs to go	No	
Restaurant	Yes	\$0.00
Wine by the bottle	No	
Wine by the glass	No	
Multipurpose arena	No	
Growlers	No	

Total Fee Enclosed: \$50.00

CK # 1809

3. State Tax Commission Seller's Permit Number: 340875 ✓

4. List sole proprietor(s) all partners, corporate officers, directors, ten primary stockholders, LLC/LLP members/partners of the applicant. Please attach additional pages as necessary.

✓ (Name) Thomas Errol Genter (Title) President
 (SSN) 519-94-9893 (DOB) 9/21/65 (Contact Phone Number) 208-249-7201

✓ (Name) Wendy Ash/iman (Title) Secretary
 (SSN) 519-21-6521 (DOB) 11/21/80 (Contact Phone Number) 208-850-3668

(Name) _____ (Title) _____
 (SSN) _____ (DOB) _____ (Contact Phone Number) _____

RECEIVED

APR 26 2019

License Period: 2020

Printed 03/25/2019

**IDAHO STATE POLICE
 ALCOHOL BEVERAGE CONTROL**

License #: 1896

ABC-Retail App Renewal (Revised 1/1/2019)

Page 1 of 4

5. Does anyone listed above have any direct or indirect interest in any other business licensed for the sale of beer, wine, or liquor by the drink? ☒ NO ☐ YES (If yes, explain below) ✓

6. Does anyone have any financial interest in the Applicant's business not previously listed on #4, including silent partners, private financial loans, etc.? ☒ NO ☐ YES (If yes, explain below) ✓

(Lender/Partner Name) _____ (Phone Number) _____

(Address) _____ (Ownership Interest) _____

7. Has anyone listed above ever been convicted of any felony, any alcohol related misdemeanor or facing any pending criminal charges? ☒ NO ☐ YES (If yes, attach explanation) ✓

8. Premise Diagram/Floor Plan No architectural blue prints - On paper no larger than 8.5" x 11"

If you have had any changes in the premise from the previous year:

Attach a sketch showing the entire area proposed to be licensed to sell, serve, dispense or store alcoholic beverages, including patios, decks, etc. Diagram must show all entrances, exits, offices, restrooms, kitchen facilities (if applicable), bar(s), bar backs, liquor cabinets, tables, refrigeration units, partitions, etc. and where license will be prominently displayed.

Affirmation: Read the following carefully and sign

The applicant(s) hereby swears or affirms under oath that the applicant is the bona fide owner of the business which is applying for this license and will be engaged in the sale or dispensing of liquor by the drink, beer and/or wine by the bottle and/or glass. The applicant(s) hereby affirms that the applicant and/or each person indicated on this application or attachments thereto is/are eligible and has none of the disqualifications for a license as provided by Title 23, Chapter 9, 10, 11, 12, 13 and 14, Idaho Code, IDAPA 11.05.01 or any amendments thereto.

An application for and acceptance of a license by the applicant(s) shall constitute consent to, and be authority for, entry by the Director or his authorized agents, upon any premises related to the licensee's business, or wherein are or should be kept, any of the licensee's books, records, ledgers, supplies or other property related to said business, and to make the inventory, check and investigations aforesaid with relation to said licensee or any other licensee. The application shall also constitute consent given to the Director, his agents, the sheriff of any county or other law enforcement officer, upon any premises related to the licensee's business or wherein are or should be kept, any of the licensee's books, records, ledgers, supplies or other property related to said business, and to make the inventory, check and investigations aforesaid with relation to the said licensee or any other licensee. The application shall also constitute consent given to the Director or his authorized agents to view, copy or investigate any documents, including state and federal income and sales tax returns and any documents, associated with the person or business that are exercising the privilege of the license, as per Idaho Code sections 23-907, 23-1006 and 23-1314 and IDAPA 11.05.01.

Applicant(s) hereby acknowledges that falsifying this document or submitting any false documents for record can result in a felony conviction under Idaho Code sections 23-905 or 18-3203. Applicant(s) further acknowledges that they and/or each person indicated on this application or attachments understand that state law controlling alcohol beverage licensing is found at Title 23, Idaho Code (<http://legislature.idaho.gov/idstat/Title23/T23.htm>) and the Alcohol Beverage Control administrative rules, IDAPA 11.05.01 (<http://adminrules.idaho.gov/rules/current/11/0501.pdf>), and that any violation of these laws or rules can result in criminal and/or administrative sanctions, and up to and including license revocation.

Applicant Notification and Record Challenge: Your fingerprints will be used to check the criminal history records of the FBI. You have the opportunity to complete or challenge the accuracy of the information contained in the FBI identification record. The procedure for obtaining a change, correction, or updating an FBI identification record are set forth in Title 28, CFR, 16.34.

Signature Certification

I/we certify under penalty of perjury pursuant to the law of the state of Idaho that the foregoing is true and correct. I/we, the applicant(s) of this license, acknowledge and understand Idaho Code Title 23 and IDAPA that regulate licenses provided by the Idaho liquor act and do hereby agree to operate the licensed premises in conformity with these statutes and regulations.

Thomas E. Genter President 4/8/19 ✓
Applicant Signature Title Date

Thomas E. Genter
Printed Name



CITY OF MIDDLETON

PO Box 487, 1103 W. MAIN ST.,
MIDDLETON, ID 83644
208-585-3133, 208-585-9601 Fax
WWW.MIDDLETONIDAHO.US

ADMINISTRATION

BEER WINE
APPLICATION/LICENSE

YEAR June 1, 2019 – May 31, 2020

☐ New License

☒ Renewal

SALE FOR ON-PREMISE CONSUMPTION

() BEER (\$200.00)

() WINE (\$200.00)

SALE FOR OFF-PREMISE CONSUMPTION

☒ BEER (\$50.00)

☒ WINE (\$200.00)

OFFICE USE ONLY:

RECEIPT

3.092704

\$ 250.00

LICENSE



Applicant Name: Jacksons Food Stores, Inc

Business Name: Jacksons #22

Business Address (Street/P O.Box/City/Zip): 7 E Main St.

Mailing Address (Street/P.O.Box/City/Zip): 3450 E Commercial Ct Meridian, ID 83642

Business phone: 208-585-2199 Other Phone: 208-884-6658

Email address: cindy.burnett@jacksons.com

● Attach copy of application for State license, including a copy of site and floor plans submitted with state application.

● Attach a copy of your State and County Alcohol Beverage Licenses before a City license will be issued.

2-28-19
Date

[Signature]
Applicant Signature

Cory Jackson
Print Name

LICENSE

Application Approved by City Council on (date): _____

Application Denied: _____

License is hereby issued this ____ day of _____, 20____.

City Clerk

Notes: _____

2019-2020

RETAIL ALCOHOL BEVERAGE LICENSE

201988

CANYON COUNTY, ID

STATE OF IDAHO

*This is to certify, that JACKSON'S FOOD STORES INC
dba: JACKSON'S FOOD STORES #22*

is licensed hereby as a retailer of alcohol beverage, as stated below, to the provisions of Title 23, Idaho Code and the laws of the State of Idaho and regulations and ordinances of Board of County Commissioners in regard to the sale of alcoholic beverage at: 7 E MAIN, MIDDLETON, ID 83644

Beer Bottled or canned, consumed OFF premises \$25.00
Wine WINE Retail: (This is for OFF premises consumption only) \$100.00

License valid until May 31, 2020

APPROVED by the Board of County Commissioners this 30 day of April, 2019
Mail To: 3450 COMMERCIAL CT, MERIDIAN, ID 83642

Signature of Licensee or Officer of Corporation

Chris Gomanets
Clerk

(THIS LICENSE MUST BE CONSPICUOUSLY DISPLAYED)

Paul Lee
Chairman

State of Idaho

Cycle Tracking Number: 110354

Idaho State Police

Premise Number: 2C-182

Retail Alcohol Beverage License

License Year: 2020

License Number: 1610

This is to certify, that Jackson's Food Stores Inc
doing business as: Jackson's Food Stores #22

is licensed to sell alcoholic beverages as stated below at:
7 E Main, Middleton, Canyon County

Acceptance of a license by a retailer shall constitute knowledge of and agreement to operate by and in accordance to the Alcohol Beverage Code, Title 23. Only the licensee herein specified shall use this license.
County and city licenses are also required in order to operate.

Liquor

No

Beer

Yes \$50.00

On-premises consumption

No

Kegs to go

No

Restaurant

No

Wine by the bottle

Yes \$100.00

Wine by the glass

No

Multipurpose arena

No

Growlers

No

TOTAL FEE: \$150.00

Signature of Licensee, Corporate Officer, LLC Member or Partner

JACKSON'S FOOD STORES INC
JACKSON'S FOOD STORES #22
3450 COMMERCIAL CT

MERIDIAN, ID 83642

Mailing Address

License Valid: 06/01/2019 - 05/31/2020

Expires: 05/31/2020

Director of Idaho State Police





CITY OF MIDDLETON

PO Box 487, 1103 W. MAIN ST.,
MIDDLETON, ID 83644
208-585-3133, 208-585-9601 FAX
WWW.MIDDLETONIDAHO.US

ADMINISTRATION

BEER WINE
APPLICATION/LICENSE

YEAR June 1, 2019 – May 31, 2020

☐ New License
☒ Renewal

SALE FOR ON-PREMISE CONSUMPTION

☒ BEER (\$200.00)
☒ WINE (\$200.00)

SALE FOR OFF-PREMISE CONSUMPTION

☐ BEER (\$50.00)
☐ WINE (\$200.00)



OFFICE USE ONLY:

RECEIPT
3.092676
\$ 400.00

LICENSE

Applicant Name: Silvia K Lane

Business Name: The Vault 21 Club

Business Address (Street/P.O.Box/City/Zip): 21 N Denzey Ave Middleton Id

Mailing Address (Street/P.O.Box/City/Zip): 2205 S Kimball Ave Caldwell Id
83605

Business phone: 208-585-9829 Other Phone: 208-620-0829

Email address: ourplacesaloon21@gmail.com

● Attach copy of application for State license, including a copy of site and floor plans submitted with state application.

● Attach a copy of your State and County Alcohol Beverage Licenses before a City license will be issued.

5-8-19
Date

Silvia K Lane
Applicant Signature

Silvia K Lane
Print Name

LICENSE

Application Approved by City Council on (date): _____

Application Denied: _____

License is hereby issued this ____ day of _____, 20__.

City Clerk

Notes: _____

2019123

*This is to certify, that SILVIA K LANE
dba: THE VAULT 21 CLUB*

is licensed hereby as a retailer of alcohol beverage, as stated below, to the provisions of Title 23, Idaho Code and the laws of the State of Idaho and regulations and ordinances of Board of County Commissioners in regard to the sale of alcoholic beverage at: 21 N DEWEY AVENUE, MIDDLETON, ID 83644

License valid until May 31, 2020

Beer	DRAFT, bottled or canned, ON or OFF premises consumption	\$100.00
Wine	WINE by the drink: (This covers Retail & By the Drink)	\$100.00

\$100.00
\$100.00

Signature of Licensee or Officer of Corporation

APPROVED by the Board of County Commissioners this 2 day of July, 2014
Mail To: 2205 S KIMBALL AVENUE, CALDWELL, ID 83605

Clerk

(THIS LICENSE MUST BE CONSPICUOUSLY DISPLAYED)

Chairman

State of Idaho

Idaho State Police

Retail Alcohol Beverage License

License Year: 2020

License Number: 24313

This is to certify, that **Silvia K Lane**

doing business as: **The Vault 21 Club**

is licensed to sell alcoholic beverages as stated below at:
21 N Dewey Ave, Middleton, Canyon County

Acceptance of a license by a retailer shall constitute knowledge of and agreement to operate by and in accordance to the Alcohol Beverage Code, Title 23. Only the licensee herein specified shall use this license.

County and city licenses are also required in order to operate.

Signature of Licensee, Corporate Officer, LLC Member or Partner

Liquor No

Beer	Yes	<u>\$50.00</u>
------	-----	----------------

On-premises consumption	Yes	<u>\$0.00</u>
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Kegs to go

Restaurant No

Wine by the bottle No

Wine by the glass	Yes	<u>\$100.00</u>
-------------------	-----	-----------------

Multipurpose arena

Growlers No

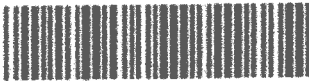
TOTAL FEE: \$150.00

License Valid: 06/01/2019 - 05/31/2020

Expires: 05/31/2020

Director of Idaho State Police





0001457368



STATE OF IDAHO
Office of the secretary of state, Lawrence Denney
**AMENDMENT TO CERTIFICATE OF ASSUMED
BUSINESS NAME**
Idaho Secretary of State
PO Box 33720
Boise, ID 83720-0000
(208) 334-2300
Filing Fee: \$10.00 - Make Checks Payable to Secretary of State

For Office Use Only

-FILED-

File # 0001457368

Date Filed: 03/19/2019 12:45:44 PM

The assumed business name currently on record is:	
Assumed Business Name	OUR PLACE SALOON
Date Filed	08/27/2018
The file number of this assumed business name on the records of the Idaho Secretary of State is:	
000014030	
The Assumed Business Name is amended to:	
Change Assumed Business Name?	I want to change the name
Entity name	The Vault 21 Club
The type of business is amended to:	
The general type of business transacted under the assumed business name is:	Retail Trade
The mailing address for future correspondence is amended to:	
21 N DEWEY AVE MIDDLETON, ID 83644-5900	
The individual or entity names and business addresses of those filing business under this APN:	
Name	Address
SALVIA K LAKE	21 N DEWEY AVE MIDDLETON, ID 83644
Signature:	
<u>Salvia Kimeron Lane</u>	<u>03/19/2019</u>
Sign Here	Date
Signer's Title: owner	

1D



CITY OF MIDDLETON
6 NORTH DEWEY AVENUE, MIDDLETON, ID 83644
208-585-3133, 208-585-9601 FAX
WWW.MIDDLETONIDAHO.US



FIREWORKS APPLICATION

For retail sale of 1.4G Fireworks or Consumer Fireworks (Class C) at temporary fireworks stands within the City of Middleton. Middleton City Code 9-2 and 1-3-1 Fireworks.

Permit fee: \$50.00 for Safe Fireworks Vendors Permit.
\$300.00 deposit, bond or letter of credit for prompt removal of structure and cleanup of debris.

Insurance: Bond or Certificate of insurance is required and must be filed with the City prior to the issuance of permit.
Bond or valid certificate of public liability and property-casualty insurance providing coverage of at least one hundred thousand dollars (\$100,000.00) for personal injury and property damage required.

I. General Information:

Name, Cell Phone, Business Phone, and Address of Applicant:

Scott Thomson (208) 284-4354 3205 Hamilton, Boise, ID 83705

Name and Address of Business applicant is representing:

Middleton Village Partners (Garrett Goldberg)

P.O. Box 9325 Boise, ID 83707

Address of location applicant has permission to sell fireworks; property owner name and phone:

Middleton Village Center

206 East Main Middleton, ID 83644

Applicant/Business Idaho State Sales Tax Permit number:

Bruce J. Weaver Outlet Fireworks LLC 002568351-S

Date(s) of sale of fireworks: June 23- July 5, 20

APPLICANT / BUSINESS REPRESENTATIVE

[Signature]
Signature

Date: Apr. 21, 2019

Scott Thomson - manager

Print name / Business Name and Representative Title

Subscribed and sworn before me this 24 day of April, 2019.

(Seal)



Tracy E. Felton

Notary Public for the State of Idaho

Residing at: Boise, ID

Commission expires: 04-18-2022



CITY OF MIDDLETON

6 NORTH DEWEY AVENUE, MIDDLETON, ID 83644

208-585-3133, 208-585-9601 FAX

WWW.MIDDLETONIDAHO.US

ADMINISTRATION

FIREWORKS APPLICATION

OFFICE USE ONLY

Application Received: _____

Fee Received: 50⁰⁰ Rec 1. 233650

Deposit Received: \$300.00 ck 6529

Insurance Certificate Received: _____

Application Approved by City Council : _____

Application Denied: _____

FIRE INSPECTION:

Date: _____ By: _____

Permit is hereby issued this _____ day of _____, 20____.

City Clerk

Notes: _____

DRAYTON INSURANCE BROKERS, INC.

2500 CENTER POINT ROAD, SUITE 301
BIRMINGHAM, ALABAMA 35215
PHONE: (205) 854-5806
FAX: (205) 854-5899

POST OFFICE BOX 94067
BIRMINGHAM, ALABAMA 35220
EMAIL: dib@draytonins.com

CERTIFICATE OF INSURANCE

NO. 940033

We certify that insurance is afforded as stated below. This Certificate does not affirmatively or negatively amend, extend or alter the coverage afforded by the insurance policy and the insurance afforded is subject to all the terms, exclusions and conditions of the policy.

INSURER Admiral Insurance Company **POLICY NO.** CA000003209-29-1104

NAMED INSURED Outlet Fireworks LLC
1619 Brookfield Ct.
Twin Falls, Idaho 83301

POLICY TERM April 1, 2019 to April 1, 2020; Both Days 12:01 A.M. Standard Time

COVERAGE Commercial General Liability: ☒ Occurrence Basis ☐ Claims Made Basis

LIMIT OF LIABILITY \$5,000,000 each occurrence, \$6,000,000 general aggregate, \$6,000,000 products/completed operations aggregate
The limit of liability shall not be increased by the inclusion of more than one insured or additional insured.

INSURED OPERATIONS The sale of consumer fireworks (1.4G) and related products at the Insured location.

It is certified that, if named below, this policy includes as Additional Insureds 1) the operator of the Insured location and/or 2) the owner of the property on which the Insured location is situated and/or 3) the licensing authority issuing a permit or license for the operation of the Insured location and/or 4) an entity for which the Named Insured is required by written contract to provide coverage.

**NAME(S) OF
ADDITIONAL INSURED(S)** Middleton Village
Garrett Goldberg
Middleton Village Partners

**THE CITY OF MIDDLETON ITS OFFICIALS, OFFICERS, AGENTS & VOLUNTEERS
WHEN ACTING IN THEIR OFFICIAL CAPACITY.**

**ADDRESS OF
INSURED LOCATION** 206 E Main
Middleton, ID 83644

It is certified that this policy requires a 30 day mutual notice of cancellation between the Insurer and the Named Insured. In the event of such cancellation we will endeavor to mail 10 days written notice to the Additional Insured(s), whose name and address is shown hereon, but failure to mail such notice shall impose no obligation or liability of any kind upon the insurer and/or the undersigned.

DRAYTON INSURANCE BROKERS, INC.

4/18/2019
DATE OF ISSUE


A.J. STRINGER, PRESIDENT



isiWEST

WATER AND WASTEWATER TREATMENT, TRANSFER AND CONTROL EQUIPMENT

Jeremy Jensen | 135 Ranch Loop Road | Preston, ID 83263 | Phone: 801.718.6518 | jjensen@isiwest.com | www.isiwest.com

May 2, 2019

TO: Chad Beverage
PROJECT: Middleton Replacement Parts
BID DATE: NDS
ENGINEER: NA
QUOTE# 0519-135-01

SCOPE OF QUOTATION

THIS PROPOSAL IS GOVERNED BY AND SUBJECT TO ALL THE TERMS AND CONDITIONS PER ATTACHED EXHIBIT "A".

isiWEST is pleased to offer the following:

Bid Item 1: Sanitaire Replacement Parts:

The following offering from Sanitaire:

Qty (35) 10' Air Distributor Section with (10) 9" 1633 style holders, part #1633-10-DIST. (\$196.88 ea)
Qty (12) Union Coupling Assemblies (includes socket end, spigot end, and o-ring), part #2250-ASSY. (\$13.22 ea)
Qty (10) O-rings for 4" removable ends, part #2351-1G4. (\$3.09 ea)
Qty (100) 9" SSII membrane diffusers, part #2261-WE9. (\$6.75 ea)
Qty (10) Spare 9" rings, part #2300-2P9. (\$4.50 ea)
Qty (1) Silicone lubricant, part #HVS350-1 (\$66.38 ea)

PRICE: \$7,866.56. Installation, freight, and taxes not included.

TERMS

This proposal represents our best interpretation of plans, specifications, or design conditions. It remains the purchaser's responsibility to verify quantities and compliances. Backcharges will not be accepted unless we have been notified in writing prior to work being done.

Prices are F.O.B. factory pre-pay and add to invoice unless otherwise noted. **Applicable sales taxes and installation costs must be added to all quoted prices unless otherwise noted.** If startup is not included in the above quote and startup is required, please contact isiWEST. Prices are good for 30 days from bid date. Payment terms are Net/30 days. A penalty equal to the maximum allowable interest rate will be applied to overdue accounts.

Sincerely,

Jeremy Jensen | isiWEST | cell: 801.718.6518
135 Ranch Loop Road | Preston, ID 83263 | 208.852.0405

Quote # 0519-135-01

Page 1 of 5



isiWEST

WATER AND WASTEWATER TREATMENT, TRANSFER AND CONTROL EQUIPMENT

Jeremy Jensen | 135 Ranch Loop Road | Preston, ID 83263 | Phone: 801.718.6518 | jjensen@isiwest.com | www.isiwest.com

EXHIBIT "A"

INSTRUMENT & SUPPLY, INC. - TERMS AND CONDITIONS OF SALE

1. **ACCEPTANCE** - This proposal is submitted to Purchaser subject to the terms and conditions hereinafter set forth. There are no agreements or representations, verbal or otherwise, outside this proposal. Upon the acceptance hereof by Purchaser of this proposal, whether verbal or written, this proposal shall become a binding contract. In the event that purchaser submits its own purchase order in lieu of accepting this proposal in the method described above, (a) none of the terms of such purchase order which differ from or are in addition to the terms hereof, shall become a part of the contract and Seller specifically objects to such different or additional terms, and (b) the submission by Purchaser and the Seller as an unequivocal acceptance to this proposal and the terms, and a contract shall thereupon become effective.

2. **SHIPPING DATE** - The shipping date specified herein is approximate only. Seller recognizes the desirability of making delivery promptly. However, Seller shall not be responsible for any loss or damage resulting from any delay in delivery or failure to deliver the equipment (as used herein "equipment" refers to all equipment materials, accessories and/or parts which Seller proposes to sell hereunder) where such delay or failure is caused by fire, flood, natural causes, labor troubles (including strikes, slowdowns and lockouts), war, Government regulations, riots, civil disorders, interruption of or delay in transportation, power failure, inability to obtain materials and supplies, accidents, acts of God, or any other cause beyond Seller's control.

3. **PACKING** - Prices include packing for domestic truck shipments only.

4. **SHIPMENTS** - All prices are F.O.B. factory except where it is specifically stated that they are freight allowed. Where freight is allowed, the prices are F.O.B. point of shipment with freight prepaid (allowed) to nearest freight station in the United States (except Alaska, Hawaii, Canal Zone and Insular Possessions). The point of origin of shipment, the method of transportation and the routing of shipments are optional with seller. No allowance is made for transportation if Purchaser accepts delivery at factory or warehouse. If the Purchaser specifies on order "shipment collect", it should be clearly understood that there will be no credit allowance made for freight.

At the Purchaser's request, shipment may be made by air, railroad express, rail and/or water freight, in lieu of truck. In such case, any additional expense incurred will be billed to the Purchaser. If shipment is accepted by the Purchaser at one destination and re-forwarded to him, the re-forwarding is at the Purchaser's expense.

5. **PRICES** - Unless otherwise specified by Seller, prices set forth herein are firm, provided within thirty (30) days after the date hereof, this proposal becomes a binding contract as hereinabove provided, and provided further that Purchaser furnishes Seller with all necessary drawings duly approved by the Purchaser within thirty (30) days after submission of drawings to the Purchaser by Seller. Where shipment is requested by Purchaser beyond the normal shipment schedule, or in the event that shipment is deferred at the request of the Purchaser or by reason of Government action, Purchaser agrees to pay at Seller's option a delayed delivery storage fee at the rate of 2% of the equipment price per month beyond the normal shipping date.



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Jeremy Jensen | 135 Ranch Loop Road | Preston, ID 83263 | Phone: 801.718.6518 | jjensen@isiwest.com | www.isiwest.com

6. **TAXES** - Prices specified herein do not include any federal, state or municipal sales, use, excise or other taxes. Therefore, in addition to the prices specified herein, the amount of any such sales, use, excise or other taxes applicable to the sale of the equipment shall be paid by Purchaser or in lieu thereof Purchaser shall furnish Seller with tax exception certificates acceptable to said taxing authorities.

7. **PAYMENTS** - Terms of payment are **NET 30 DAYS** from invoice date unless otherwise stated. All past due amounts are subject to a service charge at the maximum legal rate allowed by the State of Arkansas. If Purchaser's financial condition does not justify continuance of production or shipment

8. On the terms of payment - specified herein, Purchaser will, upon request by Seller, furnish further assurance of ability to make payments. Seller may also refuse to make shipment except upon payment of cash fully or partially in advance. Prorate payments shall become due and payable as partial shipments are made hereunder. In the event delay in making any partial shipment is caused by Purchaser, payment for such shipment shall be due on the date Seller notifies Purchaser that Seller is prepared to make such shipment.

Purchaser shall be responsible for the payment of all costs and expenses of collection of all payments due seller, including reasonable attorney's fees, whether or not a lawsuit are actually filed. In the event it should become necessary to file legal action for collection or interpretation of the terms of this agreement, Purchaser and Seller hereby agree that the jurisdiction and venue of any such action are proper in the courts of Garland County, State of Arkansas.

9. **TITLE** - The title to equipment specified herein, and to any and all additions and accessories thereto And substitutions therefore, shall remain with seller until the purchase price thereof is paid in full.

10. **CANCELLATION** - When this proposal becomes a binding contract as hereinabove provided, the Purchaser may cancel the same at any time prior to shipment, but only upon payments to seller of reasonable cancellation charges, which shall include expenses already incurred, the cost to seller of canceling it and Seller's anticipated profit.

11. **WARRANTY** - The original manufacturer warranty will apply on all new equipment and parts Purchased from Seller. New equipment manufactured by Seller is warranty to be free from defects in material and workmanship under normal use and service for a period of one (1) year from the date of shipment; seller's obligation under this warranty being limited to repairing or replacing at its option any part found to its satisfaction to be so defective provided that such part is, upon request, returned to Seller's factory from which it was shipped, transportation prepaid. This warranty does not cover parts damaged by decomposition from chemical action or wear caused by abrasive materials, nor does it cover damage resulting from misuse, accident, neglect, or from Improper operation, maintenance, installation, modification or adjustment. This



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Jeremy Jensen | 135 Ranch Loop Road | Preston, ID 83263 | Phone: 801.718.6518 | jjensen@isiwest.com | www.isiwest.com

warranty does not cover parts repaired outside seller's factory without prior written approval. Seller makes no warranty as to starting equipment, electrical apparatus or other material not of its manufacture, since the same are usually covered by warranties of the respective manufacturers thereof.

In the event, notwithstanding the terms of this agreement, it is determined by a court of competent jurisdiction that an express warranty has been given by Seller to Purchaser with respect to performance characteristics of said equipment, Seller's liability for breach of the same shall be limited to accepting return of such equipment F.O.B. plant of manufacture, refunding any amount paid thereon by Purchaser (less depreciation at the rate of 15% per year if Purchaser has used equipment for more than thirty (30) days) and canceling any balance still owing on equipment.

12. COMPLIANCE WITH LAWS - Purchaser shall be solely responsible for securing any necessary permits under and for compliance with all safety, health and sanitation laws, ordinances and regulations in connection with the installation and operation of the equipment. Purchaser agrees to provide Seller, upon request, with evidence of the securing of

any such permits and of compliance with any such laws, ordinances and regulations, although Seller may rely exclusively on Purchaser's representations, hereby made, that it shall secure permits and comply with such laws, ordinances and regulations.

13. INDEMNIFICATION - It is understood that Seller has relied upon data furnished by and on behalf of Purchaser with respect to the safety aspects of the equipment, and that is Purchaser's responsibility to assure that the equipment will, when installed and put in use, be in compliance with safety requirements fixed by law and otherwise legally adequate to

safeguard against injuries or damage to person or property. Purchaser hereby agrees to defend, indemnify and hold harmless Seller, its agents and employees against any and all losses, costs, damages claims, liabilities or expenses, including but not limited to reasonable attorney's fees, arising out of or resulting from any injury or damage to any person or property caused by the inadequacy of safety features, devices or characteristics in the equipment or in the installation, use or operation of the same, except claims for repair or replacement of defective parts as provided in Paragraph 10 hereof.

14. RISK OF LOSS - The risk of loss of or damage to the equipment is on Purchaser from and after delivery to Purchaser or to carrier from shipment to Purchaser.

15. DISCLAIMER OF CONSEQUENTIAL DAMAGES, LIQUIDATED DAMAGES OR PENALTIES
SELLER SHALL NOT BE LIABLE FOR CONSEQUENTIAL DAMAGES, LIQUIDATED DAMAGES OR PENALTIES WHETHER OR NOT CAUSED BY SELLER'S NEGLIGENCE. "CONSEQUENTIAL DAMAGES" FOR THE PURPOSE OF THIS AGREEMENT SHALL INCLUDE, BUT NOT BE LIMITED TO, LOSS OF USE, INCOME OR PROFIT, OR LOSS OR DAMAGE TO PROPERTY (INCLUDING, BUT WITHOUT LIMITATION,



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WATER AND WASTEWATER TREATMENT, TRANSFER AND CONTROL EQUIPMENT

Jeremy Jensen | 135 Ranch Loop Road | Preston, ID 83263 | Phone: 801.718.6518 | jjensen@isiwest.com | www.isiwest.com

PRODUCTS MANUFACTURED, PROCESSED OR TRANSPORTED BY THE USE OF THE EQUIPMENT) OCCASIONED BY OR ARISING OUT OF THE OPERATION, USE, INSTALLATION, REPAIR OR REPLACEMENT OF THE EQUIPMENT OR OTHERWISE.

16. GENERAL -

(a) No modification hereof shall be binding upon Seller unless such modification is in writing signed by a duly authorized representative of Seller.

(b) If any part hereof is contrary to, prohibited by, or deemed invalid under applicable laws or regulations, such provision shall be inapplicable and deemed omitted to the extent so contrary, prohibited or invalid, but the remainder hereof shall not be invalidated thereby and shall be given effect so far as possible.

(c) The waiver of the breach of any obligation to be performed by either party hereunder shall not constitute a waiver of any other like or difference breach.

(d) The entire understanding between the parties hereto is as set forth herein and any promises, representations, warranties or guarantees not herein contained shall have no force and effect unless in writing, signed by Seller and Purchaser.

Accepted by: _____.

Company Name: _____.

Date: _____.

After Recording Return To:

J. Evan Robertson
Robertson & Slette, PLLC
P.O. Box 1906
Twin Falls, ID 83303-1906

This Space Reserved for Recording Purposes

EASEMENT AGREEMENT

THIS EASEMENT AGREEMENT is made and entered into this 10 day of May, 2019, by and between GARY THOMAS BROWN and LISA DAWN BROWN, husband and wife, hereinafter referred to as "Grantors," and THE CITY OF MIDDLETON, IDAHO, a municipal corporation, at 1103 W Main Street, Middleton Idaho, hereinafter referred to as "Grantee".

RECITALS:

- A. Grantors are the owners of certain real property situated in Canyon County, Idaho, hereinafter referred to as the "Subject Property," and more particularly described in Exhibit "A" hereto and incorporated herein.
- B. The Grantee owns and operates public sewer and water systems.
- C. A previous Easement Agreement entered into between the Grantors and Grantee dated March 1, 2006, and recorded as Instrument No. 20066256 in the official records of Canyon County, Idaho on the 14th day of August, 2006, is hereinafter referred to as the "Previous Easement Agreement".

NOW, THEREFORE, for good and valuable consideration the parties agree as follows:

- 1. All recitals are incorporated here as if restated in full.
- 2. The parties hereby terminate, rescind and replace, in its entirety, the Previous Easement Agreement with this document and the easements therein granted by the Grantors to the Grantee.
- 3. Grantors, subject to the terms and conditions hereinafter set forth, hereby grant and convey unto the Grantee, its successors and assigns, two easements over, under, and across a portion of the Subject Property as follows:

(A) A permanent and perpetual, nonexclusive easement, over, under, and across the south twenty-three (23) feet of the Subject Property to therein access, construct, install,

maintain, repair, replace, improve, use and operate underground public water and sewer lines, manholes, valves, hydrants, and other similar system components, together with a non-public, private access road suitable for motor vehicular traffic extending the length of said easement, consisting of an all weather surface at least twelve (12) feet in width. ("Easement No. 1"); and

(B) A permanent and perpetual, nonexclusive easement over, under and across that portion of the Subject Property described in Exhibit "B", attached hereto and incorporated herein, to access, construct, install, maintain, repair, replace, improve, use and operate underground public water and sewer systems ("Easement No. 2"); and

(C) The two easements burden the Subject Property as described and benefit real properties that now or in the future are connected systems to public water or sewer systems in the easements or looped to the public water and/or sewer.

3. For improvements now or in the future located within the Subject Property, Grantee hereby guarantees capacity to the Grantors for at least six (6) single-family residential unit connections to the sewer and water lines, valves, and manholes constructed in Easement No. 1 and Easement No. 2, which connections shall be made at such time or times to be determined by the Grantors. Grantors shall be subject to the then-prevailing connection and service fees for similar connections within the City of Middleton. All such residential lines and connections are subject to review and approval by the Grantee.

4. Grantors and all succeeding owners of the Subject Property, or any portions thereof, may use and further improve at their expense in a way that does not interfere with the easement holders rights, the property burdened by the easements, including an access road constructed thereon as a driveway accessing the Subject Property, and any dwellings or other improvements now or hereafter situated thereon.

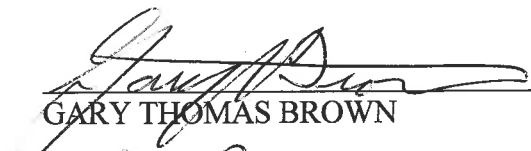
5. Each easement herein granted shall be permanent, and shall continue in effect unless and until the Grantee agrees to termination, or otherwise abandons or vacates said easement, or its right to use the same. While in effect, both of the said easements shall specifically include, without limitation, the right of the Grantee, its agents, employees, contractors and assigns to traverse the same with vehicles and equipment, and to make such improvements and excavations thereon and thereunder as may be reasonably necessary to construct, install, maintain, repair, replace, operate, improve, or use the public water and sewer system facilities installed therein.


6. Grantee shall save and hold Grantors harmless from any and all liability for personal injury or property damage resulting from, or any way connected with, any use or activity undertaken or permitted by the Grantee, or any of its agents, employees, contractors, or assigns within the easements herein granted.

7. This Agreement and each of the easements herein granted are appurtenant to, and run with title to, the Subject Property, and shall obligate and inure to the benefit of the parties hereto, and their respective successors and assigns.

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

"GRANTORS"


GARY THOMAS BROWN


LISA DAWN BROWN

"GRANTEE"

THE CITY OF MIDDLETON

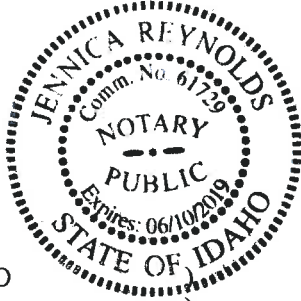
By: _____

Its: _____

STATE OF IDAHO)
)ss.
County of Canyon)

On the 10 day of May, 2019, before me, a Notary Public, in and for said County and State, personally appeared **Gary Thomas Brown**, known or identified to me to be the individual whose name is subscribed to the within instrument, and acknowledged to me that he 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.

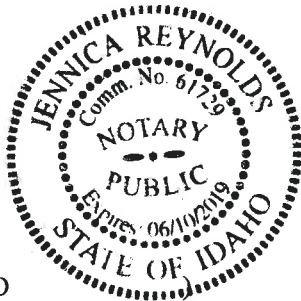


Jennica Reynolds
NOTARY PUBLIC FOR IDAHO
Residing at Canyon County, ID
My commission expires 6/10/2019

STATE OF IDAHO)
)ss.
County of Canyon)

On the 10 day of May, 2019, before me, a Notary Public, in and for said County and State, personally appeared **Lisa Dawn Brown**, known or identified to me to be the individual whose name is subscribed to the within instrument, and acknowledged to me that she 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.



Jennica Reynolds
NOTARY PUBLIC FOR IDAHO
Residing at Canyon County
My commission expires 6/10/2019

STATE OF IDAHO)
)ss.
County of _____)

On the _____ day of _____, 2019, before me, a Notary Public, in and for said County and State, personally appeared _____, on behalf of The City of Middleton., known or identified to me to be the individual whose name is subscribed to the within instrument, and acknowledged to me that he 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
Residing at _____
My commission expires _____



CIVIL AND STRUCTURAL ENGINEERING AND LAND SURVEYING

EXHIBIT "A"

Annexation Description

Gary Brown Property

Job No. 05160 October 4, 2006

Land within the SE1/4NE1/4 of Section 4, and the NW1/4 of Section 3, T4N, R2W, B.M., Canyon County, Idaho, described as follows:

COMMENCING at the Northeast Corner of said Section 4;
thence, along the East Line of said Section, South 00°06'03" West, 943.16 feet
thence North 89°17'24" East, 25.00 feet;
thence parallel with and 25.00 feet East of said East Section Line, South 00°06'03" West 376.17 feet;
thence South 89°53'57" East 25.00 feet;
thence parallel with and 50.00 feet East of said East Section Line South 00°06'03" West 415.83 feet, to the **POINT OF BEGINNING**;

thence continuing, South 00°06'03" West, 704.17 feet, to an angle point in the east right-of-way of Lansing Lane, as described in Instrument No: 75688, Canyon County Records;
thence along said right-of-way, South 07°16'52" West, 199.57 feet, to a point from which the East 1/4 Corner of said Section 4 bears South 89°36'49" West, 25.05 feet;
thence South 89°36'49" West, 25.05 feet, to said East 1/4 Corner;
thence along the South Line of said SE1/4NE1/4, South 89°36'49" West, 227.30 feet;
thence North 00°44'48" East, 905.64 feet;
thence South 89°37'41" East, 267.08 feet, to the **POINT OF BEGINNING**.

Containing 5.59 Acres, more or less.



P:\Sargent\Silver Spur\Drawings\Survey\Descriptions\Gary Brown Annexation Desc.doc

Treasure Valley Engineers, Inc.
1204 6th Street North
Nampa, Idaho 83687

Office: (208) 463-0305
Fax: (208) 463-4391
www.TVEInc.com

2775 W. Navigator Drive, Suite 210
Meridian, Idaho 83642
www.horrocks.com

HORROCKS

ENGINEERS

Idaho Office
Tel: 208.895.2502
Fax: 208.463.7561

Owner: Brown, Gary T. and Lisa D.
APN.: R338460000
Project No.: ID-1462-1811
Date: April 5, 2019
Page 1 of 1

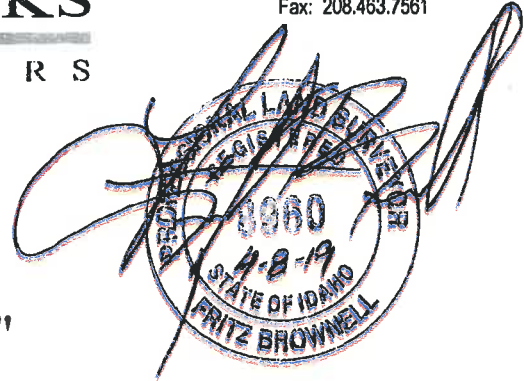


EXHIBIT "B"

REQUIRED PERMANENT DOMESTIC WATER LINE EASEMENT

This easement is situated in a portion of the S.E. $\frac{1}{4}$ of the N.E. $\frac{1}{4}$ of Section 4, Township 4 North, Range 2 West of the Boise Meridian, Canyon County, Idaho, more particularly described as follows:

COMMENCING at the southeast corner of said S.E. $\frac{1}{4}$ of the N.E. $\frac{1}{4}$, from which the northeast corner of said Section 4 bears; N.01°14'34"E., 2637.09 feet; thence along the east boundary of said S.E. $\frac{1}{4}$ of the N.E. $\frac{1}{4}$,

- 1) N.01°14'34"E., 23.00 feet; thence leaving said east boundary and parallel with the south boundary of said S.E. $\frac{1}{4}$ of the N.E. $\frac{1}{4}$,
- 2) N.89°14'40"W., 22.10 feet to a point on the east boundary of Parcel 3 as shown on Record of Survey Instrument No. 9006434, records of Canyon County and the **POINT OF BEGINNING**; thence continuing along said parallel line,
- 3) N.89°14'40"W., 204.94 feet to a point on the west boundary of said Parcel 3; thence along said west boundary,
- 4) N.01°53'19"E., 5.21 feet; thence leaving said west boundary,
- 5) S.89°35'58"E., 205.71 feet to a point on the east boundary of said Parcel 3; thence along said east boundary,
- 6) S.08°25'23"W., 6.55 feet to the **POINT OF BEGINNING**.

CONTAINING 1,200 square feet (0.028 acres), more or less.

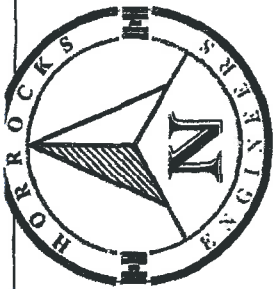


EXHIBIT "B"

N.E. COR. 33 34
ALUMINUM CAP
CP&F#2014-034993 4 3

LEGEND:

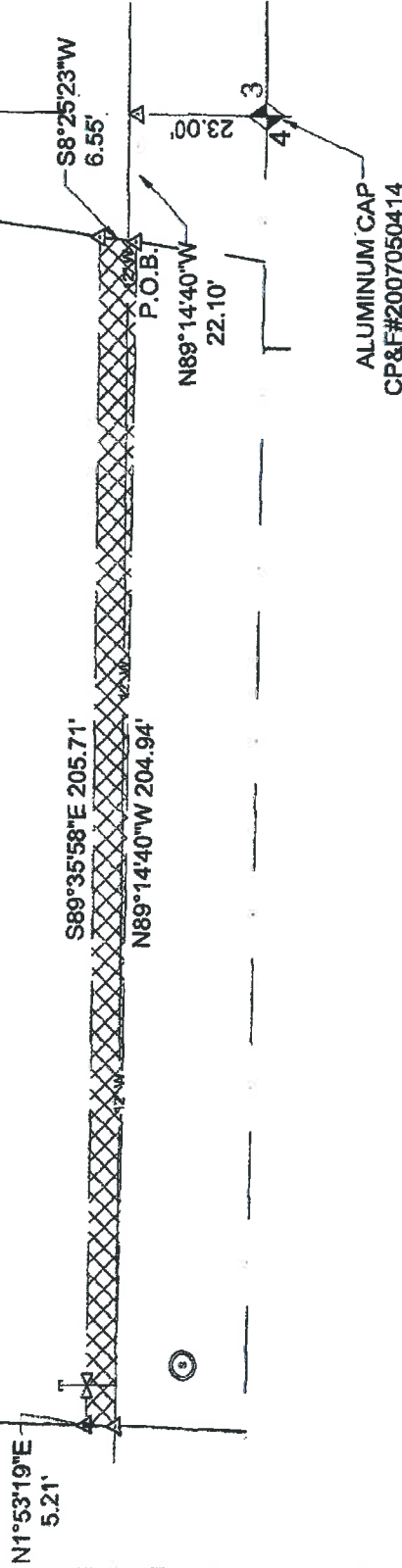
CALCULATED POINT
SECTION LINE
PROPERTY LINE
12" WATER LINE
EASEMENT LINE
POINT OF BEGINNING

P.O.B.



SCALE: 1" = 30'

GARY AND LISA D. BROWN
APN:R338460000



HORROCKS
ENGINEERS

2775 Navigator Dr., Suite 210
Meridian, ID 83642

(208) 865-2330
www.horrocks.com

WARNING

1/2
IF THIS BAR DOES NOT
MEASURE 1" THEN DRAWING
IS NOT TO SCALE

MIDDLETON 12" WATER MAIN MAINTENANCE EASEMENT

EXHIBIT

DRAWING INFO

DATE 04/8/19
SCALE 1" = 30'

REV # DATE

SEE 2ND SHEET FOR LISTING
PROJ. NO. ID-1462-1811

||-||

B

PAGE 2 OF 2

EASEMENT AGREEMENT

THIS EASEMENT AGREEMENT (Agreement) is made and entered into this ____ day of May, 2019, by and between RICHARD E. MENEFEE and CRYSTEL L. MENEFEE, husband and wife, husband and wife, hereinafter referred to as "Grantors," and THE CITY OF MIDDLETON, IDAHO, an Idaho municipal corporation at 1103 W Main Street, Middleton Idaho, hereinafter referred to as "Grantee."

RECITALS

A. Grantors are successors in interest to certain real property in Canyon County, Idaho previously owned by Philip H. Bevier and Angela L. Bevier, husband and wife (Beviers).

B. The Grantee owns and operates public water and sanitary sewer systems.

C. The Beviers granted the Grantee a Sanitary Sewer and Water Main Easement recorded on August 14, 2008, Instrument No. 200666253, in records of Canyon County, Idaho (Previous Easement).

D. The Grantee desires additional easement width of about five feet contiguous to the north side of the Previous Easement.

NOW, THEREFORE, for good and valuable consideration the parties agree as follows:

1. The recitals are incorporated here as if restated in full.
2. Grantors, subject to the terms and conditions hereinafter set forth, hereby grant, convey and transfer to the Grantee, its successors and assigns a permanent and perpetual, nonexclusive easement, over, across and under the real property described in Exhibit A to access, construct, install, maintain, repair, replace, improve, use and operate underground public water and sanitary sewer systems, comprised of lines, manholes, valves, hydrants, and other similar components. Said easement burdens the real property (Subject Property) described in Exhibit A and shown in Exhibit B, both of which are attached hereto and incorporated herein, and benefit real properties that now or in the future are connected or looped to the public water or sewer systems in the easements.
3. Grantors and all succeeding owners of the Subject Property, or any portions thereof, may use and further improve at their expense in a way that does not interfere with the easement holders rights, the property burdened by the easements, including an access road constructed

thereon as a driveway accessing the Subject Property, and any dwellings or other improvements now or hereafter situated thereon.

4. The easement herein granted shall be permanent and continue in effect unless and until the Grantee agrees to termination or otherwise abandons or vacates said easement or its right to use the same. While in effect, the easement shall specifically include, without limitation, the right of the Grantee, its agents, employees, contractors and assigns to traverse the same with vehicles and equipment, and to make such improvements and excavations thereon and thereunder as may be reasonably necessary to construct, install, maintain, repair, replace, operate, improve, or use the public water and sewer system facilities installed therein.

5. Grantee shall save and hold Grantors harmless from any and all liability for personal injury or property damage resulting from, or any way connected with, any use or activity undertaken or permitted by the Grantee, or any of its agents, employees, contractors, or assigns within the easements herein granted.

6. This Agreement and the easement herein granted are appurtenant to and run with the burdened Subject Property land and title.

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

"GRANTORS"

"GRANTEE"

RICHARD E. MENELEE

DARIN TAYLOR, MAYOR
THE CITY OF MIDDLETON

CRYSTEL L. MENELEE

STATE OF IDAHO)
 s.s.
County of County)

On the ____ day of May 2019 before me a Notary Public in and for said County and State personally appeared **Richard E. Menefee**, known or identified to me to be the individual whose name is subscribed to the within instrument, and acknowledged to me that he 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
My commission expires: _____

STATE OF IDAHO)
 s.s.
County of Canyon)

On the _____ day of May 2019 before me a Notary Public in and for said County and State personally appeared **Crystel L. Menefee**, known or identified to me to be the individual whose name is subscribed to the within instrument, and acknowledged to me that she 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
My commission expires _____

STATE OF IDAHO)
 s.s.
County of Canyon)

On the _____ day of May 2019 before me a Notary Public in and for said County and State personally appeared **Darin Taylor** on behalf of the City of Middleton., known or identified to me to be the individual whose name is subscribed to the within instrument, and acknowledged to me that he 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
My commission expires _____

Owner: Menefee, Richard E. and Crystel L.
APN.: R33846020A0
Project No.: ID-1462-1811
Date: April 5, 2019
Page 1 of 1

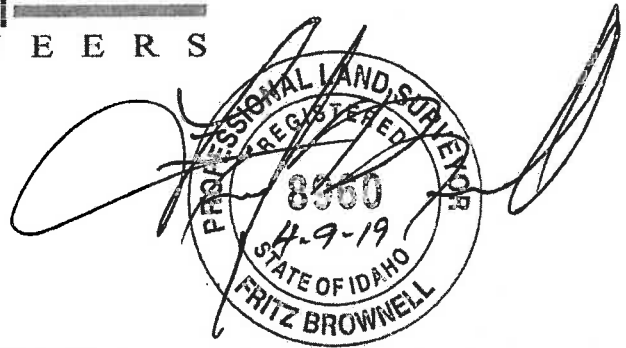


EXHIBIT "A"

REQUIRED PERMANENT DOMESTIC WATER LINE EASEMENT

This easement is situated in a portion of the S.E. $\frac{1}{4}$ of the N.E. $\frac{1}{4}$ of Section 4, Township 4 North, Range 2 West of the Boise Meridian, Canyon County, Idaho, more particularly described as follows:

COMMENCING at the southeast corner of said S.E. $\frac{1}{4}$ of the N.E. $\frac{1}{4}$, from which the northeast corner of said Section 4 bears; N.01°14'34"E., 2637.09 feet; thence along the east boundary of said S.E. $\frac{1}{4}$ of the N.E. $\frac{1}{4}$,

- 1) N.01°14'34"E., 23.00 feet; thence leaving said east boundary and parallel with the south boundary of said S.E. $\frac{1}{4}$ of the N.E. $\frac{1}{4}$,
- 2) N.89°14'40"W., 227.04 feet to a point on the east boundary of Parcel 4, as shown on Record of Survey Instrument No. 9006434, records of Canyon County and the **POINT OF BEGINNING**; thence continuing along said parallel line,
- 3) N.89°14'40"W., 488.66 feet; thence leaving said parallel line,
- 4) N.00°00'00"E., 4.93 feet; thence,
- 5) S.89°16'39"E., 488.83 feet to a point on the east boundary of said Parcel 4; thence along said east boundary,
- 6) S.01°53'19"W., 5.21 feet to the **POINT OF BEGINNING**.

CONTAINING 2,476 square feet (0.057 acres), more or less.

200666253

RECORDED

2006 JUN 14 PM 4:20

CANYON COUNTY RECORDER
BY *[Signature]*REQUEST *Philip H. Bevier*
TYPE *RECORD FEE*Recording Requested By and
When Recorded Return to:CITY OF MIDDLETON
6 N. Dewey
Middleton, ID 83644**SANITARY SEWER AND WATER MAIN EASEMENT
AND TEMPORARY CONSTRUCTION EASEMENT**

FOR VALUE RECEIVED, PHILIP H. BEVIER and ANGELA L. BEVIER, husband and wife ("Grantors"), hereby quitclaim, release, remise, transfer and convey to CITY OF MIDDLETON, a municipal corporation ("Grantee"), whose address is 6 N. Dewey, Middleton, ID 83644, its successors and assigns, a permanent perpetual non-exclusive easement and right-of-way (the "Easement") for the purpose of inspecting, locating, establishing, constructing, maintaining, repairing and operating underground sanitary sewer lines, water mains and an all-weather access road, together with the right to excavate and refill ditches and/or trenches for the location of said sanitary sewer lines or water mains, the right to remove bushes, trees, undergrowth and other obstructions interfering with the inspection, location, establishment, construction, maintenance, repair and operation of said sanitary sewer lines, water mains and access road, together with the right of ingress and egress in, from, to, over, across and through the Easement for the purposes of inspecting, locating, establishing, constructing, maintaining, repairing and operating said sanitary sewer lines, water mains and access road. The Easement is described and depicted on Exhibit A attached hereto and made a part hereof.

Grantors hereby grant to Grantee, its agents, contractors, successors and assigns, a non-exclusive temporary construction easement (the "Temporary Construction Easement") over, across and through the property for the purpose of constructing and installing the underground sanitary sewer lines, water mains and access road. The Temporary Construction Easement is described and depicted on Exhibit A attached hereto and made a part hereof.

IN WITNESS WHEREOF, Grantors have executed this instrument this 25 day of January, 2006.

GRANTORS:

Philip H. Bevier
Philip H. Bevier

Angela L. Bevier
Angela L. Bevier

(3)

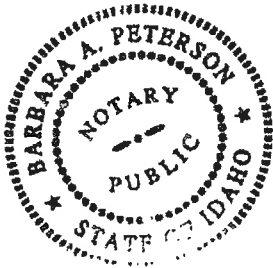
STATE OF IDAHO

County of Ada

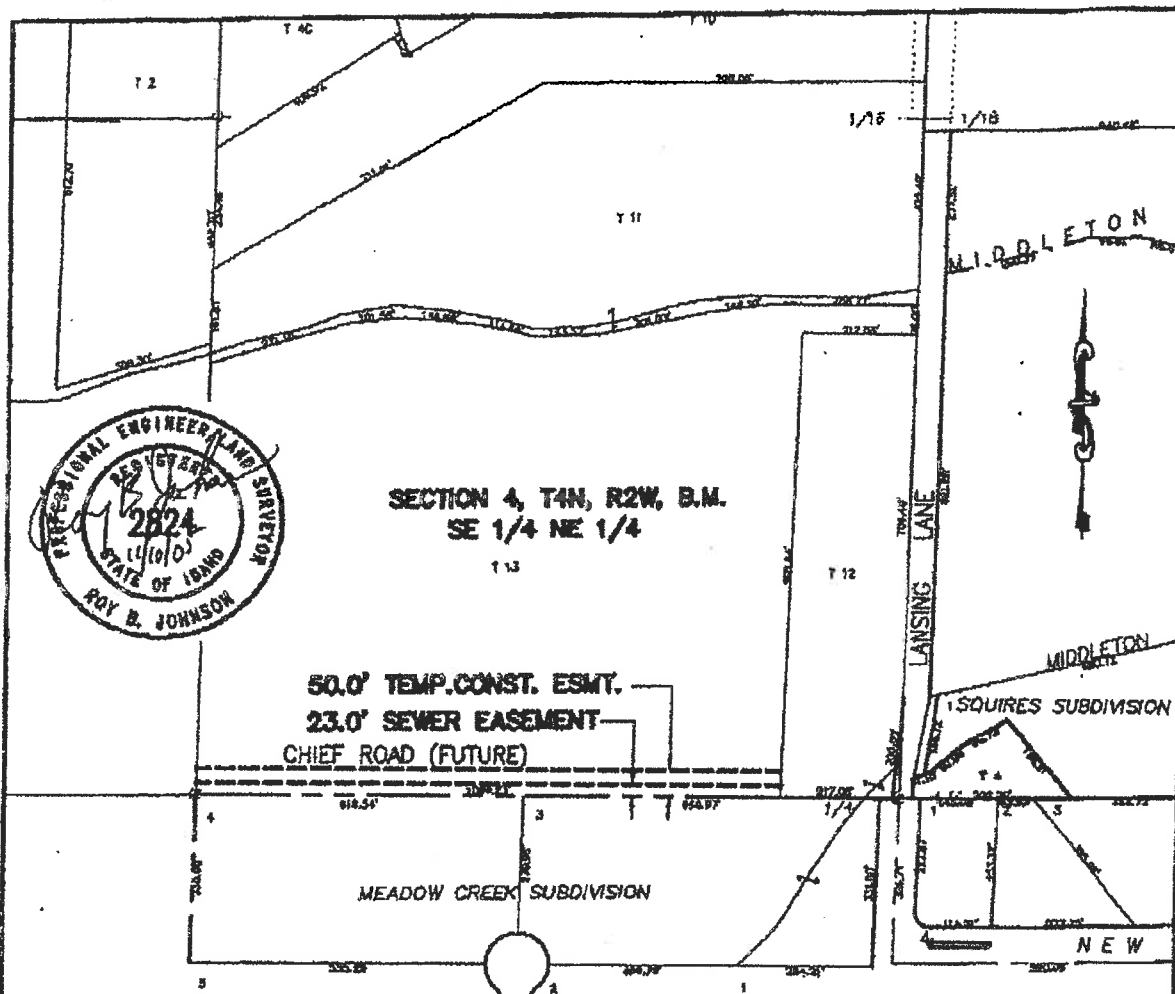
)
) ss.
)

On this 26 day of January, 2006, before me, Barbara A. Peterson, a Notary Public in and for said state, personally appeared Philip H. Bevier and Angela L. Bevier, husband and wife, known or identified to me to be the persons whose names are subscribed to the foregoing instrument, and acknowledged to me that they 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.



Barbara A. Peterson
Notary Public for Idaho
Residing at Boise
My commission expires 4-23-2010



50.0' TEMP. CONST. ESMT.
23.0' SEWER EASEMENT
CHIEF ROAD (FUTURE)

MEADOW CREEK SUBDIVISION

EASEMENT DESCRIPTION

A 23.00 FEET SEWER AND WATER AND A 50.00 FEET TEMPORARY CONSTRUCTION EASEMENT IN THE SE 1/4 NE 1/4 OF SECTION 4, T4N, R2W, B.M., CANYON COUNTY, IDAHO AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

THE SOUTH 23.00 FEET AND THE SOUTH 50.00 FEET OF THE SE 1/4 NE 1/4 EXCEPTING THE EAST 217.08 FEET OF SECTION 4, T4N, R2E, B.M., CANYON COUNTY, IDAHO.

REV. NO.		BY:	CK'D.
EXHIBIT F			
DRAWN BY: STC	DATE 9/28/05	PROJECT: MIDDLETON SEWER AND WATER & TEMP. CONST. EASEMENT	
CK'D. BY: R.B.J.	SCALE 1"=300'		
APPROVED		A PORTION OF SECTION 4, T.4N., R.2W., B.M. CANYON COUNTY, IDAHO	DRAWING NO. SHEET 1 OF 1

Statement to read at start of Board Meeting-by Mayor

Good Evening, I would like to welcome everyone to the regularly scheduled meeting of the Middleton School District Board of Trustees. This is a public meeting according to Title 74 of the Idaho Code. Those in attendance have the right to observe, not participate in, the Board's receipt of information, discussion and decisions.

The last Board meeting became chaotic and many individuals were out-of-order and disruptive. To maintain order at tonight's meeting, only the individual that Tim, the Board Chair, recognizes may speak; that way, only one person speaks at a time and everyone else can hear what individual has to say. This applies to board members as well as those in the audience.

Comments from someone other than the person recognized to speak is deemed disorderly and a violation of city code 10-2-1, and officers present are prepared to issue citations to those being disorderly. The first citation is a \$50 fine, the second \$100, the third \$200, and the fourth will result in arrest and removal from the meeting.

Statement to read at start of Board Meeting-by Tim

None of the items on the agenda are public hearings. All are for Board discussion and decision.

Starting today, those wanting to comment on an agenda item should submit their comments to the board clerk by 4:00 pm on the Friday prior to the Monday night meeting so the Board can review comments before the meeting. Thank you again for attending tonight.

Please stand and join with me in the Pledge of Allegiance.

RESOLUTION 424-19

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MIDDLETON, IDAHO, DECLARING CERTAIN BUSINESS PERSONAL PROPERTY AS OBSOLETE OR SURPLUS, AUTHORIZING AND DIRECTING SALE OR DISPOSAL OF SURPLUS PROPERTY.

RECITALS

WHEREAS, the City of Middleton, Idaho (the "City") has acquired certain business personal property to conduct a municipality in the public interest according to state law; and

WHEREAS, items of the City's business personal property listed on the attached Exhibit A have become worn out, obsolete or are no longer needed by the City; and

WHEREAS, it is cumbersome to the City and wasteful to own and not use the items; and

WHEREAS, the items are surplus and the City desires to dispose of them.

NOW, THEREFORE, BE IT RESOLVED BY THE MAYOR AND CITY COUNCIL OF THE CITY OF MIDDLETON, CANYON COUNTY, IDAHO, as follows:

Section 1: The recitals are incorporated here as if restated in full.

Section 2: The items of business personal property on the attached Exhibit A are surplus.

Section 3: The Mayor is authorized and directed to sell the surplus property for approximate fair market value or, if unable to sell an item, donate it to a non-profit organization or otherwise dispose it.

Section 4: This Resolution shall be effective as of the date of its adoption.

PASSED BY COUNCIL, CITY OF MIDDLETON, IDAHO this 15th day of May, 2019.

CITY OF MIDDLETON

ATTEST:

Darin Taylor, Mayor

Dawn M. Dalton, Deputy City Clerk

Exhibit A



Parts Bins



Tool Box – Fits Compact Truck



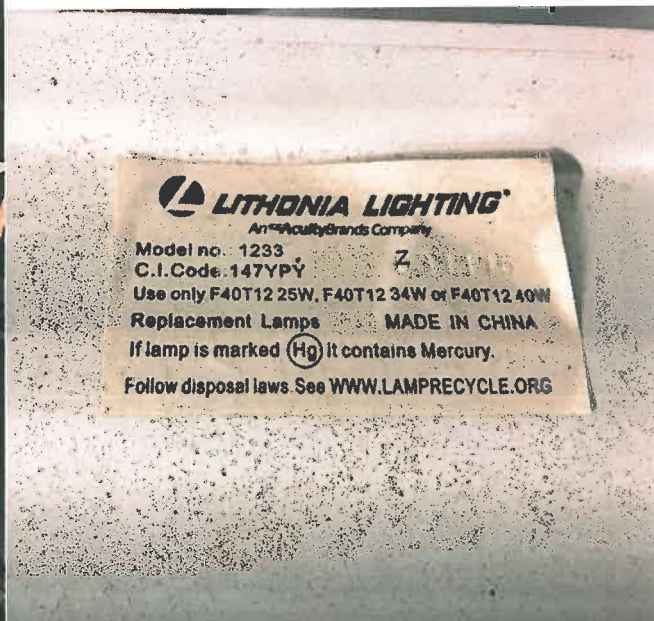
5 Foot Mower



5 Foot Mower



Non-Functional – Scrap



Color Run Lights



2 Shade Tarps – One Trap is Damaged



Seed Spreader



3 point spray tank
No pump
18.5 foot boom length
95 gallon capacity



Never Used Truck Crane



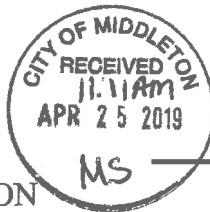
CITY OF MIDDLETON

P O Box 487

1103 W MAIN ST, MIDDLETON, ID 83644

208-585-3133, FAX: 208-585-9601

WWW.MIDDLETON.ID.GOV



Planning and Zoning Department

Application

Rev: 12/13/2018

Fee Paid: \$

Application Accepted by: BB

Date Application Accepted: 04/25/19

PENDING CITY DETERMINATION OF FEES

Applicant:

MIDDLETON CEMETERY DIST.
Name Phone Email

P.O. BOX 38
Mailing Address City, State Zip

Representative:

Sawtooth Land Surveying
Name Phone Email

2030 S. Washington Ave
Mailing Address City, State Zip Code

PUBLIC HEARINGS **

- ☐ Annexation and Zoning
☐ Rezone
☐ Vacate Right-of-Way
☐ Comprehensive Plan Map or Text Amendment

PUBLIC MEETINGS *

- ☐ Design Review
☒ Preliminary Plat
☐ Construction Plans
☒ Final Plat

PUBLIC HEARINGS **

- ☐ Special Use Permit
☐ Development Agreement
☐ Variance
☐ Ordinance Amendment

* Public Meetings: individuals have a right to observe at an open meeting.

** Public Hearings: a neighborhood meeting is required before filing an application, and individuals have a right to participate in the hearing by offering comments.

Site Information:

Site Address: 1597 CEMETERY RD Total Acres: 0.45

Assessor's Tax Parcel No(s): R3493844200

Crossroads: NORTH OF 9TH & CEMETERY

Existing Zoning: R-3 Proposed Zoning: R-3

Floodplain Zone: N/A Hillside (grades exceeding 10%): N/A

JACK A ALVORD
Applicant's Printed Name

3/28/2019
Date

JACK A ALVORD
Applicant's Signature



CITY OF MIDDLETON

P O Box 487
1103 W MAIN ST, MIDDLETON, ID 83644
208-585-3133, FAX: 208-585-9601
WWW.MIDDLETON.ID.GOV

Planning and Zoning Department

Application

Rev: 12/13/2018

Fee Paid: \$ ← PENOMO CC

Application Accepted by: BB

Date Application Accepted: 04/25/19

Checklist - A complete Planning and Zoning Application must include the following.

☒ **Application Form**

☐ **Application Fee** (see Fee Schedule). Note: City Engineer and City Attorney expenses incurred by the city throughout the approval process that are related to relating to this Application are billed to the applicant in addition to the Application Fee. Applicant Initial

☒ **Vicinity Map:** attach an 8 1/2" x 11" map showing the subject property in relation to land around it that includes the nearest public roads.

☐ **Narrative:** describe and explain your request, anticipated adverse impacts on neighbors, and other information helpful to decision-makers. Please attach the following if applicable.

Applicable Not Applicable

- | | | |
|--------------------------|--------------------------|--|
| <input type="checkbox"/> | <input type="checkbox"/> | Describe how request is consistent with comprehensive plan (for annexation, zoning, comprehensive plan or ordinance amendments only) |
| <input type="checkbox"/> | <input type="checkbox"/> | Design review materials and information (design review application only) |
| <input type="checkbox"/> | <input type="checkbox"/> | Proposed preliminary plat, drainage calculations, traffic impact study |
| <input type="checkbox"/> | <input type="checkbox"/> | Proposed construction drawings (construction plans application only) |
| <input type="checkbox"/> | <input type="checkbox"/> | Proposed final plat (for final plat application only) |
| <input type="checkbox"/> | <input type="checkbox"/> | Proposed development agreement |
| <input type="checkbox"/> | <input type="checkbox"/> | Worksheet (for special use permit or variance only) |

☒ **Proof of Ownership or Owner's Consent:** attach a copy of landowner's deed and, if applicable, a letter from the landowner that authorizes the applicant to file an application.

☒ **Property Boundary Description** including reference to adjoining road and waterway names that is signed and stamped by a land surveyor registered in the State of Idaho. If more than one zoning designation is being requested, separate legal descriptions are required for each zoning designation.

N/A ☐ **Neighborhood Meeting:** If applicable, attach original sign-up sheet.

N/A ☐ **Mailing Labels:** Adhesive mailing labels containing the names and addresses of property owners within 300 feet of the external boundaries of the subject property (available at Canyon County Assessor's office or title companies). Two(2) sets if application requires a public hearing.

☒ **Complete Application (City use only: check box and initial if Application is complete):** BB



Sawtooth Land Surveying, LLC

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

LETTER OF INTENT

April 18, 2019

Randall Falkner
City of Middleton Planning and Zoning

RE: Standard Plat for Middleton Cemetery

Dear Randall Falkner,

On behalf of the Middleton Cemetery District, we are pleased to submit this Letter of Intent and attached applications and supporting documents for the Standard Plat for the Middleton Cemetery.

The re-subdivision of lot 82 block 4 of the Westland's Ranch Subdivision No. 7 comprises of approximately 0.45 acres, more or less, and is located north of 9th and Cemetery Road. Details on the existing individual property comprising the project is as follows:

<u>Address</u>	<u>Parcel Number</u>	<u>Acreage</u>
1597 Cemetery Rd.	R3443844200	0.45

This property is within the City of Middleton and carries the R3 Residential zoning designation. The attached preliminary plat offers 192 burial lots and 1 common lot. They will share the same access as the rest of Middleton Cemetery on the private drive off of Cemetery Road. Each of the 192 lots are 48 square feet.

The subject properties irrigation is served by the City of Middleton Irrigation District and will continue to be served by such. The subject property is under the jurisdiction if the City of Middleton Irrigation District.

Middleton Cemetery will not create excessive additional requirements at public expense. Additional services will be supported by property taxes and/or fees paid directly to service providers.

There is no known health, safety, or environmental issues that currently exist or that will exist as a result of this development.

We are also asking that the city fees for this proposal be waived, and have been told by the city that this was the case.

Please contact us should you have any questions or if we can be of any assistance with your processing of these applications.

Sincerely,

Carl Porter,
Sawtooth Land Surveying, LLC



Sawtooth Land Surveying, LLC

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

Exhibit A Legal Description

Lot 82, Block 4, West Highlands Ranch Subdivision No. 7 located in the W ½ of the NE ¼ of section 1, T. 4N., R. 3W., B.M., City of Middleton, Canyon County, Idaho 2019

ACCOMMODATION



5680 East Franklin Road, Suite 150 / Nampa, Idaho
83687 / (208) 465-6655

2016-032178
RECORDED
08/11/2016 12:12 PM
CHRIS YAMAMOTO
CANYON COUNTY RECORDER
Pgs=1 RGRAY \$10.00
TYPE: DEED
PIONEER TITLE CANYON - CALDWELL
ELECTRONICALLY RECORDED

WARRANTY DEED

For Value Received West Highlands Land Development LLC, an Idaho limited liability company
hereinafter referred to as "Grantor", does hereby grant, bargain, sell, warrant and convey unto

Middleton Cemetery District

, hereinafter referred to as "Grantee", whose current address is P O Box 338, Middleton, ID 83644-0338
the following described premises, to-wit:

Lot 82, Block 4, West Highlands Ranch Subdivision No 7, according to the plat thereof, filed in
Book 45 of Plats at page 16, records of Canyon County, Idaho.

To HAVE AND TO HOLD the said premises, with their appurtenances unto the said Grantee, its heirs
and assigns forever; provided however, Grantor expressly reserves unto Grantor, and Grantor's heirs,
successors and assigns, any and all appurtenant water and water rights, minerals and mineral rights. And
the said Grantor does hereby covenant to and with the said Grantee, that Grantor is the owner in fee simple
of said premises; that Grantor has a good right to convey the fee simple; that said premises are free from all
liens claims, encumbrances or other defects of title, except those specifically granted by Grantor, except
current years taxes, levies, and assessments, and except reservations, restrictions, dedications, easements,
rights of way and agreements (if any) of record and disclosed to Grantor in the title insurance policy which
Grantor obtained upon the acquisition of the premises; that Grantor will warrant and defend the quiet and
peaceful possession of said premises from all claims whatsoever; and that Grantor, its successors and
assigns, will on demand of Grantee, or its heirs or assigns, execute any instrument necessary for the further
assurance of the title to the premises that may be reasonably required.

Dated: July 5, 2016

West Highlands Land Development, LLC
By: Coleman Homes, LLC, Its Manager
By: Coleman Communities, Inc., Its Manager

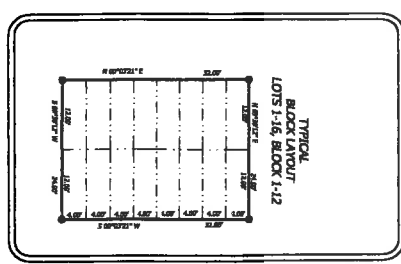
By:  Thomas M Coleman, Jr. Its President/Treasurer-

State of IDAHO

ss.

County of ADA

On this 10 day of August, 2016, before me, the undersigned, a Notary Public, in and for said State, personally appeared
Thomas M Coleman, Jr. President/Treasurer of
Coleman Communities, Inc., Manager of Coleman Homes, LLC known to me, to be the Manager of the Limited Liability
Company that executed the foregoing instrument. and acknowledged to me that such Limited Liability Company executed the





SCALE

0 10 20 30 40 50 60 70 80 90 100

1 INCH = 50 FT

LEGEND

PROPERTY BOUNDARY LINE	EXISTING BALANCE
NEW LOT LINE	EXISTING EDGE OF CONCRETE
NEW FLOOD LINE	EXISTING EDGE OF PAVEMENT
RIGHT OF WAY	EXISTING EDGE OF CURB/RAIL
DRAINAGE DITCH OR LOT LINE	EXISTING WATER LINE
SECTIONAL LINE	EXISTING DRIVE PAVEMENT
CROWN	EXISTING DRIVE DRIVE
	EXISTING 1/2" DRIVE
	EXISTING 1/4" DRIVE
	EXISTING 1/8" DRIVE
	EXISTING 1/16" DRIVE
	EXISTING 1/32" DRIVE
	EXISTING 1/64" DRIVE
	EXISTING 1/128" DRIVE
	EXISTING 1/256" DRIVE
	EXISTING 1/512" DRIVE
	EXISTING 1/1024" DRIVE
	EXISTING 1/2048" DRIVE
	EXISTING 1/4096" DRIVE
	EXISTING 1/8192" DRIVE
	EXISTING 1/16384" DRIVE
	EXISTING 1/32768" DRIVE
	EXISTING 1/65536" DRIVE
	EXISTING 1/131072" DRIVE
	EXISTING 1/262144" DRIVE
	EXISTING 1/524288" DRIVE
	EXISTING 1/1048576" DRIVE
	EXISTING 1/2097152" DRIVE
	EXISTING 1/4194304" DRIVE
	EXISTING 1/8388608" DRIVE
	EXISTING 1/16777216" DRIVE
	EXISTING 1/33554432" DRIVE
	EXISTING 1/67108864" DRIVE
	EXISTING 1/134217728" DRIVE
	EXISTING 1/268435456" DRIVE
	EXISTING 1/536870912" DRIVE
	EXISTING 1/1073741824" DRIVE
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	EXISTING 1/35184372088832" DRIVE
	EXISTING 1/70368744177664" DRIVE
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	EXISTING 1/9007199254740992" DRIVE
	EXISTING 1/18014398509481984" DRIVE
	EXISTING 1/36028797018963968" DRIVE
	EXISTING 1/72057594037927936" DRIVE
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	EXISTING 1/576460752303423488" DRIVE
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	EXISTING 1/2305843009213693952" DRIVE
	EXISTING 1/4611686018427387904" DRIVE
	EXISTING 1/9223372036854775808" DRIVE
	EXISTING 1/18446744073709551616" DRIVE
	EXISTING 1/36893488147419103232" DRIVE
	EXISTING 1/73786976294838206464" DRIVE
	EXISTING 1/147573952589676412928" DRIVE
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	EXISTING 1/590295810358705651712" DRIVE
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	EXISTING 1/18889465931478580854784" DRIVE
	EXISTING 1/37778931862957161709568" DRIVE
	EXISTING 1/75557863725914323419136" DRIVE
	EXISTING 1/151115727451828646838272" DRIVE
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	EXISTING 1/1208925819614629174706176" DRIVE
	EXISTING 1/2417851639229258349412352" DRIVE
	EXISTING 1/4835703278458516698824704" DRIVE
	EXISTING 1/9671406556917033397649408" DRIVE
	EXISTING 1/19342813113834066795298816" DRIVE
	EXISTING 1/38685626227668133590597632" DRIVE
	EXISTING 1/77371252455336267181195264" DRIVE
	EXISTING 1/154742504910672534362390528" DRIVE
	EXISTING 1/309485009821345068724781056" DRIVE
	EXISTING 1/618970019642690137449562112" DRIVE
	EXISTING 1/1237940039285380274899124224" DRIVE
	EXISTING 1/2475880078570760549798248448" DRIVE
	EXISTING 1/4951760157141521099596496896" DRIVE
	EXISTING 1/9903520314283042199192993792" DRIVE
	EXISTING 1/1980704062856608439838598784" DRIVE

TITLE: PRELIMINARY PLAT MIDDLETON CEMETERY				2030 S. WASHINGTON AVE. EMMETT, ID 83617 (208) 398-8104 FAX (208) 398-8105	OWNER/DEVELOPER:	No. BY DATE DESCRIPTION
CANYON COUNTY, IDAHO					MIDDLETON CEMETERY DISTRICT 1597 CEMETERY RD MIDDLETON, ID 83644 541-643-9649	
DATE: 03/25/19	DESIGNED BY: TB	DRAWN BY: TB	CHECKED BY: NRB			
SHEET: _____	DRAWING # _____	PROJECT # _____		WWW.SAWTOOTH-LLC.COM		

Darin Taylor

From: joe roberts <joeroberts27@gmail.com>
Sent: Wednesday, April 17, 2019 1:59 PM
To: Darin Taylor
Cc: Chris Maze
Subject: Appeal to Middleton City Council of P&Z ruling 4-8-2019
Attachments: FCOs - P&Z 4-8-2019.pdf

Mayor Taylor:

KCRJ LLC request public hearing before the Middleton City Council to appeal the decision of the Planning and Zoning Commission held on 4-8-2019 regarding sidewalks in Valhalla Country Estates sub-division. The decision letter is attached hereto.

Please advise of the fee required and anything further the City needs from us to effect this appeal.

Joe Roberts, a Manager for KCRJ LLC



ADMINISTRATIVE REVIEW AND REPORT

Middleton City Council

Valhalla Country Estates Subdivision – Exception from Sidewalk Standards

SUMMARY OF APPLICATION

An appeal by KCRJ LLC to Middleton City Council of the Planning and Zoning Commissions denial for a special use permit to amend or remove the Commission's condition for sidewalks on both sides of Valhalla St. and Nordic Ave. in Valhalla Country Estates Subdivision as required in Middleton City Code 5-4-11-2. The subject property is located at the southwest corner of Purple Sage Rd. and Middleton Rd., Middleton, Idaho.

Applicant: KCRJ, LLC
10309 Colorful Drive
Nampa, ID 83687

Representative: Mason and Associates
924 3rd Street South, Suite B
Nampa, ID 83651

1. **APPLICATION:** The appeal application was accepted by the city on April 20, 2019.
2. **NOTICE OF PUBLIC HEARING:**
Published notice Idaho Press Tribune: April 30, 2019
Letters to 300' Property Owners: April 24, 2019
Letters to Agencies: April 24, 2019
Property Posted: May 7, 2019
3. **APPLICABLE CODES AND STANDARDS:**
Idaho Code Title 67, Chapter 65; primarily 67-6512(f)
Middleton City Code (MCC) 1-14-2, 1-14-4, 1-15-2 and -7, 5-4-1 Table 2 Notes, and 5-4-11-2

4. PLANNING AND ZONING OFFICIAL REVIEW COMMENTS:

A. On September 27, 2018, the Planning and Zoning Commission approved, with the following conditions, a Special Use Permit excepting Valhalla Country Estates Subdivision (Valhalla Subdivision) to certain standards.

- The applicant construct a north bound left turn lane from Middleton Road onto Meadow Park Street and a south bound right turn lane from Middleton Road onto Meadow Park Street as long as there is sufficient right-of-way.
- The applicant construct sidewalks along both sides of Valhalla St. and Nordic Ave.
- The applicant construct an eight foot asphalt pathway on the north side of Meadow Park St for the portion of road between the Valhalla subdivision and Middleton Road.
- The applicant construct an eight foot asphalt pathway on both sides of Meadow Park Street in Valhalla subdivision.
- Make changes based the August 24, 2018 letter from the City Engineer.

Conditions “4” and “5” have been complied with, and condition “3” will be complied with during Phase 2 construction. The property boundary of the existing residential property located at the northwest corner of Middleton Road and future Meadow Park Street extends to the center of Middleton Road; there is not sufficient public road right-of-way to construct the north and south bound turn lanes described in condition “1.” Condition “2” is the subject of this application.

B. MCC5-4-11-2 requires five-foot (5') wide sidewalks abutting the curb on both sides of the road, unless otherwise approved by the city

MCC 5-4-1 Table 2, Note 10 states in pertinent part, “Subdivisions in an R-2 Zone: Curb, gutter, sidewalks, and streetlights are not required;” i.e., subdivision with all lots at least 21,780 square feet (one-half acre) are not required to install sidewalks. This city requirement matches the county requirement as an incentive for developers to build larger lots and non-starter homes in city limits instead of outside city limits in the area of city impact. These subdivisions can continue the rural residential property look and feel traditional in Canyon County: asphalt roads with no curbing or with concrete ribbon curbing, and swales or barrow ditches.

MCC 5-4-1 Table 2, Note 11 states in pertinent part, “Subdivisions in an R-3 Zone: Curb, gutter, sidewalks and streetlights are required;” i.e., subdivisions lots with minimum lot size (8,000 square feet) must incur the cost and construct stormwater, sidewalk and streetlights typical in cities.

C. The subject property is zoned R-3, three single-family dwellings per gross acre. There are 79 residential lots in the approved preliminary plat for Valhalla Subdivision, 66 that are one-half acre or larger, and 13 smaller than one-half acre.

D. Phase 1 improvements have been constructed. City approved construction documents show a 5' pedestrian walkway adjacent to an 11' traffic lane.

E. **Written Agency Responses Received to Date:** An e-mail dated March 25, 2019 from Dr. Josh Middleton, Superintendent of Middleton School District #134, to Kara Maze, a member of KCRJ LLC, states the District appraised and is considering selling the Elementary School #4 property located south of The Crossing Subdivision and west of Valhalla Country Estates Subdivision property. The District Board on April 9, 2019 considered selling the property but this was tabled for the time being.

F. **Written Landowner Responses Received to Date:** Michael Hunt and others oppose this application because "it is much safer to walk on sidewalks instead of in the street" and The Crossing and The Pines subdivisions have sidewalks. There are 20 additional letters of opposition to the appeal as attached.

5. **PLANNING AND ZONING DECISION:** On April 8, 2019 the Planning and Zoning Commission denied the request for a special use permit to amend or remove the Commission's condition for sidewalks on both sides of Valhalla St. and Nordic Ave. in Valhalla Country Estates Subdivision as required by Middleton city Code 5-4-11-2.

6. **CONCLUSION**

It is the Middleton City Council's decision whether or not to approve the special use application and remove Condition "2" to construct sidewalks along both sides of Valhalla St. and Nordic Ave.

Drafted by: Bruce Bayne
Date: May 15, 2019



**PLANNING AND ZONING COMMISSION
MIDDLETON, CANYON COUNTY, IDAHO**

VALHALLA COUNTRY ESTATES SUBDIVISION

Special Use Permit – Exception to Sidewalk Standards

April 8, 2019

**FINDINGS OF FACT,
CONCLUSIONS OF LAW,
DECISION AND NOTICE**

The Middleton Planning and Zoning Commission makes the following Findings of Fact, Conclusions of Law, and Recommendation based on the written record and oral record in this matter.

FINDINGS OF FACT

1. The landowner and applicant is KCRJ LLC, an Idaho limited liability company in good standing.
2. The city accepted the application March 8, 2019.
3. KCRJ LLC applied for a special use permit to amend or remove the Commission's condition for sidewalks on both sides of Valhalla Street and Nordic Avenue in Valhalla Country Estates Subdivision as required in Middleton City Code 5-4-11-2. The subject property is located at the southwest corner of Purple Sage Rd. and Middleton Rd., Middleton, Idaho (Property).
4. Idaho Code 67-6512, Middleton City Code (MCC) 1-14-1, -2 and -4; 1-15-2 and -7; 5-4-1 Table 2 and notes; and 5-4-11-2(2), contain the ordinances and standards used in evaluating the application.
5. The Commission reviewed the entire record, including the application, applicable codes and standards, the Administrative Review and Report, and written comments from Michael Hunt, Dr. Josh Middleton, Superintendent of Middleton School District No. 134, and The Pines Homeowners Association Board of Directors.
6. Notice of the application and public hearing were given according to law.
7. MCC5-4-11-2 requires five-foot (5') wide sidewalks abutting the curb on both sides of the road, unless otherwise approved by the city.



PLANNING AND ZONING COMMISSION MIDDLETON, CANYON COUNTY, IDAHO

8. On August 27, 2018, the Middleton planning and zoning commission approved a special use permit excepting Valhalla subdivision from the sidewalk standards except along both sides of Valhalla Street and Nordic Avenue.
9. On September 27, 2018, the Middleton city council approved the preliminary plat for Valhalla Country Estates Subdivision (Valhalla Subdivision).
10. MCC 5-4-1 Table 2, Note 10 states in pertinent part, "Subdivisions in an R-2 Zone [one-half acre minimum lot size]: Curb, gutter, sidewalks, and streetlights are not required."
11. MCC 5-4-1 Table 2, Note 11 states in pertinent part, "Subdivisions in an R-3 Zone [8,000 square foot minimum lot size]: Curb, gutter, sidewalks and streetlights are required."
12. The Property is zoned R-3, three single-family dwellings per gross acre. There are 75 lots in the approved preliminary plat for Valhalla Subdivision, 66 that are one-half acre or larger, and nine smaller than one-half acre.
13. The city desires the rural larger lots and homes inside city limits to enhance the small-town feel, but not compromising safety for pedestrians that will be living in or passing through Valhalla Subdivision, even though the land owned by the school district is to be sold for residential development rather than constructing an elementary school.
14. Walkability is a value this city has.
15. The Pines and The Crossings at Meadow Park subdivisions are contiguous or in proximity to Valhalla Subdivision and both have four-foot wide sidewalks throughout the subdivisions.

CONCLUSIONS OF LAW

The Planning and Zoning Commission concludes that notice was given and a public hearing was conducted according to law.



**PLANNING AND ZONING COMMISSION
MIDDLETON, CANYON COUNTY, IDAHO**

DECISION

Based on the Findings of Fact and Conclusions of Law, the Planning and Zoning Commission hereby denies the application.

NOTICE

This Decision is deemed by Idaho law to be a final decision that is effective unless appealed and overturned by the Middleton city council. An affected person aggrieved by this decision may, within fifteen (15) calendar days from the date of this written decision, file a written appeal with the city, along with a nonrefundable fee. The city council shall consider the appeal at a noticed public hearing and may approve, approve with conditions or deny the application. Middleton City Code 1-15-7(E).

April 13, 2019.


Janet Gregory, Chairwoman
Middleton Planning and Zoning Commission

Attest:


Darin Taylor, Mayor and
Acting Planning and Zoning Official

Darin Taylor

From: Becky Crofts
Sent: Wednesday, May 01, 2019 8:03 AM
To: Bruce Bayne
Subject: FW: KCRJ Special Use Permit - Opposed

This should be placed in the Valhalla file.

From: Bret Rupe [<mailto:bretrupe@MidManor.com>]
Sent: Tuesday, April 30, 2019 10:06 PM
To: Becky Crofts
Cc: Rob Kiser
Subject: KCRJ Special Use Permit - Opposed

Dear City Council,

KCRJ has requested numerous times to have the requirement for sidewalks waived. I have attended at least two P&Z Meetings and opposed this exception each time. A meeting of the City Council is scheduled to hear an appeal but I have a prior commitment and cannot attend. Please ensure this letter is read into the minutes.

The Developer of Valhalla Estates has stated several times his request for not including sidewalks is because he is, "...providing country living in a city". While this is a cute marketing slogan it has nothing to do with the City zoning requirements to provide sidewalks. This development is the newest addition to a fast growing section that is going to result in a significant number of homes to the Southwest of Purple Sage and Middleton Road. It borders both Middleton Road and Purple Sage which means ALL traffic will pass through or near this area. Here are the major points of my opposition:

- Sidewalks are a necessary safety requirement to ensure walkers, bike riders, kids on razors, and more have a safe place to walk that is NOT in the street.
- The traffic study purportedly claims only 19 cars per day will use these roads – that is an absurd assumption. COMPASS estimates each household produces about seven car trips per day – meaning over 700 trips will originate from this area.
- I understand the cost of sidewalks are expensive but have been a requirement from day one.
- The Developer claims there are size challenges and pipe locations that make putting in sidewalks difficult. He knew when he purchased the property there were challenges – this is not a surprise to anyone.
- The Developer crafted and submitted a plat with the assumption he could avoid sidewalks – this was a mistake on the developers part is not the problem of the City.
- I took a ride through the developments in and near Middleton to see if sidewalks were standard.
 - The new develop in South Middleton, just north of the river has sidewalks.
 - The older developments South Middleton all have sidewalks.
 - The developments along Cemetery road all have sidewalks – some of these are on large acreages.
 - The developments along Duff all have sidewalks.
 - Even the older parts of Middleton on the north side of Highway 44 have sidewalks.
 - The only place I could find that does not have sidewalks is the Trailer Park just south of Highway 44.
- Sidewalks are a standard throughout Middleton. Claiming that half-acre lots are too big for sidewalks makes no sense.
- All other developers have needed to bear the cost of sidewalks – granting this exception gives this developer an unfair advantage and opens the door for a plethora of similar requests in the future.

- I know it has not passed, but someday, there will be an elementary school in that area bringing heavy school traffic.
- This subdivision will be attractive to families with children – making the safety of sidewalks paramount.

Other than being expensive and difficult, there is no viable reason to grant the exception for sidewalks. There is no benefit to the residents, the neighborhood, nor the City of Middleton to not have sidewalks. Middleton's slogan of, "Life is Better Here" should dictate that living here is safe and pleasant.

I request the City Council uphold the multiple decisions Planning and Zoning has made to require sidewalks and deny this request.

Sincerely,

Bret Rupe

Darin Taylor

From: Becky Crofts
Sent: Thursday, May 02, 2019 10:24 PM
To: Darin Taylor; Bruce Bayne; Dawn Dalton
Subject: Fwd: KCRJ Appeal - Opposed

For the file

Sent from my iPhone

Begin forwarded message:

From: Debbie Young <DebbieYoung@MidManor.com>
Date: May 2, 2019 at 8:47:55 PM MDT
To: "citmid@middletoncity.com" <citmid@middletoncity.com>
Cc: "rkiser@middletoncity.com" <rkiser@middletoncity.com>
Subject: KCRJ Appeal - Opposed

Thursday, May 02, 2019

Dear Middleton City Council,

Please hear my **strong opposition** to KCRJ LLC's appeal to the Planning & Zoning Commission's previous decisions at the May 15, 2019 City Council meeting.

Planning and Zoning has denied KCRJ's application twice already. My question is....**"WHEN DOES NO MEAN NO?"**

How many times are they going to keep persisting (verging on harassing/bullying) to get their way? How long is the City Council going to allow this behavior?

As I understand it, NO MEANS NO (and, is a complete sentence).....it doesn't mean come back next time with the same information and expect different results!

I fervently request the City Council uphold the Planning and Zoning Commission's denial of KCRJ's application for a special use permit to amend or remove the Commission's condition for sidewalks on both sides of Valhalla St. and Nordic Ave. in Valhalla Country Estates Subdivision AS REQUIRED in Middleton City Code 5-4-11-2.

Please uphold the Planning & Zoning Commission's previous decisions and put this matter to rest without further appeals.

Sincerely,

Debbie Young
24916 Middleton Road
Middleton, ID 83644

5-2-19

To: Bruce Bayne
City of Middleonton
PO Box 487
Middleton, ID 83644



From: Concerned Resident of Middleton, Idaho

Dear Bruce Bayne,

I am writing to you to express my concern with a letter that I received on 4-24-19. The letter stated that KCRJ is trying to appeal your decision to require them to put sidewalks in for the subject property located at the southwest corner of Purple Sage and Middleton Road, Middleton, ID.

I ask that you REQUIRE KCRJ to put sidewalks in. I am sure that you have been to the area, and have seen their "Make Shift" solution. First it looks terrible, and does not reflect on how beautiful Middleton is. Second, there is barely enough room for 2 cars, let alone buses to pass within the white lines and the cones. Third, I have seen that the speeds have actually increased as drivers see it as a race track. Lastly, when the school is built at Meadow Park, we are encouraging our children to walk in the street, which is only becoming more dangerous with the amount of cars that need to access Valhalla subdivision, and Crossings and Pines subdivisions.

Again, I would like my voice my concern and say that I stand by the Commission's decision to REQUIRE KCRJ to put in sidewalks for the subject property located at the southwest corner of Purple Sage and Middleton Road, Middleton, ID. I ask that once again the City of Middleton REQUIRE them to install the sidewalks.

Thank you!

Sincerely,

Arlene Jensen
1995 Yellow Pine Dr.

5-2-19



To: Bruce Bayne
City of Middleton
PO Box 487
Middleton, ID 83644

From: Concerned Resident of Middleton, Idaho

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Thank you!

Sincerely,

Ashley 2 Gross
1988 Yellow Pine Dr.
Middleton, ID 83644

5-2-19



To: Bruce Bayne
City of Middleonton
PO Box 487
Middleton, ID 83644

From: Concerned Resident of Middleton, Idaho

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Thank you!

Sincerely,

A handwritten signature in dark ink, which appears to be "Miguel".

13608 Willis Rd
Caldwell ID 83607

5-2-19

To: Bruce Bayne
City of Middleonton
PO Box 487
Middleton, ID 83644



From: Concerned Resident of Middleton, Idaho

Dear Bruce Bayne,

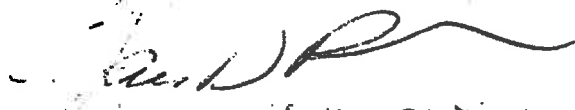
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Thank you!

Sincerely,


2001 Yellow Pine Drive
Middleton ID 83644

5-2-19



To: Bruce Bayne
City of Middleton
PO Box 487
Middleton, ID 83644

From: Concerned Resident of Middleton, Idaho

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Thank you!

Sincerely,

Heather Schiller
26451 Hidden Lane
Middleton, ID 83644

5-2-19

To: Bruce Bayne
City of Middleonton
PO Box 487
Middleton, ID 83644



From: Concerned Resident of Middleton, Idaho

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Thank you!

Sincerely,

A handwritten signature in dark ink, which appears to be "Brian Mauro".

Brian Mauro
1558 Fairway St
Middleton ID

5-2-19



To: Bruce Bayne
City of Middleton
PO Box 487
Middleton, ID 83644

From: Concerned Resident of Middleton, Idaho

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Thank you!

Sincerely,

A handwritten signature in dark ink, appearing to read "J. Anderson".

1538 Fairway St.
Middleton ID 83644

5-2-19



To: Bruce Bayne
City of Middleonton
PO Box 487
Middleton, ID 83644

From: Concerned Resident of Middleton, Idaho

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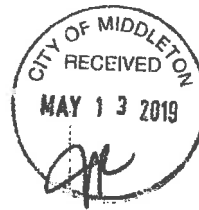
Thank you!

Sincerely,

A large, stylized handwritten signature in black ink, appearing to be "ROR".

13608 Willis Rd.
Caldwell ID 83607

5-2-19



To: Bruce Bayne
City of Middleonton
PO Box 487
Middleton, ID 83644

From: Concerned Resident of Middleton, Idaho

Dear Bruce Bayne,

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Thank you!

Sincerely,

Patricia J. Lott

*2020 Yellow Pine
Middleton
ID
83644*

5-2-19



To: Bruce Bayne
City of Middleonton
PO Box 487
Middleton, ID 83644

From: Concerned Resident of Middleton, Idaho

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Thank you!

Sincerely,

Penny Olson

*2019
Yellow Pine
Drive
Middleton
ID*

5-2-19

To: Bruce Bayne
City of Middleonton
PO Box 487
Middleton, ID 83644



From: Concerned Resident of Middleton, Idaho

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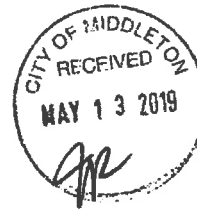
Thank you!

Sincerely,

Linda & Bill Thurst

*2080 Yellow Pine
Middleton ID
83644*

5-2-19



To: Bruce Bayne
City of Middleton
PO Box 487
Middleton, ID 83644

From: Concerned Resident of Middleton, Idaho

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Thank you!

Sincerely,

Katrick Catten

2020 Yellow Pen

Middleton ID 83644

5-2-19



To: Bruce Bayne
City of Middleonton
PO Box 487
Middleton, ID 83644

From: Concerned Resident of Middleton, Idaho

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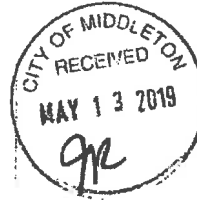
Sincerely,

A handwritten signature in black ink, appearing to read "Mark E. L." with a stylized flourish at the end.

2019 Yellow Pine
Middleton
ID
83644

5-2-19

To: Bruce Bayne
City of Middleonton
PO Box 487
Middleton, ID 83644



From: Concerned Resident of Middleton, Idaho

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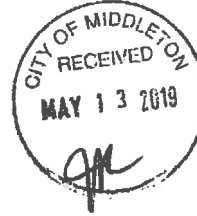
Thank you!

Sincerely,

Tony & Angela Snider

*1972 Yellow Pine
Middleton
83644*

5-2-19



To: Bruce Bayne
City of Middleonton
PO Box 487
Middleton, ID 83644

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Thank you!

Sincerely,

Atty & Davis
Terry Davis

*2081 Yellow Pine Dr
Middleton ID
83644*

5-2-19



To: Bruce Bayne
City of Middleonton
PO Box 487
Middleton, ID 83644

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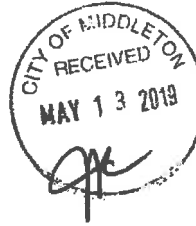
Joan Carson

1770 LA Bate Way

Middleton

83644

5-2-19



To: Bruce Bayne
City of Middleonton
PO Box 487
Middleton, ID 83644

From: Concerned Resident of Middleton, Idaho

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Thank you!

Sincerely,

A large, stylized handwritten signature in black ink, appearing to read "Rebecca M. Kizer".

Rebecca M. Kizer 2007 White Pine Dr.
Middleton ID 83644

5-2-19

To: Bruce Bayne
City of Middleonton
PO Box 487
Middleton, ID 83644



From: Concerned Resident of Middleton, Idaho

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Thank you!

Sincerely,

Marissa Cotten

*2020
Yellow Pine*

**CITY OF MIDDLETON**

P O Box 487
 1108 W MAIN ST, MIDDLETON, ID 83644
 208-585-8153, FAX: 208-585-9601
 WWW.MIDDLETON.ID.GOV

Planning and Zoning Department**Application**

Rev: 12/15/2018

Fee Paid: \$ 375.00 3/09/19 MSApplication Accepted by: JPDate Application Accepted: 3/8/19**Applicant:**

KCRTJ LLC (208) 995-5246 jaeroberts27@gmail.com
 Name Phone Email
10309 Colorful Dr. Nampa, ID 83687
 Mailing Address City, State Zip

Representative:

Joe Roberts (208) 995-5246 jaeroberts27@gmail.com
 Name Phone Email
10309 Colorful Dr. Nampa, ID 83687
 Mailing Address City, State Zip Code

PUBLIC HEARINGS **

- ☐ Annexation and Zoning
☐ Rezone
☐ Vacate Right-of-Way
☐ Comprehensive Plan Map or Text Amendment

PUBLIC MEETINGS *

- ☐ Design Review
☐ Preliminary Plat
☐ Construction Plans
☐ Final Plat

PUBLIC HEARINGS **

- ☒ Special Use Permit
☐ Development Agreement
☐ Variance
☐ Ordinance Amendment

- * Public Meetings: Individuals have a right to observe at an open meeting.
 ** Public Hearings: a neighborhood meeting is required before filing an application, and individuals have a right to participate in the hearing by offering comments.

Site Information:Site Address: 1/4 south of Middleton Rd & Purple Sage Total Acres: 51.6Assessor's Tax Parcel No(s): R 37560012 R 37563Crossroads: Purple Sage Rd and Middleton Rd

Existing Zoning: _____ Proposed Zoning: _____

Floodplain Zone: _____ Hillside (grades exceeding 10%): _____

Joe Roberts
 Applicant's Printed Name

Date

Joe Roberts
 Applicant's Signature



CITY OF MIDDLETON

P O Box 487
1103 W MAIN ST, MIDDLETON, ID 83644
208-585-3133, FAX: 208-585-9601
WWW.MIDDLETON.ID.GOV

Planning and Zoning Department

Application

Rev: 12/15/2018

Fee Paid: \$ 375.00
Application Accepted by: RF
Date Application Accepted: 3/8/14

Checklist - A complete Planning and Zoning Application must include the following.

- ☒ **Application Form**
- ☒ **Application Fee** (see Fee Schedule). Note: City Engineer and City Attorney expenses incurred by the city throughout the approval process that are related to relating to this Application are billed to the applicant in addition to the Application Fee. RF Applicant Initial
- ☒ **Vicinity Map:** attach an 8 1/2" x 11" map showing the subject property in relation to land around it that includes the nearest public roads.
- ☒ **Narrative:** describe and explain your request, anticipated adverse impacts on neighbors, and other information helpful to decision-makers. Please attach the following if applicable.

Applicable Not Applicable

- | | | |
|-------------------------------------|-------------------------------------|--|
| <input type="checkbox"/> | <input checked="" type="checkbox"/> | Describe how request is consistent with comprehensive plan (for annexation, zoning, comprehensive plan or ordinance amendments only) |
| <input type="checkbox"/> | <input checked="" type="checkbox"/> | Design review materials and information (design review application only) |
| <input type="checkbox"/> | <input checked="" type="checkbox"/> | Proposed preliminary plat, drainage calculations, traffic impact study |
| <input type="checkbox"/> | <input checked="" type="checkbox"/> | Proposed construction drawings (construction plans application only) |
| <input type="checkbox"/> | <input checked="" type="checkbox"/> | Proposed final plat (for final plat application only) |
| <input type="checkbox"/> | <input checked="" type="checkbox"/> | Proposed development agreement |
| <input checked="" type="checkbox"/> | <input type="checkbox"/> | Worksheet (for special use permit or variance only) |

- ☒ **Proof of Ownership or Owner's Consent:** attach a copy of landowner's deed and, if applicable, a letter from the landowner that authorizes the applicant to file an application.
- ☒ **Property Boundary Description** including reference to adjoining road and waterway names that is signed and stamped by a land surveyor registered in the State of Idaho. If more than one zoning designation is being requested, separate legal descriptions are required for each zoning designation.
- ☒ **Neighborhood Meeting:** If applicable, attach original sign-up sheet.
- ☒ **Mailing Labels:** Adhesive mailing labels containing the names and addresses of property owners within 300 feet of the external boundaries of the subject property (available at Canyon County Assessor's office or title companies). Two(2) sets if application requires a public hearing.
- ☒ **Complete Application (City use only: check box and Initial if Application is complete):** RF



CITY OF MIDDLETON

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208-585-3133, Fax: 208-585-9601
WWW.MIDDLETON.ID.GOV

Planning Department

Special Use Permit Checklist

Rev: 2/11/2019

Property Owner(s): KCRJ LLC

Please answer the following questions:

1. Property Size: 51.6 acres
2. Crossroads: Middleton Rd & Purple Sage Rd
3. Future Land Use Designation: _____
4. Surrounding Land Uses: Agricultural, small farm acreages, subdivision
5. If approved, what is the expected effect on roadways and traffic? With the large lots, the traffic is light. The new Meadows Park will take most of traffic
6. Will the proposed use generate a nuisance of light, glare, noise, vibration, smoke, fumes, odor, dust, etc.? No

If applicable: NA

Days and hours of operation: _____

Number of employees (full-time): _____ (part-time): _____

Number of employees (living on-site): _____ (living off-site): _____

Frequency of deliveries: _____ Location of deliveries: _____

Commission Evaluation: A public hearing will be scheduled before the Planning and Zoning Commission, which will review the application, receive verbal and written comments, and make a final decision based on the standards identified in Middleton City Code 1-15-7 and other applicable code sections.

How will the proposed use be harmonious with the goals, objectives, and strategies in the Comprehensive Plan?

Will the proposed use be served adequately by essential public facilities and services (pathways, streets, police and fire protection, drainage structures, refuse disposal, water and sewer and schools or will the proposed use create excessive additional requirements at public cost for public facilities and services?

Will the proposed use be injurious to others by involving activities, processes, materials, equipment or conditions of operation that will be hazardous, or a nuisance to a person, or to existing or future



CITY OF MIDDLETON

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Planning Department

Special Use Permit Checklist

Rev: 2/11/2019

neighboring uses? Nuisance means excessive traffic, vibration, noise, dust, fumes, glare, or odors or other similar nuisances.

Conditions of Approval: When approving a special use permit, conditions may be attached to:

- Minimize impact on other development;
- Control sequence and timing;
- Establish duration of the use;
- Assure the development is maintained properly;
- Designate the location and nature of development, including signs;
- Require the provision for on-site or off-site public facilities or services;
- Require more restrictive standards than those generally required in ordinance;
- Specify the period of time for which a permit is issued and conditions which, if not followed, will bring about revocation of the conditional use permit; and
- Require mitigation of effects of the proposed use upon service delivery by any political subdivision of the State of Idaho providing services within the planning area (Middleton's area of city impact).

Request for Modification of Requirements

To: City of Middleton Planning and Zoning Commission (Commission).

From: KCRJ LLC

Re: Request for Public Hearing with the April 8, 2019 Planning & Zoning Meeting for reconsideration of a condition of the Preliminary Plat of Valhalla Country Estates (Valhalla) as approved by the Commission on September 28, 2018.

The Developer and owner of Valhalla Country Estates is KCRJ LLC (KCRJ).

KCRJ hereby requests a public hearing before the City of Middleton Planning and Zoning Commission in conjunction with its scheduled April 2019 meeting.

The purpose is to reconsider the condition passed by the commission at the time of Preliminary Plat Approval that required the installation of sidewalks along both sides of Valhalla Street and Nordic Avenue.

We request consideration of the following:

- **An exception to this requirement be granted because the average lot size is over ½ acre. Also, this requirement did not exist when this street & infrastructure was built 2007 and when KCRJ LLC took up the expensive extension of Meadow Park Street.**
- **If that request is not granted we request that in lieu of a detached sidewalk, a 5' wide pedestrian path be marked with a painted white line, no parking signs, and raised pavement markers, and stenciled "pedestrian only" only on:**
 - **The west side of the north half of Nordric Ave from the intersection of Ragnor. This would be installed before Phase 3 or 4 Final Plat were approved.**
 - **The north side of Valhalla from the intersection of Valkyrie to Middleton Road. This would be installed before Phase 5 Final Plat was approved.**
- **If none of the above are approved, we request detached sidewalk only be required on the west side of south portion of Nordic, and that conjunction with Phase 2.**
- **If none of the above are granted, we request that the side walks not be required until Phase 3 is constructed and recorded.**

Thank you for your consideration.

A handwritten signature in black ink, appearing to read "Joe Roberts". The signature is stylized with a large, looped "J" and a cursive "Roberts".

Joe Roberts, a manager of KCRJ LLC

Darin Taylor

From: joe roberts <joeroberts27@gmail.com>
Sent: Tuesday, March 19, 2019 6:43 AM
To: Darin Taylor
Subject: Supplemental Request to P & Z meeting
Attachments: Supplemental application for Middleton Road imp w Phase 2.pdf

Please consider this request. If format needs changing or additional information added, please let me know.

Joe Roberts for KCRJ LLC

8th, 2019, that:

the commission consider this request to defer requirements to install improvements to the portion of Middleton Road that is adjacent to Phase 1 to be completed in conjunction with the Middleton Road work required as part of Phase 2.

There was no discussion of widening Middleton Road when the Preliminary Plat was presented to the Commission and approved. There was discussion about turn lanes in and out between Valhalla and Middleton Road but that was rejected by the Commission. Those were rejected.

KCRJ has undertaken to reactivate a broken project that has been stopped for 11 years. Getting the 1st Phase recorded and homes being built is the key to the then extending Meadow Park Street to Middleton Road and improvements to Middleton Road. It has been an expensive and difficult project.

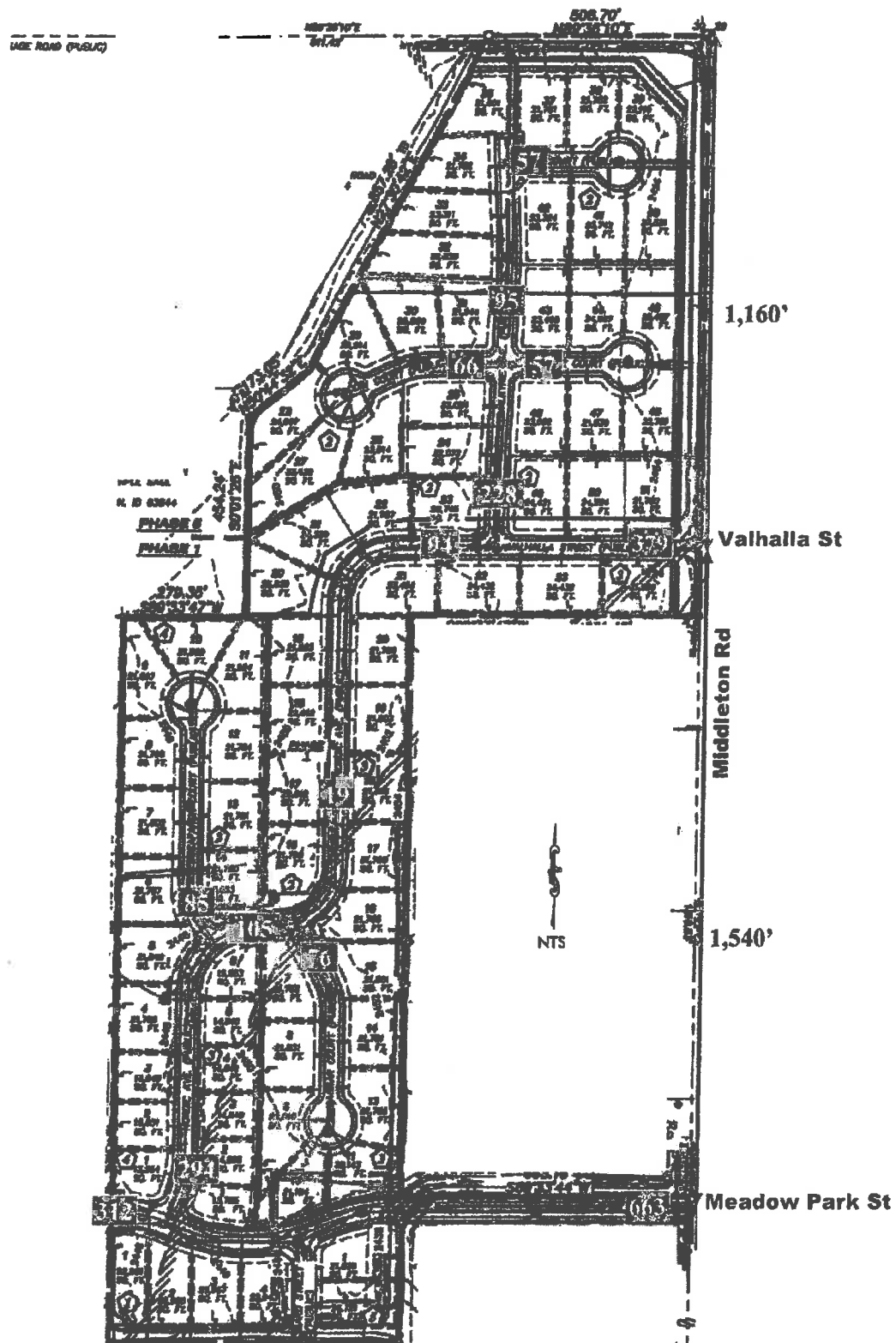
KCRJ negotiated this plan with the City Administration and Engineer. They required that the engineering for those road improvements be completed with Phase 1, but not installed until Phase 2. Since then it has been determined that we also need your approval of the plan.

We respectfully ask for your approval of this request.

A handwritten signature in black ink, appearing to read "Joe Roberts". The signature is fluid and cursive, with the first name "Joe" and last name "Roberts" clearly distinguishable.

Joe Roberts for KCRJ LLC and Valhalla Country Estates

Figure 4.4 – Build-Out Year Site Access, Circulation, and ADT



Valhalla Country Estates Public Hearing Narrative

RE: KCRJ LLC application for Request for reconsideration of the requirement of sidewalks.

Background information concerning requests for reconsideration of sidewalk requirement.

Please review the Figure 4.4 from the traffic study.

The Valhalla land had a Preliminary Plat that was approved in about 2006. Construction drawings for the First Phase were approved by the Middleton City and the following were constructed in what was then named Ponderosa Drive.

- 8" sewer line with sewer hookups to the lots
- 12" water main with services to the lots along Ponderosa.

Both these had to be approved before asphalt could have been laid.

- Stub streets for cul-de-sacs were installed
- Swell drains were built to standards along both sides of the Ponderosa.
- Sleeves for the utility crossing were installed
- Ribbon curb was installed
- Then the street was asphalted and was ready for dedication to the City.
- Sidewalks were not required and were not installed.

- When KCRJ undertook to renew the development, we met with the city administration to work out the details of what we were up against and what would be required. Extending Meadow Park Street out to Middleton Road was very important to the City.
- Central to our taking on the expensive obligation to extend it was a condition that the lots along Ponderosa be able to be developed as they had previously been designed and constructed as a sub-division local street without sidewalks.
- The original design, the approved Preliminary Plat, and the construction plans did not require sidewalks. The average lot size was slightly more than .50 acre which satisfied the no sidewalk condition. There were a few lots less than .50 acre, but the average was .50+ acres.
- When KCRJ undertook to pick-up the pieces and finish the project, we re-worked the lots throughout the un-built parts of the sub-division to make them ½ acre. We were informed that was central to the issue of not requiring sidewalks. Sidewalks had not been part of the initial approvals of design and construction.
- There were 9 lots along the south end of Nordic that were 1/3 acre and we could not reasonably change them because the services were already in. 2 lots in Phase 3 had to give up a little piece for the pump-station, so they are slightly below .5 acre. Attached hereto is spreadsheet showing all the lots sizes.

- When the P&Z Commission approved our Preliminary Plat, a requirement for sidewalks along just Nordic and Valhalla but not the other phases was added. It would be challenging to go back and add sidewalks now with the swell storm drains, water services, power, gas and other utilities in. If that was in the plan it needed to have been done in sequence.
- After that P&Z meeting we considered the implications and complications of complying and discussed them with the Administration. Mayor Taylor believed we could meet the requirement by appropriately marking a walking path on the outside edge of the streets. That was thoroughly discussed, and it became the plan.
- Recently discussion amongst City administration has now shifted to being uncomfortable with the painted pedestrian paths that had been approved without further action from the Planning and Zoning Commission.
- To relieve concern about pedestrian traffic, an asphalt path was added to the Preliminary Plat to be installed at the south end of Ragnor Court between lots 10 and 11. This pathway makes a relatively traffic free pathway for pedestrians from the north lots to access through that cul-de-sac to Meadow Park and its pathways. That takes foot traffic away from the south end of Nordic.
- Attached hereto is Page 19 of the recently completed Traffic Study. As you see, there will be very little traffic expected on Nordic because of the exits to Middleton Road off Valhalla and from the extension of Meadow Park. The speed limits would be 20 mph. Our CC&Rs limit on-street parking to keep the sides open for pedestrians.
- Our contractor has informed us that construction equipment in the small area between the swell drains and the water meters would basically damage the swell drains with compaction.

In consideration of these facts, KCRJ respectfully requests that Valhalla be grand-fathered to its original plan of no-sidewalks required because of the large lots, and the rules when the infrastructure was built.

There are many subdivisions with small lots and sidewalks that home buyers can elect to build in. Valhalla was designed as an alternative sub-division with large lots, a country feel, and no sidewalks. If that is not what any potential buyer is looking for they have lots of other choices.

If the commission cannot come to approval of removal of the sidewalk requirement except the path through Ragnor Street, then as an alternative, we request that the Commission approve the 5' painted pedestrian path along one side of the south end of Nordic so that parking can be on the other side. The same could be done to the north side of the east ½ of Valhalla.

Thank you for your consideration and for your public service.

Joe Roberts for KCRJ LLC

Valhalla Country Estates Lot Size Summary & Average % of an Acre

Phase 1		Phase 2		Phase 3		Phase 4		Phase 5	
Block 1		Block 1		Block 3		Block 4		Block 2	
1	15,360	1	22,981	7	21,755	6	21,787	24	22,072
2	15,028	2	22,985	8	21,831	7	21,802	25	22,084
3	15,645	3	22,957	9	22,016	8	21,799	26	23,014
4	21,789	4	22,943	10	21,204	9	21,887	27	33,430
5	21,849	Block 2		11	20,143	10	21,800	28	24,907
Block 2		1	21,838	13	21,788	11	21,924	29	22,814
1	14,769	2	26,721	14	21,781	12	21,784	30	25,059
2	13,875	<u>140,425</u>		15	21,801	13	21,781	31	21,844
3	14,840	<u>23,404</u>		<u>172,319</u>		14	21,780	32	28,836
4	14,840	53.7%		21,540		<u>196,344</u>		33	23,311
5	14,840			49.4%		21,816		34	21,782
6	15,554					50.1%		35	21,901
Block 3								37	21,781
16	21,786							38	21,782
17	21,790							39	22,110
18	21,815							40	27,581
19	21,803							41	23,742
20	21,789							42	23,324
21	23,456							43	23,468
22	24,432							44	24,687
23	23,392							45	25,487
24	22,095							46	22,781
Block 4								47	21,930
16	21,793							48	23,056
17	22,012							<u>572,783</u>	
18	22,012							23,866	
19	21,863							54.8%	
20	25,839								
21	25,339								
22	21,787								
23	22,745								
Block 5									
1									
2	21,569								
3	23,544								
4	24,421								
<u>633,671</u>									
20,441									
46.9%									

Valhalla Combined	
Average	
Phase	
1	633,671
2	140,425
3	172,319
4	196,344
5	572,783
Lots Total	<u>1,715,542</u>
Average	21,994.13
% of acre	50.5%

Valhalla Country Estates Neighborhood Meeting 3/1/2019

In compliance with the requirements for a public hearing before the Middleton City Planning and Zoning Commission on April 8th 2019, a Neighborhood Meeting was properly noticed by mailing notices 10 days before the meeting that was held at 5:30 PM on 3/1/2019. The mailing list is attached hereto.

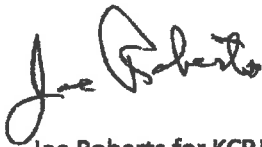
The subject of the meeting was a request to modify the requirement to add sidewalks along Valhalla and Nordic Streets. A second item that was noticed in the meeting invitation regarding a sewer service had already been resolved and was therefore not discussed at the meeting.

Joe Roberts representing KCRJ LLC, the developer, explained the purpose of the upcoming public hearing and the reasons for the request.

There was discussion about the issue and varying opinions were expressed, some completely agreeing that in the current situation, no sidewalks made perfect sense, and others expressing the view that sidewalks should always be required no matter what the situation was. A question was asked relating regarding the fact that the neighboring sub-divisions had sidewalks and asking why was this different. It was answered that those sub-divisions had much smaller lots and higher density, and that Valhalla Country Estates was being developed to give families a choose of a different kind of more country living with big lots, ability to have some animals, and no sidewalks. The city had recognized that difference that in the ordinances that existed when Valhalla & Nordic were put in years earlier and which in a modified form still exist.

The preliminary information about when the P&Z meeting was expected to be held was shared.

The meeting was adjourned at 6:00 PM.

A handwritten signature in black ink, appearing to read "Joe Roberts", written in a cursive style.

Joe Roberts for KCRJ LLC

3-1-19

Sign-In
Neighborhood Meeting
Vahalla Country Estates

Debbie Young	208-505-0183
Dave Carr	208 989 9115
Debbie Swindhurst	707-921-9914
Lane Ransom	208-869-4885
Isa	208-406-7432
Mark Olson	208-697-8886
Tim Caragrand	208 576 6094
Richard Wymore	530-208-5207

2019-001181	
RECORDED	
01/10/2019 11:36 AM	
CHRIS YAMAMOTO	
CANYON COUNTY RECORDER	
Pgs=4 DLSTEPHENS	\$15.00
TYPE: DEED	
PIONEER TITLE CANYON - CALDWELL	
ELECTRONICALLY RECORDED	

SPECIAL WARRANTY DEED

Western Horizons, Inc. ("Grantor") for and in consideration of the sum of Ten Dollars and No Cents (\$10.00), and other good and valuable consideration, the receipt whereof is hereby acknowledged, does, by these presents, convey unto KCRJ LLC ("Grantee"), whose address is 10309 Colorful Dr., Nampa, ID 83687, and its successors and assigns forever, all the real estate situated in the County of Canyon, State of Idaho, described in Exhibit A attached hereto and incorporated herein, subject to any and all easements, restrictions, agreements and encumbrances of record or appearing on the land as of the date of this instrument.

[Handwritten signature]

Together with all and singular the tenements, hereditaments, and appurtenances thereunto belonging or in anywise appertaining, the rents, issues and profits thereof, and all estate, right, title and interest in and to the property, as well in law as in equity, except as expressly provided otherwise herein.

To have and to hold, all and singular the above-described premises together with the appurtenances unto Grantee and its heirs and assigns forever.

Grantor makes no covenants or warranties with respect to title, express or implied, other than that previous to the date of this instrument, Grantor has not conveyed the same estate to any person other than Grantee.

Dated this 9 day of Jan, 2019

Western Horizons, Inc.

By *[Signature]*
Edward J. McNellis, Vice President

STATE OF IDAHO)
) ss.
County of Canyon)

On this 9 day of Jan, 2019 before me, the undersigned, a Notary Public in and for said state, personally appeared Edward J. McNellis, known or identified to me to be the V. Pres of the corporation that executed the instrument or the person who executed the instrument on behalf of said company, and acknowledged to me that such corporation 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.

Carrie Homburg

Notary Public for Idaho

Residing at: _____

My Commission Expires: _____



Residing at: Melba, ID
Commission Expires: 3/10/2021

EXHIBIT A

PARCEL 1:

The West Half of the Southeast Quarter of the Northeast quarter and the North Half of the Northwest Quarter of the Northeast Quarter of the Southeast Quarter, all in Section 31, Township 5 North, Range 2 West of the Boise Meridian, Canyon County, Idaho.

TOGETHER WITH: The North 60 feet of the Northeast Quarter of the Northeast Quarter of the Southeast Quarter of Section 31, Township 5 North, Range 2 West of the Boise Meridian, Canyon County, Idaho.

PARCEL 2:

A parcel of land lying in the Northeast Quarter of Section 31, Township 5 North, Range 2 West, Boise Meridian, Canyon County, Idaho, said parcel being more particularly described as follows:

COMMENCING at a found Brass Cap marking the East Quarter Corner of said Section 31, Township 5 North, Range 2 West, Boise Meridian, Canyon County, Idaho, said Brass Cap also lying on the centerline of Middleton Road; thence

North 00° 16' 27" West 2,639.34 feet (formerly 2,639.30 feet) along the East boundary of the said Northeast Quarter of Section 31 and along the said centerline of Middleton Road to a found Brass Cap marking the Northeast corner of said Section 31, said Brass Cap also marking the centerline intersection of said Middleton Road and Purple Sage Road, said Brass Cap bears North 89° 33' 00" East 2,640.21 feet from a set 5/8 inch iron pin marking the North

Quarter Corner of said Section 31, said Brass Cap also marking the REAL POINT OF BEGINNING; thence

South 00° 16' 27" East 1,319.67 feet (formerly 1,319.65 feet) along the said East boundary of the Northeast Quarter of Section 31 and along the said centerline of Middleton Road to a found Brass Cap marking the North 1/16 corner of said Sections 31 and 32; thence

South 89° 30' 31" West 1,043.57 feet along the South boundary of the Northeast Quarter of the Northeast Quarter of said Section 31 to a set 1/2 inch iron pin, said pin bears North 89° 30' 31" East 279.43 feet from a found 1/2 inch iron pin inside a 1 1/2 inch iron pipe marking the Northeast 1/16 corner of said Section 31; thence

North 00° 04' 58" West 454.20 feet to a set 1/2 inch iron pin; thence

North 50° 42' 51" East 173.02 feet to a set 1/2 inch iron pin; thence

North 27° 27' 09" East 857.40 feet to a set 1/2 inch iron pin lying on the North boundary of the said Northeast Quarter of Section 31, said pin also lying on the said centerline of Purple Sage Road; thence

North 89° 33' 00" East 508.70 feet along the said North boundary of the Northeast Quarter of Section 31 and along the said centerline of Purple Sage Road to the POINT OF BEGINNING.

TOGETHER WITH: A fifty (50) foot wide easement for the purpose of ingress, egress and irrigation, said easement lying in the Northeast Quarter of Section 31, Township 5 North, Range 2 West, Boise Meridian, Canyon County, Idaho, said easement being more particularly described as follows:

COMMENCING at a found Brass Cap marking the East Quarter Corner of said Section 31, Township 5 North, Range 2 West, Boise Meridian, Canyon County, Idaho, said Brass Cap also lying on the centerline of Middleton Road; thence

North 00° 16' 27" West 2,639.34 feet (formerly 2,639.30 feet) along the East boundary of the said Northeast Quarter of Section 31 and along the said centerline of Middleton Road to a found Brass Cap marking the Northeast Corner of said Section 31, said Brass Cap also marking the centerline intersection of said Middleton Road and Purple Sage Road, said Brass Cap bears

North 89° 33' 00" East 2,640.21 feet from a set 5/8 inch iron pin marking the North Quarter corner of said Section 31; thence

South 89° 33' 00" West 508.70 feet along the North boundary of the said Northeast Quarter of Section 31 and along the said centerline of Purple Sage Road to a set 1/2 inch iron pin, said pin marking the REAL POINT OF BEGINNING; thence

South 27° 27' 09" West 56.58 feet to a point; thence

South 89° 33' 00" West 417.70 feet to a point; thence

North 00° 27' 00" West 50.00 feet to a point lying on the said North boundary of the Northeast Quarter of Section 31, said point also lying on the said centerline of Purple Sage Road; thence

North 89° 33' 00" East 444.18 feet along the said North boundary of the Northeast Quarter of Section 31 and along the said centerline of Purple Sage Road to the POINT OF BEGINNING,

William and Elizabeth Rehm
25073 Triangle Drive
Middleton, ID 83644

Sixons Inc.
P.O. Box 30
Ola, ID 83657

TK Development LLC
2186 S. Myers Pl
Boise, ID 83706

Mark and Johnna Hinrichs
25051 Triangle Drive
Middleton, ID 83644

Middleton Manor
24916 Middleton Rd
Middleton, ID 83644

Thomas and Janell Ward
2002 Scotch Pine Drive
Middleton, ID 83644

Dino and Jackie Selders
25021 Triangle Drive
Middleton, ID 83644

David Cross
P.O. Box 625
Middleton, ID 83644

Isaac and Betsy Radford
2024 Scotch Pine Drive
Middleton, ID 83644

Shelley MacDonald
11198 Purple Sage Rd
Middleton, ID 83644

Julie Degitz
P.O. Box 217
New Meadows, ID 83654

Michael and Karen Hunt
2056 Scotch Pine Drive
Middleton, ID 83644

Clay and Wendy Schaake
24625 Middleton Rd
Middleton, ID 83644

Lois and Albert Marks
24325 Middleton Rd
Middleton, ID 83644

Travis Kidd
2078 Scotch Pine Drive
Middleton, ID 83644

Bobby Campbell
25054 Triangle Drive
Middleton, ID 83644

Willie Baber
24741 Middleton Rd
Middleton, ID 83644

Richard and Rena Wymore
2079 Scotch Pine Drive
Middleton, ID 83644

Richard and Marcia Varone
25024 Triangle Drive
Middleton, ID 83644

Danielle and Justin Bundy
24796 Middleton Rd
Middleton, ID 83644

Meadow Park HOA
119 S. Valley Dr. Ste 139
Nampa, ID 83686

Loretta Stadler
25053 Middleton Rd
Middleton, ID 83644

Jack Garrett
24623 Middleton Rd
Middleton, ID 83644

Milton and Janis Osgood
P.O. Box 116
Middleton, ID 83644

Norman and Karen Clark
11024 Purple Sage Rd
Middleton, ID 83644

Jose Gallegos
24525 Middleton Rd
Middleton, ID 83644

Lenora Richardson
11225 Purple Sage Rd
Middleton, ID 83644

David and Anita Olsen
423 E Karcher Rd
Nampa, ID 83687

John and Karin Mead
24421 Middleton Rd
Middleton, ID 83644

Amy Wilson
11223 Purple Sage Rd
Middleton, ID 83644

**William and Elizabeth Rehm
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**Amy Wilson
11223 Purple Sage Rd
Middleton, ID 83644**

**NOTICE OF PUBLIC HEARING
CITY OF MIDDLETON, IDAHO**

The Middleton Planning and Zoning Commission is scheduled to hold a public hearing at 7:00 p.m. on Monday, April 8, 2019, 6 N. Dewey Ave., Middleton, Idaho, to consider the following:

A request by KCRJ, LLC for a special use permit to amend or remove the Commission's condition for sidewalks on both sides of Valhalla St. and Nordic Ave. in Valhalla Country Estates Subdivision as required in Middleton City Code 5-4-11-2. The subject property is located at the southwest corner of Purple Sage Rd. and Middleton Rd., Middleton, Idaho.

A request by WTW Development for a special use permit to except Stonehaven Subdivision from Middleton City Code 5-2-3: reduce side setbacks from 10 feet to 5 feet. The subject property is located at the southwest corner of Willis Rd. and Hartley Ln., Middleton, Idaho.

Everyone is invited to attend and comment at the hearing. Written comments may be submitted at the hearing or earlier to the Planning and Zoning Official, 1103 W. Main Street, Middleton, ID 83644.

Please Publish: Tuesday, March 19, 2019

Please send Affidavit of Publication to:

Dawn Dalton, Deputy Clerk
City of Middleton
P.O. Box 487
Middleton ID 83644

Thank you.



CITY OF MIDDLETON

P.O. Box 487, 1103 W. Main St., Middleton, ID 83644

208-585-3133 Fax (208) 585-9601

citymid@middletoncity.com

www.middleton.id.gov

March 20, 2019

Re: Notice of Public Hearing

Political subdivisions of the State of Idaho providing services to the properties:

The Middleton Planning and Zoning Commission is scheduled to hold a public meeting at 7:00 p.m. on Monday, April 8, 2019, at 6 N. Dewey Ave., Middleton, Idaho, to consider the following:

An application from KCRJ LLC for a special use permit to amend or remove the Commission's condition for sidewalks on both sides of Valhalla St. and Nordic Ave. in Valhalla Country Estates Subdivision as required in Middleton City Code 5-4-11-2. The subject property is located at the southwest corner of Purple Sage Rd. and Middleton Rd., Middleton, Idaho.

An application by WTW Development for a special use permit to except Stonehaven Subdivision from Middleton City Code 5-4-1, Table 2, by reducing minimum interior side setbacks from 10 feet to 5 feet. The subject property is located at the southwest corner of Willis Rd. and Hartley Ln., Middleton, Idaho.

The full application is available for review at City Hall, 1103 W. Main St., Middleton, Idaho. Everyone is invited to attend the hearing and offer comments. Written comments may be submitted in person or by mail prior to or at a public hearing. Contact the City Clerk at (208) 585-3133 at least five days prior to the hearing to arrange assistance with language translation or physical challenges. Please contact me if you have questions.

Sincerely,

A handwritten signature in black ink, which appears to read "Becky Crofts". The signature is stylized and cursive.

Becky Crofts
City Administrator



CITY OF MIDDLETON

P.O. Box 487, 1103 W. Main St., Middleton, ID 83644

208-585-3133 Fax (208) 585-9601

citmid@middletoncity.com

www.middleton.id.gov

March 20, 2019

Re: Notice of Public Hearing

Landowners and Occupants:

The Middleton Planning and Zoning Commission is scheduled to hold a public meeting at **7:00 p.m. on Monday, April 8, 2019**, at 6 N. Dewey Ave., Middleton, Idaho, to consider the following:

An application from KCRJ LLC for a special use permit to amend or remove the Commission's condition for sidewalks on both sides of Valhalla St. and Nordic Ave. in Valhalla Country Estates Subdivision as required in Middleton City Code 5-4-11-2. The subject property is located at the southwest corner of Purple Sage Rd. and Middleton Rd., Middleton, Idaho.

The full application is available for review at City Hall, 1103 W. Main St., Middleton, Idaho. Everyone is invited to attend the hearing and offer comments. Written comments may be submitted in person or by mail prior to or at a public hearing. Contact the City Clerk at (208) 585-3133 at least five days prior to the hearing to arrange assistance with language translation or physical challenges. Please contact me if you have questions.

Sincerely,

A handwritten signature in black ink, appearing to read "Becky Crofts".

Becky Crofts
City Administrator



CITY OF MIDDLETON

P.O. Box 487, 1103 W. Main St., Middleton, ID 83644

208-585-3133 Fax (208) 585-9601

citmid@middletoncity.com

www.middleton.id.gov

*Flyer for Posting Box
Posted 3/28/19
DT:EAH*

March 27, 2019

Re: Notice of Public Hearing

Landowners and Occupants:

The Middleton Planning and Zoning Commission is scheduled to hold a public meeting at 7:00 p.m. on Monday, April 8, 2019, at 6 N. Dewey Ave., Middleton, Idaho, to consider the following:

An application from KCRJ LLC for a special use permit to amend or remove the Commission's condition for sidewalks on both sides of Valhalla St. and Nordic Ave. in Valhalla Country Estates Subdivision as required in Middleton City Code 5-4-11-2. The subject property is located at the southwest corner of Purple Sage Rd. and Middleton Rd., Middleton, Idaho.

The full application is available for review at City Hall, 1103 W. Main St., Middleton, Idaho. Everyone is invited to attend the hearing and offer comments. Written comments may be submitted in person or by mail prior to or at a public hearing. Contact the City Clerk at (208) 585-3133 at least five days prior to the hearing to arrange assistance with language translation or physical accommodation. Please contact me if you have questions.

Sincerely,

A handwritten signature in black ink, appearing to read "Becky Crofts".

Becky Crofts
City Administrator

Darin Taylor

From: Kara Maze <karamaze22@gmail.com>
Sent: Tuesday, March 26, 2019 10:57 AM
To: Darin Taylor
Subject: Fwd: Elementary school land

Here is the email from Dr. Middleton that was discussed this morning.

Best,

Kara Maze
KCRJ LLC
208-369-3385

----- Forwarded message -----

From: Josh Middleton <jmiddleton@msd134.org>
Date: Mon, Mar 25, 2019 at 8:48 AM
Subject: Re: Elementary school land
To: Kara Maze <karamaze22@gmail.com>

Good morning Kara,

Yes, the district is considering selling this property. We just had it appraised and I hope to take it to the board on April 8th for them to consider putting on the market. Selling property owned by the district is required to first go through a sealed bid process in which the highest bid must be at least the appraised value. If no one bids on it or bids do not meet/exceed appraised value, the district can sell it through tradition method.

That's the latest I have on the property but feel free to reach out again on April 9th for an update.

Thanks,

Josh Middleton

Dr. Josh J. Middleton, Superintendent
5 South Viking Avenue
Middleton School District 134
Middleton, ID 83644

"Without trust, we don't truly collaborate; we coordinate or at best, cooperate. It is trust that transforms a group of people into a team." Dr. Stephen Covey

On Mon, Mar 25, 2019 at 8:42 AM Kara Maze <karamaze22@gmail.com> wrote:
Greetings,

I am a local developer and was interested in the possibility of purchasing the land that the school district had planned to build the elementary school on at the end of Meadow Park Blvd.

Can you tell me if the School District would consider or if it has considered selling this piece of real estate?

Best,

Kara Maze
KCRJ

City of Middleton

Planning and Zoning Commission



Dear Commissioners,

I'm writing this to oppose the KCRJ LLC special use permit to remove the requirement for sidewalks on both sides of Valhalla St. and Nordic Ave. in Valhalla Country Estates Subdivision.

I live in the adjacent The Pines subdivision which has sidewalks. Every day you can see people walking on the sidewalks for exercise in our subdivision and in the Crossings subdivision. Obviously it's much safer to walk on sidewalks instead of in the street. The person developing the subdivision said not having sidewalks would be similar to a subdivision on Lansing. However, that development is a closed loop with no through traffic. My understanding is Valhalla (formerly Ponderosa) will continue to be a through street which will have more than just neighborhood traffic. Also in terms of appearance, sidewalks would be more visually appealing in side by side neighborhoods.

I salute the spirit of the folks who are developing this area and wish them success, but I think sidewalks are the way to go.

Michael Hunt

2056 Scotch Pine Dr., Middleton, ID, 83644

ADMINISTRATIVE REVIEW AND REPORT

Middleton Planning and Zoning Commission

Valhalla Country Estates Subdivision – Exception from Sidewalk Standards

SUMMARY OF APPLICATION

An application by KCRJ LLC for a special use permit to amend or remove the Commission's condition for sidewalks on both sides of Valhalla St. and Nordic Ave. in Valhalla Country Estates Subdivision as required in Middleton City Code 5-4-11-2. The subject property is located at the southwest corner of Purple Sage Rd. and Middleton Rd., Middleton, Idaho.

Applicant: KCRJ, LLC
10309 Colorful Drive
Nampa, ID 83687

Representative: Mason and Associates
924 3rd Street South, Suite B
Nampa, ID 83651

1. **APPLICATION:** The application was accepted by the city on Marcy 8, 2019.
2. **NOTICE OF PUBLIC HEARING:**
Published notice Idaho Press Tribune: March 19, 2019
Letters to 300' Property Owners: March 20, 2019
Letters to Agencies: March 20, 2019
Property Posted: March 28, 2019
3. **APPLICABLE CODES AND STANDARDS:**
Idaho Code Title 67, Chapter 65; primarily 67-6512(f)
Middleton City Code (MCC) 1-14-2, 1-14-4, 1-15-2, 5-4-1 Table 2 Notes, and 5-4-11-2
4. **PLANNING AND ZONING OFFICIAL REVIEW COMMENTS:**

A. On September 27, 2018, the Planning and Zoning Commission approved, with the following conditions, a Special Use Permit excepting Valhalla Country Estates Subdivision (Valhalla Subdivision) to certain standards.

1. The applicant construct a north bound left turn lane from Middleton Road onto Meadow Park Street and a south bound right turn lane from Middleton Road onto Meadow Park Street as long as there is sufficient right-of-way.
2. The applicant construct sidewalks along both sides of Valhalla St. and Nordic Ave.
3. The applicant construct an eight foot asphalt pathway on the north side of Meadow Park St for the portion of road between the Valhalla subdivision and Middleton Road.
4. The applicant construct an eight foot asphalt pathway on both sides of Meadow Park Street in Valhalla subdivision.
5. Make changes based the August 24, 2018 letter from the City Engineer.

Conditions "4" and "5" have been complied with, and condition "3" will be complied with during Phase 2 construction. The property boundary of the existing residential property located at the northwest corner of Middleton Road and future Meadow Park Street extends to the center of Middleton Road; there is not sufficient public road right-of-way to construct the north and south bound turn lanes described in condition "1." Condition "2" is the subject of this application.

B. MCC5-4-11-2 requires five-foot (5') wide sidewalks abutting the curb on both sides of the road, unless otherwise approved by the city

MCC 5-4-1 Table 2, Note 10 states in pertinent part, "Subdivisions in an R-2 Zone: Curb, gutter, sidewalks, and streetlights are not required;" i.e., subdivision with all lots at least 21,780 square feet (one-half acre) are not required to install sidewalks. This city requirement matches the county requirement as an incentive for developers to build larger lots and non-starter homes in city limits instead of outside city limits in the area of city impact. These subdivisions can continue the rural residential property look and feel traditional in Canyon County: asphalt roads with no curbing or with concrete ribbon curbing, and swales or barrow ditches.

MCC 5-4-1 Table 2, Note 11 states in pertinent part, "Subdivisions in an R-3 Zone: Curb, gutter, sidewalks and streetlights are required;" i.e., subdivisions lots with minimum lot size (8,000 square feet) must incur the cost and construct stormwater, sidewalk and streetlights typical in cities.

C. The subject property is zoned R-3, three single-family dwellings per gross acre. There are 75 lots in the approved preliminary plat for Valhalla Subdivision, 66 that are one-half acre or larger, and nine smaller than one-half acre.

D. **Written Agency Responses Received to Date:** An e-mail dated March 25, 2019 from Dr. Josh Middleton, Superintendent of Middleton School District #134, to Kara Maze, a member of KCRJ LLC, states the District appraised and is considering selling the Elementary School #4 property located south of The Crossing Subdivision and west of Valhalla Country Estates Subdivision property. The District Board is scheduled on April 9, 2019 to make a final decision about whether to sell the property.

E. **Written Landowner Responses Received to Date:** Michael Hunt opposes this application because "it is much safer to walk on sidewalks than instead of in the street" and The Crossing and The Pines subdivisions have sidewalks.

6. CONCLUSION

The subject property is zoned R-3, which requires sidewalks. If all lots in Valhalla were at least one-half acre, then sidewalks are not required. Nine of the 75 residential lots in the subdivision are less than one-half acre in size.

On the subject property, would the city rather:

1. Have R-3 Zoning with residential lots at least 8,000 square-foot minimum and sidewalks (MCC, Table 2 Note 10), or
2. Have R-2 Zoning with residential lots at least one-half acre in size and no sidewalks (MCC, Table 2 Note 11), or
3. Have R-3 Zoning and all residential lots actually at least one-half acre in size, so actual supersedes zoning, and no sidewalks are required (the city is working to correct this discrepancy), or
4. As described in the application for this matter, have R-3 Zoning with 66 residential lots at least one-half acre in size, and nine that meet the minimum lot-size requirement (8,000 sq. ft.) but are not large enough to categorically exempt the subdivision from the sidewalk requirement?



Drafted by: Darin Taylor
Date: April 5, 2019



2-8-19

Dear Middleton Planning and Zoning Board,

This letter is written in regards to KCRJ LLC request to be exempt from placing sidewalks in the proposed Valhalla Subdivision. This letter is submitted by the Board of Directors on behalf of the majority of 51 residences of the Pines of Meadow Park subdivision. We are located directly adjacent to the Valhalla development and will also be directly affected by your decision.

Many of our residents have moved into our subdivision due to its location and seclusion away from heavily traveled roads. Many of our residents fall into 1 of 2 categories. Either being newly retired or being a family with younger aged children. Up until recently, Valhalla Rd (previously Ponderosa) has been enjoyed by many individuals on a daily basis as a means of enjoying the outdoors. Many others use it as means to access Middleton. KCRJ has closed the road due to the amount of traffic being a safety concern for their construction workers. As KCRJ LLC has identified the heavy use of the road we question their request to not place sidewalks within the VALHALLA subdivision. When the road was open it was already used heavily by residents, school buses, and delivery entities. With the development of the anticipated additional (78) homes in the Valhalla subdivision the additional traffic and use will only be increased substantially.

The request by KCRJ LLC to amend or remove the Commissions conditions for sidewalks should be upheld as a requirement for the Valhalla development to. Middleton City Code 5-4-11-2 is a standard that should be followed. Specifically, the sidewalks should be placed out of safety for current and future residents both young and old. With a projected school and park being only 1/3 mile away one would assume many more families with children will be looking to move into the area.

KCRJ may argue that the majority of their proposed lots are greater than 0.5 acres. Which then in turn would meet parameters to request the amendment. However, according to the plat map just in phase 1, 9 of the lots on (formerly Ponderosa) the main road through the development are substantially smaller than 0.5 acre and account for about 30% of the lots. KCRJ LLC has already placed walkways at the front of their entrance off of Middleton RD giving the illusion that walkways will be present to projected homeowners. If they feel sidewalks are not needed then why already place them along the entire entryway?

In summary, please enforce the placement of sidewalks in the Valhalla subdivision. The cost of placing a sidewalk in a new development by any developer should be an expected cost that is accounted for. The safety of current and future homeowners, visitors, and children should not be sacrificed. We are the homeowners who live, work, and play in Middleton. We hope our request outweighs the profit margin of a developer who does not.

Respectfully,

The Pines HOA Board of Directors
Corey Patocka
Spencer Gladwell
Brandy Miller

Accepted by Dawn Taylor
on April 19, 2019

Letter to the City Council Requesting Appeal

Dear Mayor Taylor and Middleton City Council,

At a Public Hearing of the Planning and Zoning Commission held 8 April, 2019, WTW Development LLC requested a Special Use Permit which was summarily denied by the Commission.

WTW herewith appeals the decision of the Planning and Zoning Commission for reasons as follows:

1. Inappropriate ruling criteria
 - a. Use of 'Personal Preference'. Two of the P&Z committee members stated that their *personal* preference was to not live "that close" to their neighbors and thus they ruled against the request due to their personal preference.
 - b. Inappropriate deference to time spent by neighbors as a rationale for denial ruling. One member of the P&Z indicated that the neighbors had spent 'so much time' working on this and other matters relating to Stonehaven that, in recognition of that time and effort, the request would be denied.
2. Failure by Committee to materially consider or address more long-term and community-affecting issues outside of member preference or public influence including:
 - a. Safety issues of cars parked on streets when setbacks prohibit more parking and garage space
 - b. Long term benefits of increased tax base due to higher value homes
 - c. Immediate benefits from permits and other fees due to higher value homes
 - d. Increased diversity of population
 - e. Increased community stability and contribution from more economically stable homeowners
 - f. Increased beauty and appeal of neighborhoods and community
 - g. Direct benefits to neighboring homeowners of increased home values
3. Failure to consider or seek any kind of cooperative negotiation to attempt to find a mutually beneficial option.

Please find attached a narrative that will help prepare the council for the discussion we hope will take place as a cooperative effort to meet the most important goals and needs of our community.

Regards,



WTW Development, LLC

In complete transparency and in an effort to help City Council prepare for the meeting wherein the appeal will be made, please review the following updated narrative which will be read at the pending City Council public hearing in the applicant's presentation.

The first phase of Stonehaven Subdivision is nearing completion and readiness for sale of lots. Multiple builders are seeking for these lots. Phase 2 is also underway and will be ready for sale later this year.

As a developer and investor, WTW is primarily concerned with selling its product, lots. WTW is not involved today, nor does it intend to be involved in vertical construction / home building.

However, as neighbors and residents, WTW is very interested in contributing to the city and its residents in a meaningful way.

To be clear, it will result in no economic difference to the developer whether the lots of Stonehaven are purchased and used to build product for first-time home buyers, or for commercial rental unit investors, or whether those same lots are used to build larger homes for second-time home buyers who are more stable and more likely to stay in Middleton. The cost to construct the lots and the price to sell the lots are not affected by product that ultimately goes on them once sold to a builder.

However, as resident of Middleton, we have an opportunity to contribute to our community. Thus we are seeking to help the 243 lots of Stonehaven become populated with higher end (\$325k-\$500k) homes. We believe this to be a more attractive and a better use of the land than having those same 243 lots become populated with lower end (\$225k - \$275k) product.

As numerous builders have expressed interest and desire to build in Middleton, the common indication from the builders is - that in order to build product with 3-car garages, rather than 2-car garages, and allow for variability in structural design rather than just a variety of front-elevations, a 62-65 foot building width is needed.

All lots in the approved plat for Stonehaven meet city code for R3 development, including side setbacks. However, with the 10 foot side setback requirement, there is only 55 feet of buildable width available.

It is the developer's belief that the best use of the approved preliminary plat would be to build higher end product rather than to add more \$225k-\$275k starter or rental homes. This will allow for greater variability of product and further encourage more stable, long-term residents who will add to tax basis and economic stability of Middleton. It will improve the quality, beauty, safety and desirability of the community.

The plat will continue to be constructed as approved with lots as designed.

The decision as to what *kind of product* the developed plat will be used for is squarely in the hands of the City Council. An approval to allow side setbacks of less than 10 feet will encourage builders to build larger homes, it will attract more contributory residents, it will bring greater economic benefit to the community in terms of permits and taxes and local spending, it will increase safety by getting more cars off the streets, and it will create a more beautiful and stable community.

Please, therefore, approve the requested exception to current side setback standards to allow for side setbacks less than 10 feet which would allow for the more desirable product, neighbors and community.

We express our faith in the City Council to do what will best benefit the City of Middleton and the members of our community.



ADMINISTRATIVE REVIEW AND REPORT

Middleton City Council

Stonehaven Subdivision – Exception from Side Setback Standards

SUMMARY OF APPLICATION

An appeal by WTW Development LLC to Middleton City Council of the Planning and Zoning Commissions denial for a special use permit to except Stonehaven Subdivision from Middleton City Code 5-4-1 Table 2 by reducing the minimum side setback from 10 feet to 5 feet on all residential lots. The subject property is located at the southwest corner of Willis Rd. and Hartley Ln., Middleton, Idaho.

Applicant: WTW Development LLC
P.O. Box 545
Middleton, Idaho 83644

Representative: Paul Watson
WTW Development
P.O. Box 545
Middleton, Idaho 83644

1. **APPLICATION:** The appeal application was accepted by the City on April 19, 2019.
2. **NOTICE OF PUBLIC HEARING:**
Published notice Idaho Press Tribune: April 30, 2019
Letters to Agencies: April 24, 2019
Letters to Landowners within 300': April 24, 2019
Property Posted: May 7, 2019
3. **APPLICABLE CODES AND STANDARDS:**
Idaho Code Title 67-6512(f) and 67-6512
Middleton City Code (MCC) 1-14-1, -2 and -4; 1-15-2 and -7; and 5-4-1 Table 2

4. PLANNING AND ZONING REVIEW COMMENTS:

A. The city council approved the preliminary plat for Stonehaven Subdivision on May 16, 2018. Phases 1 and 2 are under construction.

B. Building setback standards are in Middleton's zoning ordinance codified at Middleton City Code (MCC) 5-4-1 Table 2. R-3 zoning allows for a minimum 10' interior side setback.

C. MCC 1-15-2(A) states, "Exceptions or waivers of standards, other than land use, may be approved through one of the following public hearing processes: 1. Special Use Permit."

D. **Written Agency Responses Received to Date:** none.

E. **Written Property Owners Responses Received to Date:** none.

5. PLANNING AND ZONING DECISION: On April 8, 2019 the Planning and Zoning Commission denied the request for a special use permit to amend or remove the Commission's condition for sidewalks on both sides of Valhalla St. and Nordic Ave. in Valhalla Country Estates Subdivision as required by Middleton city Code 5-4-11-2.

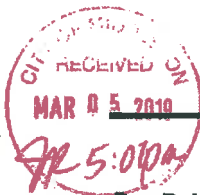
6. CONCLUSION

The special use permit process to except or waive standards is authorized by Idaho Code and Middleton City Code. It is the Middleton City Council's decision whether or not to approve the special use application and reduce interior side setbacks in Stonehaven Subdivision from 10 feet to 5 feet.

Drafted by: Bruce Bayne
Date: May 15, 2019



CITY OF MIDDLETON
 P O Box 487
 1103 W MAIN ST, MIDDLETON, ID 83644
 208-585-3133, Fax: 208-585-9601
 WWW.MIDDLETON.ID.GOV



Planning and Zoning Department

Application

Rev: 12/13/2018

Fee Paid: \$ 375

Application Accepted by: NTF Rec 1.237776

Date Application Accepted: 3/5/19

Applicant:

WTW Development

Name _____ Phone _____ Email _____
Po Box 545 Middleton ID 83644
 Mailing Address _____ City, State _____ Zip _____

Representative:

PAUL WATSON

208-907-0066

PAULWATSON@yahoo.com

Name _____ Phone _____ Email _____
Po Box 545 Middleton ID 83644
 Mailing Address _____ City, State _____ Zip Code _____

PUBLIC HEARINGS **

- ☐ Annexation and Zoning
☐ Rezone
☐ Vacate Right-of-Way
☐ Comprehensive Plan Map or Text Amendment

PUBLIC MEETINGS *

- ☐ Design Review
☐ Preliminary Plat
☐ Construction Plans
☐ Final Plat

PUBLIC HEARINGS **

- ☒ Special Use Permit
☐ Development Agreement
☐ Variance
☐ Ordinance Amendment

* Public Meetings: individuals have a right to observe at an open meeting.

** Public Hearings: a neighborhood meeting is required before filing an application, and individuals have a right to participate in the hearing by offering comments.

Site Information:

Site Address: Wills Rd & Hartley Ln Total Acres: 91

Assessor's Tax Parcel No(s): R34443013; R3444300000; R3444201100
R3444201300; R3444201400; R3444200000; R3444201000

Crossroads: Wills/Hartley

Existing Zoning: R-3 Proposed Zoning: _____

Floodplain Zone: _____ Hillside (grades exceeding 10%): _____

PAUL WATSON
 Applicant's Printed Name

3/5/2019
 Date

[Signature]
 Applicant's Signature



CITY OF MIDDLETON

P O Box 487

1103 W MAIN ST, MIDDLETON, ID 83644

208-585-3133, FAX: 208-585-9601

WWW.MIDDLETON.ID.GOV

Planning and Zoning Department

Application

Rev: 12/13/2018

Fee Paid: \$

375

Application Accepted by:

RF

Date Application Accepted:

3/5/19

Checklist - A complete Planning and Zoning Application must include the following.

- ☒ **Application Form**
- ☒ **Application Fee** (see Fee Schedule). Note: City Engineer and City Attorney expenses incurred by the city throughout the approval process that are related to relating to this Application are billed to the applicant in addition to the Application Fee. \$375. Applicant Initial
- ☒ **Vicinity Map:** attach an 8 1/2" x 11" map showing the subject property in relation to land around it that includes the nearest public roads.
- ☒ **Narrative:** describe and explain your request, anticipated adverse impacts on neighbors, and other information helpful to decision-makers. Please attach the following if applicable.

Applicable Not Applicable

- | | | |
|-------------------------------------|-------------------------------------|--|
| <input checked="" type="checkbox"/> | <input type="checkbox"/> | Describe how request is consistent with comprehensive plan <u>SUP</u>
(for annexation, zoning, comprehensive plan or ordinance amendments only) |
| <input type="checkbox"/> | <input checked="" type="checkbox"/> | Design review materials and information (design review application only) |
| <input type="checkbox"/> | <input checked="" type="checkbox"/> | Proposed preliminary plat, drainage calculations, traffic impact study |
| <input type="checkbox"/> | <input checked="" type="checkbox"/> | Proposed construction drawings (construction plans application only) |
| <input type="checkbox"/> | <input checked="" type="checkbox"/> | Proposed final plat (for final plat application only) |
| <input type="checkbox"/> | <input checked="" type="checkbox"/> | Proposed development agreement |
| <input type="checkbox"/> | <input checked="" type="checkbox"/> | Worksheet (for special use permit or variance only) |

- ☒ **Proof of Ownership or Owner's Consent:** attach a copy of landowner's deed and, if applicable, a letter from the landowner that authorizes the applicant to file an application.
- ☒ **Property Boundary Description** including reference to adjoining road and waterway names that is signed and stamped by a land surveyor registered in the State of Idaho. If more than one zoning designation is being requested, separate legal descriptions are required for each zoning designation.
- ☒ **Neighborhood Meeting:** If applicable, attach original sign-up sheet.
- ☒ **Mailing Labels:** Adhesive mailing labels containing the names and addresses of property owners within 300 feet of the external boundaries of the subject property (available at Canyon County Assessor's office or title companies). Two(2) sets if application requires a public hearing.
- ☒ **Complete Application (City use only: check box and Initial if Application is complete):** RF



CITY OF MIDDLETON
P O Box 487 AVENUE, MIDDLETON, ID 83644
208-585-3133, Fax: 208-585-9601
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Planning Department

Special Conditional-Use Permit Checklist

Rev: 09/13/2017

Property Owner(s): WTW DEVELOPMENT, LLC

Please answer the following questions:

1. Property Size: 90+ ACRES
2. Crossroads: WILUS / HARTLEY ROADS
3. Future Land Use Designation: RESIDENTIAL → R-3 ZONE
4. Surrounding Land Uses: R-3, C-1, PUBLIC SERVICES
5. If approved, what is the expected effect on roadways and traffic? VERY LITTLE IMPACT TO OVERALL TRIP GENERATION.
6. Will the proposed use generate a nuisance of light, glare, noise, vibration, smoke, fumes, odor, dust, etc.? NO - REMAINS RESIDENTIAL

If applicable:

Days and hours of operation: N/A

Number of employees (full-time): N/A (part-time): N/A

Number of employees (living on-site): N/A (living off-site): N/A

Frequency of deliveries: N/A Location of deliveries: N/A

Commission Evaluation: A public hearing will be scheduled before the Planning and Zoning Commission, which will review the application, receive verbal and written comments, and make a final decision based on the standards identified in Middleton City Code 5-3-4 and other applicable code sections.

How will the proposed use be harmonious with the goals, objectives, and strategies in the Comprehensive Plan?

Will the proposed use be served adequately by essential public facilities and services (pathways, streets, police and fire protection, drainage structures, refuse disposal, water and sewer and schools or will the proposed use create excessive additional requirements at public cost for public facilities and services?

Will the proposed use be injurious to others by involving activities, processes, materials, equipment or conditions of operation that will be hazardous, or a nuisance to a person, or to existing or future neighboring uses? Nuisance means excessive traffic, vibration, noise, dust, fumes, glare, or odors or other similar nuisances.



CITY OF MIDDLETON
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Planning Department
Conditional Use Permit Checklist
Rev: 09/13/2017

Conditions of Approval: When approving a conditional use permit, conditions may be attached to:

- Minimize impact on other development;
- Control sequence and timing;
- Establish duration of the use;
- Assure the development is maintained properly;
- Designate the location and nature of development, including signs;
- Require the provision for on-site or off-site public facilities or services;
- Require more restrictive standards than those generally required in ordinance;
- Specify the period of time for which a permit is issued and conditions which, if not followed, will bring about revocation of the conditional use permit; and
- Require mitigation of effects of the proposed use upon service delivery by any political subdivision of the State of Idaho providing services within the planning area (Middleton's area of city impact).



February 26, 2019

Darin Taylor, Mayor (c/o Randall Falkner)
Planning & Zoning Department
City of Middleton
1103 West Main Street
Middleton, Idaho 83644
rfalkner@middletoncity.com

Re: Stonehaven Subdivision: Willis/Hartley, Middleton ID – Special User Permit (SUP) Application

Mayor Taylor,

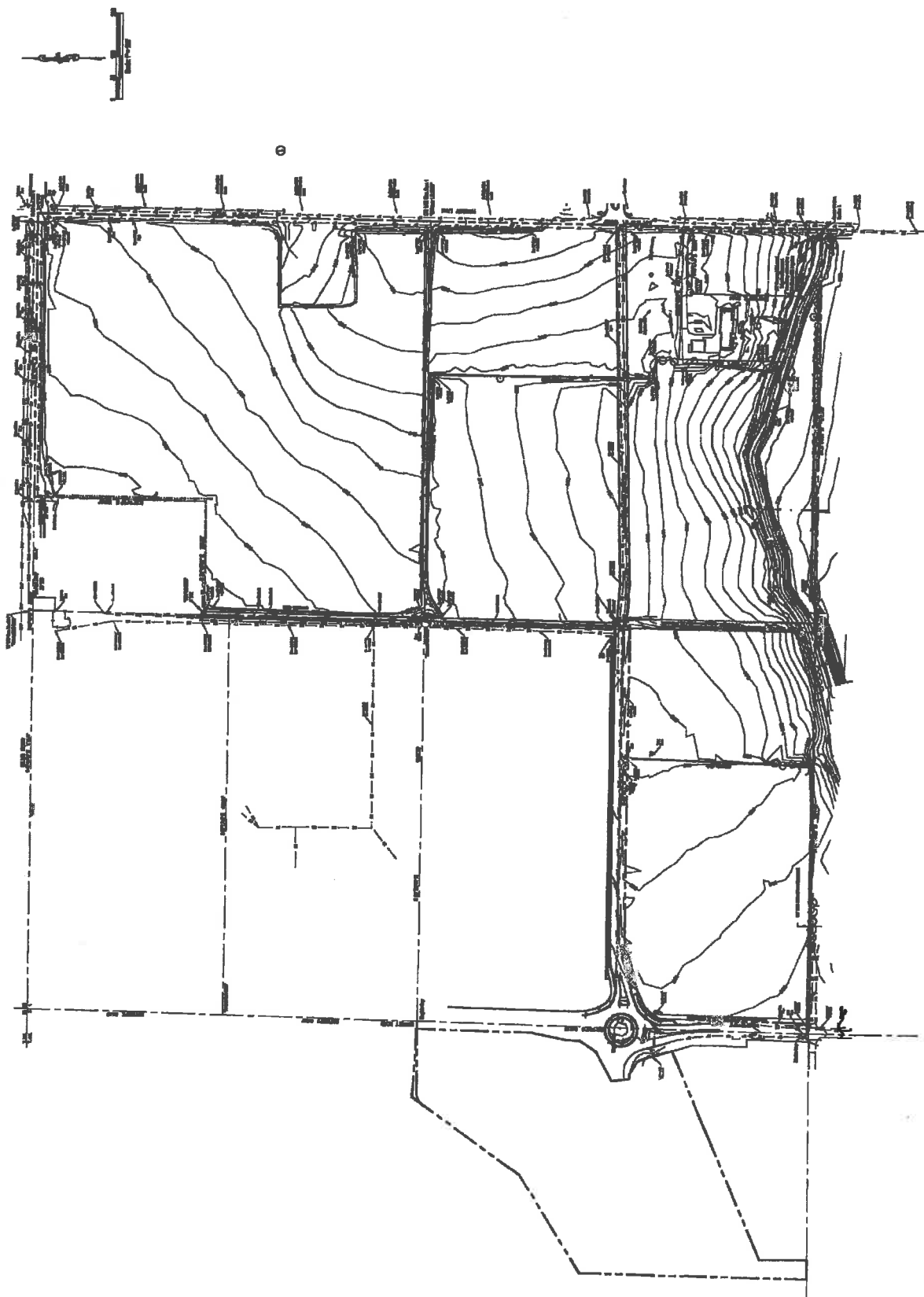
We have appreciated meeting with you and staff over the past months. Your continual help and input in the details of the Stonehaven Subdivision through the entitlement application process with the City of Middleton is appreciated.

WTW, LLC - developer, Paul Watson and consultants of approximately 90+ acres located south and east around the Middleton High School and church parcel along Willis, Hartley and Emmett Road, Middleton, Idaho 83644 have platted and designed initial phases approved for construction comprising of residential R-3 zoned parcels/lots. The zoning and platting pertain to parcels #R34443013, #R344430000, #R3444201100, #R3444201400, #R3444200000, #R3444201300 and #R3444201000. In fact, the first phase of Stonehaven Subdivision is nearing construction completion and readiness for sale of lots. Multiple respected builders are eager to purchase these lots. Phase 2 is approved and will soon be underway as well. Construction efforts should commence this Spring 2019.

As a developer and investor, WTW is primarily concerned with selling product (lots). However, as neighbors and residents, we are deeply interested in contributing to the city and its residents in a meaningful way with consistency to neighboring developments and quality products nearby. Whether the lots of Stonehaven are purchased and used to build product for first-time home buyers, or whether those same lots are used to build larger homes for second-time buyers who are more stable and more likely to stay in Middleton makes little economic difference to the developer/investor. However, as committed residents who reside on or near the property, the developers desire to help the 243+ lots of Stonehaven become populated with higher-end (\$325k-\$500k) homes is more attractive than having the same 243+ lots become populated with attractive, but lower-end (\$190k - \$250k) starter homes.

As numerous builders have expressed interest and desire to build in Middleton, the common indication is that in order to build product with 3-car garages, rather than 2-car garages, and allow for variability in structural design rather than just a variety of front-elevations, a 62-65 foot building width is needed. All lots in Stonehaven meet city code for R3 development. However, with the new 10-foot side setback requirement, R3 lot width and side setbacks allow only 55 feet of buildable width. It is WTW's belief that the best use of the approved preliminary plat would be, rather than adding more \$190k-\$250k starter homes, to build higher-end product allowing for greater variability and further encourage more stable, long-term residents who will add to tax basis and economic stability of the City and desirability of the Community. This would most likely reduce the sales price of new-construction starter homes in other areas, which is good economics for all of us.

TITLE: PROPOSED SUBDIVISION HANCOCK & DAVIS HANCOCK, MAINE		SHEET 1 OF 1 DATE: 10/1/88 DRAWN BY: JLD CHECKED BY: JLD	
COMPASS LAND SURVEYING 1000 1/2 AVENUE BOSTON, MA 02111 (617) 452-2211 (FAX) 452-2212		ALTHEA CONSULTING 640 N STATE STREET, SUITE 104 BOSTON, MA 02111	
NO. BY DATE 10/1/88	DESCRIPTION 1000 1/2 AVENUE		



Sign In Attendance Form:

Stonehaven Subdivision Neighborhood Meeting

26 February 2019

6:00 - 6:30pm

Middleton Heights Elementary

[illegible]

Sign In Attendance Form:

Stonehaven Subdivision Neighborhood Meeting

26 February 2019

6:00 - ~~6:30~~pm

Middleton Heights Elementary

Name:	Phone Number:	Email:	Address:
Dana Furrow	208-989-5046	DNFURROW@M9.com	1679 Mustang Mesa, Aco.
Donella Furrow	"	"	"
Al Bush	208 268-6447		
Lynda Bush	425-268-6449	BushLynda@comcast.net	9790 Woodland
Carlene Shin	951-818-3694		
NOTE: ARRASMITH	208-941-7651		12981 Olive Ridge
Gabrielle Okamura	208-989-5904	gab-debra@ gmail.com	23107 Hartley Lane
Paige Arrasmith	208-590-4712		23107 Hartley Lane
Randy Michaux	571 643 3850	michauxchirp yahoo.com	1681 Spring Creek Ave
Michaela West	(310) 283-3393	mikeo@michaelweldch.com	1170 Ouzumans Trail
Gina Nightingale	(208) 830-4374	gnightingale81@gmail.com	23553 Emmett Rd Caldwell, 83607

Comment Sheet:

Stonehaven Subdivision Neighborhood Meeting

26 February 2019

6:00 - ~~6:30~~pm

Middleton Heights Elementary

Mike Grafe	<ul style="list-style-type: none"> • access to back yard by fire dept or emergency personnel • 5' setbacks = 18" clearance by air conditioner & 24" to garbage cans • already approved for 10' setbacks
Barbara Grafe	<ul style="list-style-type: none"> • fire hazard • can see in neighbor windows
Shawn Maibon	<ul style="list-style-type: none"> • not small town fee • fire hazard • Insufficient open space • Spillover into other city amenities
Dana Furrow	<ul style="list-style-type: none"> - Codes are for a reason - Too many Houses could possibly use the Variance.
Carlene Thie	<p>No on Plan set back we the people of Middleton already agreed to the plan. The plan was the plan! NO!</p>
Donella Furrow	<ul style="list-style-type: none"> - Having a blanket variance opens up too much possibility for all houses to use this. - Sets a dangerous precedent for any future development.

Comment Sheet:

Stonehaven Subdivision Neighborhood Meeting

26 February 2019

6:00 - ~~6:30~~pm

Middleton Heights Elementary

Christy Hayes	<ul style="list-style-type: none">- Too close together - Keep to city code- Emergency access to side/back yards- Blanket variance is a bad idea
Cyndi Gregg	Code by a person before - Emergency access - Safety - Roof to roof



AllTerra Consulting
Date: 2/15/18
Job No.: 0318

STONEHAVEN SUBDIVISION EXTERIOR BOUNDARY DESCRIPTION

The following Describes a Parcel of Land being a portion of the Northwest 1/4 of Section 1, Township 4 North, Range 3 West, Boise Meridian, Canyon County Idaho, and more particularly described as follows:

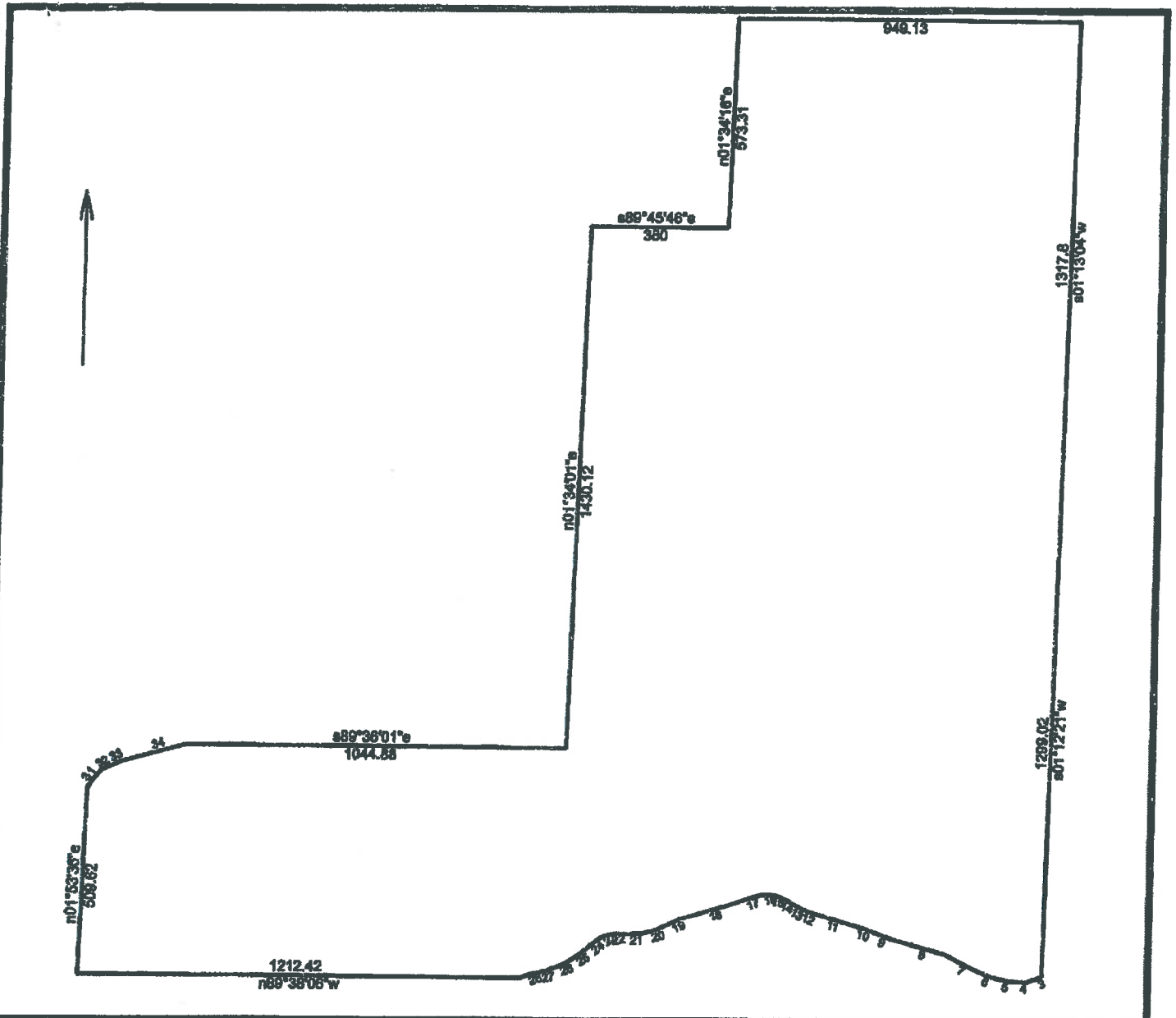
BEGINNING at a found Brass Cap Marking the Northeast Corner of the NW 1/4 (North 1/4 Corner) of said Section 1; From which, the Northwest Corner of the NE 1/4 NW 1/4 (West 1/16th Corner) of said Section 1 bears, North 89°45'46" West, 1,329.17 feet which is being Monumented with a found 5/8" Iron Pin with Plastic Cap "Brownell PLS 8960"

Thence along the Easterly Boundary Line of the NW 1/4 of said Section 1, South 01°13'04" West, 1317.80 feet to the Southeast Corner of the NE 1/4 NW 1/4 (Center-North 1/16th Corner) of said Section 1 which is being Monumented with a found 5/8" Iron Pin with Plastic Cap "Skinner PLS 3627";

Thence continuing, South 01°12'21" West, 1299.02 feet to a point on the Centerline of the Canyon Hill Canal;

Thence leaving said Easterly Boundary Line, and along the Centerline of the Canyon Hill Canal the following courses and distances:

- 1) South 71°29'41" West, 44.23 feet to a point;
 - 2) North 88°10'32" West, 46.59 feet to a point;
 - 3) North 77°37'37" West, 52.38 feet to a point;
 - 4) North 67°27'31" West, 57.21 feet to a point;
 - 5) North 63°03'07" West, 86.03 feet to a point;
 - 6) North 74°31'21" West, 154.71 feet to a point;
 - 7) North 69°11'18" West, 75.06 feet to a point;
 - 8) North 73°11'52" West, 58.91 feet to a point;
 - 9) North 74°14'17" West, 112.63 feet to a point;
 - 10) North 66°17'36" West, 29.80 feet to a point;
 - 11) North 58°25'31" West, 34.02 feet to a point;
 - 12) North 69°33'13" West, 38.66 feet to a point;
 - 13) North 83°22'56" West, 25.48 feet to a point;
 - 14) South 76°44'38" West, 28.17 feet to a point;
 - 15) South 71°09'12" West, 73.35 feet to a point;
 - 16) South 74°16'16" West, 140.85 feet to a point;
 - 17) South 66°05'26" West, 77.84 feet to a point;
 - 18) South 76°27'58" West, 38.47 feet to a point;
 - 19) South 88°29'55" West, 74.93 feet to a point;
 - 20) South 79°00'49" West, 27.73 feet to a point;
 - 21) South 55°16'58" West, 29.46 feet to a point;
 - 22) South 50°39'33" West, 56.21 feet to a point;
 - 23) South 58°23'14" West, 43.51 feet to a point;
 - 24) South 67°55'09" West, 56.09 feet to a point;
 - 25) South 78°11'56" West, 46.45 feet to a point;
 - 26) South 70°13'26" West, 29.22 feet to a point on the Southerly Boundary Line of the NW 1/4 of said Section 1;
- Thence leaving said Centerline, and along the Southerly Boundary Line of the NW 1/4 of said Section 1, North 89°38'06" West, 1212.42 feet to a point on the Easterly Right of Way Line of Emmett Road;



0318 BROOKHAVEN SUBDIVISION EXTERIOR BOUNDARY 2/15/2018

Scale: 1 inch= 399 feet

File:

Tract 1: 90.6837 Acres, Closure: s76.0751w 0.02 ft. (1/437148), Perimeter=10556 ft.

01 s01.1304w 1317.8
02 s01.1221w 1289.02
03 s71.2941w 44.23
04 n88.1032w 48.69
05 n77.3737w 52.38
06 n87.2731w 57.21
07 n63.0307w 88.03
08 n74.3121w 154.71
09 n69.1118w 75.06
10 n73.1152w 58.91
11 n74.1417w 112.63
12 n66.1736w 29.8
13 n58.2531w 34.02
14 n69.3313w 38.86
15 n83.2256w 25.48
16 s76.4438w 28.17
17 s71.0912w 73.35
18 s74.1616w 140.85
19 s66.0526w 77.84
20 s76.2758w 38.47
21 s88.2955w 74.93
22 s79.0049w 27.73

23 s55.1858w 29.46
24 s50.3933w 58.21
25 s58.2314w 43.51
26 s67.5509w 56.09
27 s78.1156w 46.45
28 s70.1326w 29.22
29 n89.3806w 1212.42
30 n01.5336e 509.62
31 Rt, r=176.50, delta=018.2006, chord=n36.5422e 56.24
32 Rt, r=41.50, delta=019.5302, chord=n56.0110e 14.33
33 n55.5753e 51.89
34 n75.1342e 178.83
35 s89.3801e 1044.88
36 n01.3401e 1430.12
37 s89.4548e 380
38 n01.3416e 673.31
39 s89.4548e 949.13

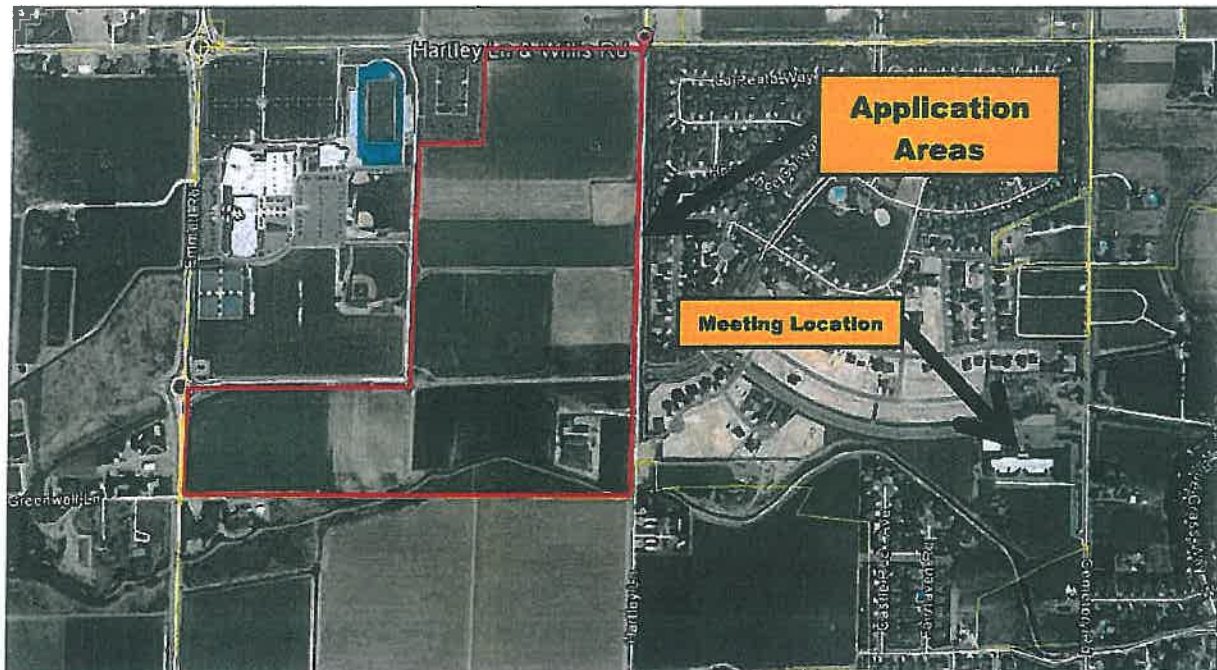


Neighborhood Meeting Notice

February 8, 2019

Subject: Stonehaven Subdivision – residential Special Use Permit Application

The owners of Stonehaven Subdivision are seeking a special use permit to allow an exception to the side setback standards for the approved residential lots. Decreasing the side setback will bring variety of structural product and potentially increase the number of higher end homes. This will be done by decreasing the setback on lot sides from 10ft to 5ft. This allowance would be complimentary to many of the adjacent subdivisions and homes in the area. The exhibit below depicts the "Application Areas" in red and shows the meeting will be held at Middleton Heights Elementary School.



A meeting has been scheduled to provide the opportunity for you to meet with project representatives to review this proposal in greater detail and listen to the public's input.

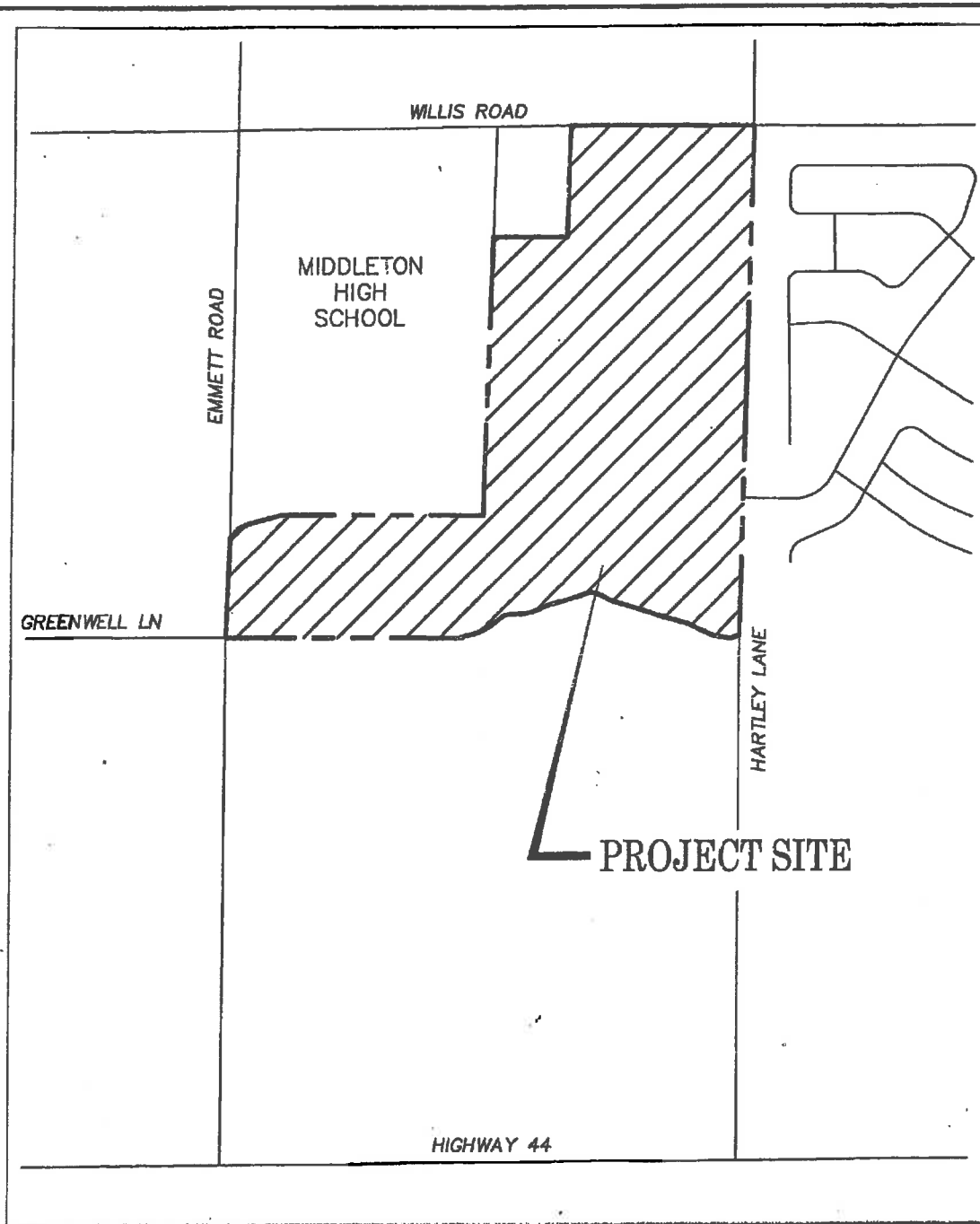
Date ***February 26th 2019***

Time ***6: 00 – 6:30 P.M.***

Location ***611 Cemetery Road, Middleton, Idaho (in the cafeteria)***

If you have questions prior to the meeting, please contact Jay Walker,

AllTerra Consulting, 208-484-4479 or jwalker@allterraconsulting.com



VICINITY MAP
1"= 800'



STONEHAVEN SUBDIVISION

A PORTION OF SECTION 01, T.4N., R.3W., B.M.
MIDDLETON, CANYON COUNTY, IDAHO



2-8-18

AFFIDAVIT OF LEGAL INTEREST

STATE OF IDAHO)

COUNTY OF CANYON)

) ss

I Robert Watson 4300 Los Altos
(name) (address)
Meridian Idaho 83642
(city) (state) (zip)

being first duly sworn upon oath, depose and say: That I am the record owner of the property

described on the attached, and I grant my permission to WTW Development, LLC
(name)

PO Box 545 Middleton Idaho 83644
(address) (state) (zip)

to submit the accompanying application pertaining to that property.

Address or location of property:

I agree to indemnify, defend and hold the City of Middleton and its employees harmless from any claim or liability resulting from any dispute as to the statements contained herein or as to the ownership of the property which is the subject of the application.

I understand there may be direct costs incurred by the City in obtaining a review of the application by architects, engineers, or other professionals necessary to enable the City to approve or disapprove the application. I understand that I will be billed on a monthly basis and will remit payment within 30 days.

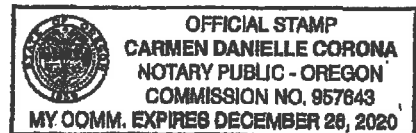
I hereby grant permission to the City of Middleton staff to enter the subject property for the purpose of site inspections related to processing said application(s).

Type of application: Rezone and Preliminary Plat Application

Dated this 8th day of February, 2018

Robert Watson

(Signature)



SUBSCRIBED AND SWORN to before me the day and year first above written.

[Signature]
Notary Public for Oregon

Residing at: Malheur, OR

My Commission Expires: 12/28/2020



610 South Kimball Avenue / Caldwell, Idaho
83605 / (208) 459-1651

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PART OF THE ORIGINAL DOCUMENT.

201104758

QUITCLAIM DEED

(Dead in Lieu)

For Value Received

C.K. Investors Limited Partnership

do(es) hereby convey, release, remise and forever quit claim unto

Bank of Idaho Trustee for Robert E. Watson IRA
whose address is P.O. Box 1487, IDAHO FALLS, ID 83415

the following described premises, to-wit:

See Attached Exhibit "A"

SUBJECT TO that certain delinquent property taxes for parcel #34442010, 34442000 0, 34443000 0, 34443012 0 records of Canyon County, Idaho.

This deed is an absolute conveyance of title, in effect as well as in form and is not intended as a mortgage, trust conveyance or security of any kind. The consideration therefore is the sum of \$10.00 and full release of all debts and obligations heretofore existing on account of the mortgage (or Deed of Trust) on said land, executed by and between Clark Real Estate Co., as Grantor, Robert E. Watson as the beneficiary, dated September 5, 2008, and recorded July 9, 2010 as Instrument No. 2010033065, records of Canyon County, Idaho. This deed completely satisfies said mortgage (or Deed of Trust) and note (or notes) secured thereby, and effect thereof in all respects.

together with their appurtenances.

Dated: August 4, 2011


C.K. Investors Limited Partnership, by C.K. Investors I, LLC, an Idaho LLC, as general partner

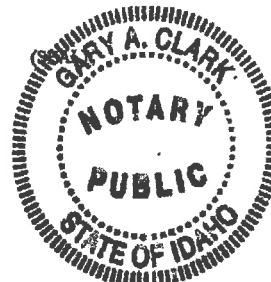

Larry J. Kemp, Manager

State of IDAHO
County of BANNOCK ss.

On this 9 day of August, 2011, before me, the undersigned, a Notary Public, in and for said State, personally appeared Larry J. Kemp, known to me, and/or identified to me on the basis of satisfactory evidence, to be the Manager of the Limited Liability Company that executed the foregoing instrument, and acknowledged to me that such Limited Liability Company executed the same.

WITNESS MY HAND AND OFFICIAL SEAL


Notary Public
Residing at: Poc. ID
Commission Expires: 7-10-2012





610 South Kimball Avenue / Caldwell, Idaho
 208 439-1831

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2011031820

RECORDED

2011 Aug 10 PM 2 13

CHRIS YAMAMOTO

CANYON CNTY RECORDER

BY M. Brown
 Requestor Pioneer Title Canyon - Ca
 Type DEED
 Fee \$13.00

ELECTRONICALLY RECORDED BY SIMPLIFILE

201104758

QUITCLAIM DEED

(Deed in Lieu)

For Value Received

C.K. Investors Limited Partnership

do(es) hereby convey, release, remise and forever quit claim unto

Bank of Idaho Trustee for Robert E. Watson IRA

whose address is P.O. Box 1487, Idaho Falls, ID 83403

the following described premises, to-wit:

See Attached Exhibit "A"

SUBJECT TO that certain delinquent property taxes for parcel #34442010, 34442000 & 34443000 & 34443012 & records of Canyon County, Idaho.

This deed is an absolute conveyance of title, in effect as well as in form and is not intended as a mortgage, trust, conveyance or security of any kind. The consideration herefor is the sum of \$10.00 and full release of all debts and obligations heretofore existing on account of the mortgage (or Deed of Trust) on said land, executed by and between Clark Real Estate Co., as Grantor, Robert E. Watson as the beneficiary, dated September 3, 2008, and recorded July 9, 2010 as Instrument No. 2010033065, records of Canyon County, Idaho. This deed completely nullifies said mortgage (or Deed of Trust) and note (or notes) secured thereby, and effect thereof in all respects.

together with their appurtenances.

Dated: August 4, 2011

C.K. Investors Limited Partnership, by C.K. Investors I, LLC, an Idaho LLC, as general partner

Larry J. Kemp, Notary Public

State of IDAHO
 County of BANNOCK ss.

On this 4th day of August, 2011, before me, the undersigned, a Notary Public, in and for said State, personally appeared Larry J. Kemp, known to me, and as identified to me on the basis of satisfactory evidence to be the Manager of the Limited Liability Company that executed the foregoing instrument, and acknowledged to me that such Limited Liability Company executed the same.

WITNESS MY HAND AND OFFICIAL SEAL

Notary Public
 Residing at: PO Box 148
 Commission Expires: 7-10-2012

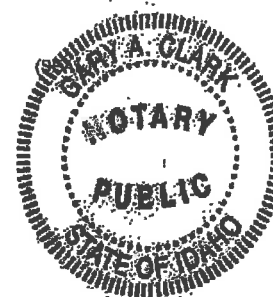


EXHIBIT "A"

Parcel II

This parcel consists of the Southeast Quarter of the Northwest Quarter of Section 1, Township 4 North, Range 3 West of the Boise Meridian, Canyon County, Idaho and is more particularly described as follows:

BEGINNING at the Southwest corner of said Southeast Quarter of the Northwest Quarter; thence North 01° 34' 07" East along the West boundary of said Southeast Quarter of the Northwest Quarter a distance of 1,320.34 feet to the Northwest corner of said Southeast Quarter of the Northwest Quarter; thence South 89° 33' 49" East along the North boundary of said Southeast Quarter of the Northwest Quarter a distance of 1,337.97 feet to the Northeast corner of said Southeast Quarter of the Northwest Quarter; thence South 01° 12' 27" West along the East boundary of said Southeast Quarter of the Northwest Quarter a distance of 1,318.59 feet to the Southeast corner of said Southeast Quarter of the Northwest Quarter; thence North 89° 37' 56" West along the South boundary of said Southeast Quarter of the Northwest Quarter a distance of 1,345.42 feet to the POINT OF BEGINNING.

Parcel III

This parcel is a portion of Government Lot 3 of Section 1, Township 4 North, Range 3 west of the Boise Meridian, Canyon County, Idaho and is more particularly described as follows:

BEGINNING at the Northeast corner of said Government Lot 3; thence along the East boundary of said Government Lot 3,
South 01° 13' 08" West, 1,317.81 feet (of record South 01° 16' 37" West, 1,317.90 feet) to the Southeast corner of said Government Lot 3; thence along the South boundary of said Government Lot 3,
North 89° 33' 52" West, 1,337.07 feet to the Southwest corner of said Government Lot 3; thence along the West boundary of said Government Lot 3,
North 01° 34' 06" East, 740.87 feet to a point which lies 573.31 feet South of the Northwest corner of said Government Lot 3; thence parallel with the North boundary of said Government Lot 3,
South 89° 45' 40" East, 380.00 feet; thence parallel with the West boundary of said Government Lot 3;
North 01° 34' 06" East, 573.31 feet to a point on the North boundary of said Government Lot 3; thence along said North boundary,
South 89° 45' 40" East, 949.13 feet to the POINT OF BEGINNING.

298



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2011031821
RECORDED
2011 Aug 10 PM 2 13
CHRIS YAMAMOTO
CANYON CNTY RECORDER
BY M. Brown
Requestor Pioneer Title Canyon - Ca
Type DEED
Fee \$18.00
ELECTRONICALLY RECORDED BY SIMPLIFILE

201104758

QUITCLAIM DEED

(Deed in Lieu)

For Value Received

C.K. Investors Limited Partnership

do(es) hereby convey, release, remise and forever quit claim unto

Robert E. Watson, a married man

whose address is 4300 Los Altos Dr, Meridian, ID
83642

the following described premises, to-wit:

See Attached Exhibit "A"

SUBJECT TO that certain delinquent property taxes for parcel #34442010, 34442000 0, 34443000 0, 34443012 0 records of Canyon County, Idaho. This deed is an absolute conveyance of title, in effect as if it were and is not intended as a mortgage, trust conveyance or security of any kind. The consideration therefore is the sum of \$18.00 and full release of all debts and obligations heretofore existing on account of the mortgage (or Debt of Trust) on said land, executed by and between Clark Real Estate Co., as Grantor, Robert E. Watson as the beneficiary, dated September 5, 2008, and recorded October 3, 2010 as instrument No. 2010046999, records of Canyon County, Idaho. This deed completely satisfies said mortgage (or Debt of Trust) and acts (or notes) executed thereby, and effect thereof in all respects.

together with their appurtenances.

Dated: August 4, 2011

C.K. Investors Limited Partnership, by C.K. Investors I, LLC, an Idaho LLC, as general partner

Larry J. Kemp, Manager

State of ID
County of Bannock ss.

On this 9 day of August, 2011, before me, the undersigned, a Notary Public, in and for said State, personally appeared Larry J. Kemp, known to me, and/or identified to me on the basis of satisfactory evidence, to be the Manager of the Limited Liability Company that executed the foregoing instrument, and acknowledged to me that such Limited Liability Company executed the same.

WITNESS MY HAND AND OFFICIAL SEAL

Larry J. Kemp
Notary Public
Residing at: Poc ID
Commission Expires: 7-10-2012



EXHIBIT A

Parcel I

This parcel consists of the South Half of the Southwest Quarter of the Northwest Quarter of Section 1, Township 4 North, Range 3 West of the Boise Meridian, Canyon County, Idaho and is more particularly described as follows:

BEGINNING at the Southwest corner of said South Half of the Southwest Quarter of the Northwest Quarter; thence

North 01° 53' 46" East along the West boundary of said South Half of the Southwest Quarter of the Northwest Quarter a distance of 661.05 feet to the Northwest corner of said South Half of the Southwest Quarter of the Northwest Quarter; thence

South 89° 35' 52" East along the North boundary of said South Half of the Southwest Quarter of the Northwest Quarter a distance of 1,341.65 feet to the Northeast corner of said South Half of the Southwest Quarter of the Northwest Quarter; thence

South 01° 34' 07" West along the East boundary of said South Half of the Southwest Quarter of the Northwest Quarter a distance of 660.17 feet to the Southeast corner of said South Half of the Southwest Quarter of the Northwest Quarter; thence

North 89° 37' 55" West along the South boundary of said South Half of the Southwest Quarter of the Northwest Quarter a distance of 1,345.44 feet to the POINT OF BEGINNING.

EXCEPT THEREFROM that portion conveyed to the Middleton School District #134 by Quitclaim recorded May 1, 2009 as Instrument No. 2009021697, more particularly described as follows:

A tract of land situated in a portion of the Southwest One Quarter of the Northwest One Quarter of Section 1, Township 4 North, Range 3 West, Boise Meridian, City of Middleton, Canyon County, Idaho, described as follows:

COMMENCING at a found brass cap monumenting the Northwest corner of said Section 1 on the centerline of Emmett Road, which bears North 89° 45' 49" West a distance of 1,330.47 feet from a found 5/8-inch steel pin monumenting the West One Sixteenth Corner of said Section 1, thence following the westerly line of the Northwest One Quarter of said Section 1 and said centerline, South 01° 53' 47" West a distance of 1,308.90 feet to a found 5/8-inch steel pin monumenting the North One Sixteenth Corner of said Section 1; Thence following said westerly line and said centerline, South 01° 53' 45" West a distance of 661.05 feet to a found 5/8-inch steel pin monumenting the northwest corner of the South One Half of the Southwest One Quarter of the Northwest One Quarter of said Section 1 and being the POINT OF BEGINNING.

Thence leaving said westerly line and said centerline and following the northerly line of said South One Half of the Southwest One Quarter of the Northwest One Quarter, South 89° 35' 52" East a

...



2



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201104758

QUITCLAIM DEED
(Deed in Lien)

For Value Received

C.K. Investors Limited Partnership

do(es) hereby convey, release, remise and forever quit claim unto

Robert E. Watson, a married man

whose address is 4300 Los Altos Dr., Meridian, ID
83642

the following described premises, to-wit:

See Attached Exhibit "A"

SUBJECT TO that certain delinquent property taxes for parcel #34442010, 34442000 0, 34443000 0, 34443012 0 records of Canyon County, Idaho. This deed is an absolute conveyance of title, in effect as well as in form and is not intended as a mortgage, trust conveyance or security of any kind. The consideration therefore is the sum of \$10.00 and full release of all debts and obligations heretofore existing on account of the mortgage (or Deed of Trust) on said land, executed by and between Clark Real Estate Co., as Grantor, Robert E. Watson as the beneficiary, dated September 5, 2008, and recorded October 5, 2010 as Instrument No. 2010046939, records of Canyon County, Idaho. This deed completely satisfies said mortgage (or Deed of Trust) and note (or notes) secured thereby, and effect thereof in all respects.

together with their appurtenances.

Dated: August 4, 2011

C.K. Investors Limited Partnership, by C.K. Investors I, LLC, an Idaho LLC, as general partner

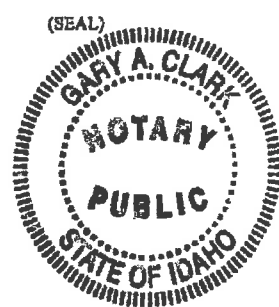
[Signature]
Larry J. Kemp, Manager

State of ID
County of BANNECK

On this 9 day of August, 2011, before me, the undersigned, a Notary Public, in and for said State, personally appeared Larry J. Kemp, known to me, and/or identified to me on the basis of satisfactory evidence, to be the Manager of the Limited Liability Company that executed the foregoing instrument, and acknowledged to me that such Limited Liability Company executed the same.

WITNESS MY HAND AND OFFICIAL SEAL

[Signature]
Notary Public
Residing at: POC ID
Commission Expires: 7-10-2012



File No. 201104758

distance of 1,341.65 feet to a found 5/8-inch steel pin monumenting the northeast corner of said South One Half of the Southwest One Quarter of the Northwest One Quarter;
Thence leaving said northerly line and following the easterly line of said South One Half of the Southwest One Quarter of the Northwest One Quarter,
South 01°34'07" West a distance of 30.01 feet to a point;
Thence leaving said easterly line, North 89°35'52" West a distance of 1,341.82 feet to a point on the westerly line of the Southwest One Quarter of the Northwest One Quarter of said Section 1 and on the centerline of Emmett Street;
Thence following said westerly line and said centerline, North 01°53'45" East a distance of 30.01 feet to the POINT OF BEGINNING.

AND ALSO EXCEPT THEREFROM that portion condemned and taken under Judgment and Decree of Condemnation dated March 30, 2011 under Third Judicial District Case No. CV 10-9866 and recorded April 6, 2011 as Instrument No. 2011013965, more particularly described as follows:

A tract of land situated in a portion of the South One Half of the Southwest One Quarter of the Northwest One Quarter of Section 1, Township 4 North, Range 3 West, Boise Meridian, City of Middleton, Canyon County, Idaho, described as follows:

COMMENCING at a found 5/8-inch steel pin which monuments the Northwest Corner of the South One Half of the Southwest One Quarter of the Northwest One Quarter of said Section 1, thence following the westerly line of the said South One Half of the Southwest One Quarter of the Northwest One Quarter, South 01°53'45" West a distance of 30.01 feet to the POINT OF BEGINNING.

Thence leaving said westerly line and following a line 30.00 feet southerly and parallel with the northerly line of the said South One Half of the Southwest One Quarter of the Northwest One Quarter, South 89°35'52" East a distance of 296.97 feet to a point;
Thence South 75°13'51" West a distance of 178.83 feet to a point;
Thence South 65°58'02" West a distance of 51.89 feet to a point;
Thence 14.41 feet along the arc of a circular curve to the left, said curve having a radius of 41.50 feet, a central angle of 19°53'27", a chord bearing of South 56°01'19" West and a chord distance of 14.33 feet to a point;
Thence 56.48 feet along the arc of a circular curve to the left, said curve having a radius of 176.50 feet, a central angle of 18°20'10", a chord bearing of South 36°54'31" West and a chord distance of 56.24 feet to a point;
Thence South 01°53'45" West a distance of 509.41 feet to a point on the southerly line of the said South One Half of the Southwest One Quarter of the Northwest One Quarter;
Thence following said southerly line, North 89°37'45" West a distance of 35.01 feet to a found 1/2-inch steel pin monumenting the West One Quarter corner of said Section 1;
Thence leaving said southerly line and following the westerly line of the said south One Half of the southwest One Quarter of the Northwest One Quarter, North 01°53'45" East a distance of 631.04 feet to the POINT OF BEGINNING.

29B

U-105-2000

COMMITMENT FOR TITLE INSURANCE



Issued by Old Republic National Title Insurance Company

OLD REPUBLIC NATIONAL TITLE INSURANCE COMPANY, a Minnesota corporation ("Company"), for a valuable consideration, commits to issue its policy or policies of title insurance, as identified in Schedule A, in favor of the proposed Insured named in Schedule A, as owner or mortgagee of the estate or interest in the land described or referred to in Schedule A, upon payment of the premiums and charges and compliance with the Requirements; all subject to the provisions of Schedules A and B and to the Conditions of this Commitment.

This Commitment shall be effective only when the identity of the proposed Insured and the amount of the policy or policies committed for have been inserted in Schedule A by the Company.

All liability and obligation under this commitment shall cease and terminate six (6) months after the Effective Date or when the policy or policies committed for shall issue, whichever first occurs, provided that the failure to issue the policy or policies is not the fault of the Company.

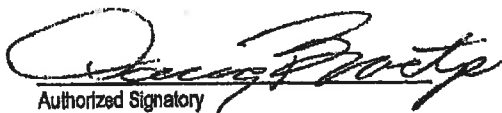
The Company will provide a sample of the policy form upon request.

IN WITNESS WHEREOF, Old Republic National Title Insurance Company has caused its corporate name and seal to be affixed by its duly authorized officers on the date shown in Schedule A. This Commitment shall not be valid or binding until countersigned by a validating officer or other authorized signatory.

Issued By:

PIONEER TITLE COMPANY OF CANYON COUNTY
610 South Kimball Avenue
Caldwell Idaho 83605


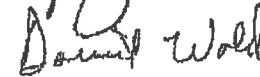
Authorized Agent for Old Republic National
Title Insurance Company


Authorized Signatory

OLD REPUBLIC NATIONAL TITLE INSURANCE COMPANY

A Stock Company
400 Second Avenue South, Minneapolis, Minnesota 55401
(512) 371-1111

By
Attest

 President
 Secretary

CONDITIONS

1. The term mortgage, when used herein, shall include deed of trust, trust deed, or other security instrument.
2. If the proposed Insured has or acquires actual knowledge of any defect, lien, encumbrance, adverse claim or other matter affecting the estate or interest or mortgage thereon covered by this Commitment other than those shown in Schedule B hereof, and shall fail to disclose such knowledge to the Company in writing, the Company shall be relieved from liability for any loss or damage resulting from any act of reliance hereon to the extent the Company is prejudiced by failure of the proposed Insured to so disclose such knowledge. If the proposed Insured shall disclose such knowledge to the Company, or if the Company otherwise acquires actual knowledge of any such defect, lien, encumbrance, adverse claim or other matter, the Company at its option, may amend Schedule B of this Commitment accordingly, but such amendment shall not relieve the Company from liability previously incurred pursuant to paragraph 3 of these Conditions and Stipulations.
3. Liability of the Company under this Commitment shall be only to the named proposed Insured and such parties included under the definition of Insured in the form of policy or policies committed for and only for actual loss incurred in reliance hereon in undertaking in good faith (a) to comply with the requirements hereof or (b) to eliminate exceptions shown in Schedule B, or (c) to acquire or create the estate or interest or mortgage thereon covered by this Commitment. In no event shall such liability exceed the amount stated in Schedule A for the policy or policies committed for and such liability is subject to the insuring provisions and the Conditions and Stipulations and the Exclusions from Coverage of the form of policy or policies committed for in favor of the proposed Insured which are hereby incorporated by reference and made a part of this Commitment except as expressly modified herein.
4. This Commitment is a contract to issue one or more title insurance policies and is not an abstract of title or a report of the condition of title. Any action or actions or rights of action that the proposed Insured may have or may bring against the Company arising out of the status of the title to the estate or interest or the status of the mortgage thereon covered by this Commitment must be based on and are subject to the provisions of this Commitment.
5. The policy to be issued contains an arbitration clause. All arbitrable matters when the Amount of Insurance is \$2,000,000.00 or less shall be arbitrated at the option of either the Company or the Insured as the exclusive remedy of the parties.

You may review a copy of the arbitration rules at: <http://www.alta.org/>



Pioneer Title Co.

GOING BEYOND

Pioneer Title Company is an authorized agent for and underwritten by Old Republic National Title Insurance Company.

**COMMITMENT
SCHEDULE A**

Order No. 201104758

Title Officer: Doug Broetje

Direct Line: (208) 455-7317

To: Pioneer Title Company of Canyon County
Attn: Jill Farwell
610 South Kimball Avenue
Caldwell, Idaho 83605

Direct Line: (208) 455-7312

1. Effective Date: July 29, 2011 at 7:30 A.M.

2. Policy or Policies to be issued:	Policy Amount	Amount
(a) <input checked="" type="checkbox"/> Owner's Policy	\$1,000,000.00	\$2,780.00

Proposed Insured: Robert E. Watson and Bank of Idaho Trustee for Robert E. Watson IRA
Endorsements:

(b) ☐ Loan Policy - Standard Coverage

Proposed Insured: NONE
Endorsements:

Total Title Fees:	\$2,780.00
Underwriting Fees:	\$ 278.00
Agent Title Fees:	\$2,502.00

3. The estate or interest in the land described or referred to in this Commitment and Covered herein is:
Fee Simple
4. Title to the Fee Simple estate or interest in said land is at the effective date hereof vested in:
C.K. Investors Limited Partnership
5. The land referred to in this Commitment is described as follows:

SEE ATTACHED EXHIBIT A

File No. 201104758

EXHIBIT A

Parcel I

This parcel consists of the South Half of the Southwest Quarter of the Northwest Quarter of Section 1, Township 4 North, Range 3 West of the Boise Meridian, Canyon County, Idaho and is more particularly described as follows:

BEGINNING at the Southwest corner of said South Half of the Southwest Quarter of the Northwest Quarter; thence

North 01° 53' 46" East along the West boundary of said South Half of the Southwest Quarter of the Northwest Quarter a distance of 661.05 feet to the Northwest corner of said South Half of the Southwest Quarter of the Northwest Quarter; thence

South 89° 35' 52" East along the North boundary of said South Half of the Southwest Quarter of the Northwest Quarter a distance of 1,341.65 feet to the Northeast corner of said South Half of the Southwest Quarter of the Northwest Quarter; thence

South 01° 34' 07" West along the East boundary of said South Half of the Southwest Quarter of the Northwest Quarter a distance of 660.17 feet to the Southeast corner of said South Half of the Southwest Quarter of the Northwest Quarter; thence

North 89° 37' 55" West along the South boundary of said South Half of the Southwest Quarter of the Northwest Quarter a distance of 1,345.44 feet to the POINT OF BEGINNING.

EXCEPT THEREFROM that portion conveyed to the Middleton School District #134 by Quitclaim recorded May 1, 2009 as Instrument No. 2009021697, more particularly described as follows:

A tract of land situated in a portion of the Southwest One Quarter of the Northwest One Quarter of Section 1, Township 4 North, Range 3 West, Boise Meridian, City of Middleton, Canyon County, Idaho, described as follows:

COMMENCING at a found brass cap monumenting the Northwest corner of said Section 1 on the centerline of Emmett Road, which bears North 89° 45' 49" West a distance of 1,330.47 feet from a found 5/8-inch steel pin monumenting the West One Sixteenth Corner of said Section 1, thence following the westerly line of the Northwest One Quarter of said Section 1 and said centerline, South 01° 53' 47" West a distance of 1,308.90 feet to a found 5/8-inch steel pin monumenting the North One Sixteenth Corner of said Section 1;
Thence following said westerly line and said centerline, South 01° 53' 45" West a distance of 661.05 feet to a found 5/8-inch steel pin monumenting the northwest corner of the South One Half of the Southwest One Quarter of the Northwest One Quarter of said Section 1 and being the POINT OF BEGINNING.

Thence leaving said westerly line and said centerline and following the northerly line of said South One Half of the Southwest One Quarter of the Northwest One Quarter, South 89° 35' 52" East a

File No. 201104758

distance of 1,341.65 feet to a found 5/8-inch steel pin monumenting the northeast corner of said South One Half of the Southwest One Quarter of the Northwest One Quarter;
Thence leaving said northerly line and following the easterly line of said South One Half of the Southwest One Quarter of the Northwest One Quarter,
South 01°34'07" West a distance of 30.01 feet to a point;
Thence leaving said easterly line, North 89°35'52" West a distance of 1,341.82 feet to a point on the westerly line of the Southwest One Quarter of the Northwest One Quarter of said Section 1 and on the centerline of Emmett Street;
Thence following said westerly line and said centerline, North 01°53'45" East a distance of 30.01 feet to the POINT OF BEGINNING.

AND ALSO EXCEPT THEREFROM that portion condemned and taken under Judgment and Decree of Condemnation dated March 30, 2011 under Third Judicial District Case No. CV 10-9866 and recorded April 6, 2011 as Instrument No. 2011013965, more particularly described as follows:

A tract of land situated in a portion of the South One Half of the Southwest One Quarter of the Northwest One Quarter of Section 1, Township 4 North, Range 3 West, Boise Meridian, City of Middleton, Canyon County, Idaho, described as follows:

COMMENCING at a found 5/8-inch steel pin which monuments the Northwest Corner of the South One Half of the Southwest One Quarter of the Northwest One Quarter of said Section 1, thence following the westerly line of the said South One Half of the Southwest One Quarter of the Northwest One Quarter, South 01°53'45" West a distance of 30.01 feet to the POINT OF BEGINNING.

Thence leaving said westerly line and following a line 30.00 feet southerly and parallel with the northerly line of the said South One Half of the Southwest One Quarter of the Northwest One Quarter, South 89°35'52" East a distance of 296.97 feet to a point;
Thence South 75°13'51" West a distance of 178.83 feet to a point;
Thence South 65°58'02" West a distance of 51.89 feet to a point;
Thence 14.41 feet along the arc of a circular curve to the left, said curve having a radius of 41.50 feet, a central angle of 19°53'27", a chord bearing of South 56°01'19" West and a chord distance of 14.33 feet to a point;
Thence 56.48 feet along the arc of a circular curve to the left, said curve having a radius of 176.50 feet, a central angle of 18°20'10", a chord bearing of South 36°54'31" West and a chord distance of 56.24 feet to a point;
Thence South 01°53'45" West a distance of 509.41 feet to a point on the southerly line of the said South One Half of the Southwest One Quarter of the Northwest One Quarter;
Thence following said southerly line, North 89°37'45" West a distance of 35.01 feet to a found 1/2-inch steel pin monumenting the West One Quarter corner of said Section 1;
Thence leaving said southerly line and following the westerly line of the said south One Half of the southwest One Quarter of the Northwest One Quarter, North 01°53'45" East a distance of 631.04 feet to the POINT OF BEGINNING.

File No. 201104758

Parcel II

This parcel consists of the Southeast Quarter of the Northwest Quarter of Section 1, Township 4 North, Range 3 West of the Boise Meridian, Canyon County, Idaho and is more particularly described as follows:

BEGINNING at the Southwest corner of said Southeast Quarter of the Northwest Quarter; thence North $01^{\circ} 34' 07''$ East along the West boundary of said Southeast Quarter of the Northwest Quarter a distance of 1,320.34 feet to the Northwest corner of said Southeast Quarter of the Northwest Quarter; thence

South $89^{\circ} 33' 49''$ East along the North boundary of said Southeast Quarter of the Northwest Quarter a distance of 1,337.07 feet to the Northeast corner of said Southeast Quarter of the Northwest Quarter; thence

South $01^{\circ} 12' 27''$ West along the East boundary of said Southeast Quarter of the Northwest Quarter a distance of 1,318.59 feet to the Southeast corner of said Southeast Quarter of the Northwest Quarter; thence

North $89^{\circ} 37' 56''$ West along the South boundary of said Southeast Quarter of the Northwest Quarter a distance of 1,345.42 feet to the **POINT OF BEGINNING**.

Parcel III

This parcel is a portion of Government Lot 3 of Section 1, Township 4 North, Range 3 west of the Boise Meridian, Canyon County, Idaho and is more particularly described as follows:

BEGINNING at the Northeast corner of said Government Lot 3; thence along the East boundary of said Government Lot 3,

South $01^{\circ} 13' 08''$ West, 1,317.81 feet (of record South $01^{\circ} 16' 37''$ West, 1,317.90 feet) to the Southeast corner of said Government Lot 3; thence along the South boundary of said Government Lot 3,

North $89^{\circ} 33' 52''$ West, 1,337.07 feet to the Southwest corner of said Government Lot 3; thence along the West boundary of said Government Lot 3,

North $01^{\circ} 34' 06''$ East, 740.07 feet to a point which lies 573.31 feet South of the Northwest corner of said Government Lot 3; thence parallel with the North boundary of said Government Lot 3,

South $89^{\circ} 45' 40''$ East, 380.00 feet; thence parallel with the West boundary of said Government Lot 3;

North $01^{\circ} 34' 06''$ East, 573.31 feet to a point on the North boundary of said Government Lot 3; thence along said North boundary,

South $89^{\circ} 45' 40''$ East, 949.13 feet to the **POINT OF BEGINNING**.

Maggard Richard & Arlynn Family Trust
11279 W Bridge Tower Dr.
Boise, Idaho 83709

Flower John Trust
12462 Flower Meadow Ln
Middleton Idaho 83644

Alan Rockey
23480 Hartley Ln.
Middleton Idaho 83644

W. Highlands Sub. Homeowners Assoc.
1859 S. Topaz Way Ste. 200
Meridian, Idaho 83642

Mary Rodgers
1233 Horseshoe Canyon Dr.
Middleton, Idaho 83644

Robert Foster
1258 White Horse Ridge Dr.
Middleton, Idaho 83644

Stefanie Barcenas
1688 Spring Creek Ave.
Middleton, Idaho 83644

Charles Blair
1254 La Reata Way
Middleton, Idaho 83644

Paul McLaughlin
1276 La Reata Way
Middleton, Idaho 83644

Brigman William Boyd
29189 Sparkling Dr.
Menifee, CA 92584

Vanessa Oliveros
1318 La Reata Way
Middleton, Idaho 83644

Linda Pappas
1350 La Reata Way
Middleton, Idaho 83644

Shawn Maybon
1382 La Reata Way
Middleton, Idaho 83644

Steven Thompson
1931 Stallion Springs Ave.
Middleton, Idaho 83644

Patrick Lumaye
1909 Stallion Springs Ave.
Middleton, Idaho 83644

Randy Burbank
1885 Stallion Springs Ave.
Middleton, Idaho 83644

Pennie Ellsworth
204 Targhee St.
Middleton, Idaho 83644

Chad Gates
1837 Stallion Springs Ave.
Middleton, Idaho 83644

Jeffrey Howard
1351 Stallion Springs Way
Middleton, Idaho 83644

Jaime Barker
1333 Stallion Springs Way
Middleton, Idaho 83644

Christopher Morrison
1317 Stallion Springs Way
Middleton, Idaho 83644

Daniel Hoover
1316 Horseshoe Canyon Dr.
Middleton, Idaho 83644

Robin Morante
1338 Horseshoe Canyon Dr.
Middleton, Idaho 83644

Nicholas Dockett
1354 Horseshoe Canyon Dr.
Middleton, Idaho 83644

Kenneth Gregg
1771 Mustang Mesa Ave.
Middleton, Idaho 83644

Justin Van Vleck
1743 Mustang Mesa Ave.
Middleton, Idaho 83644

Hyrum Conrad
1721 Mustang Mesa Ave.
Middleton, Idaho 83644

Daniel Sager
1254 Stallion Springs Way
Middleton, Idaho 83644

Gary Cummings
1278 Stallion Springs way
Middleton, Idaho 83644

Don & Shari Chandler
1320 Stallion Springs way
Middleton, Idaho 83644

Bryson Thomas
1320 Stallion Springs way
Middleton, Idaho 83644

Nathan Bastian
11348 Stallion Springs way
Middleton, Idaho 83644

John Nichols
1347 La Reata Way
Middleton Idaho 83644

Kyle Rayworth
1323 La Reata Way
Meridian, Idaho 83642

Bradley Hunt
1299 La Reata Way
Middleton, Idaho 83644

Amelia Rasmussen
1281 La Reata Way.
Middleton, Idaho 83644

Gary Bonzelet
1269 La Reata Way
Middleton, Idaho 83644

Lee & Karen Swanson Trust
1256 Horseshoe Canyon
Middleton, Idaho 83644

Ciriaco Franks
1280 Horseshoe Canyon Dr.
Middleton, Idaho 83644

Tyler Rimbey
1279 Stallion Springs Way
Middleton, Idaho 83644

Jonathan Yorgason
1257 Stallion Springs Way
Middleton, Idaho 83644

Chad Broughey
1247 Horseshoe Canyon Dr.
Middleton, Idaho 83644

Vincent Kruszewski
1283 Horseshoe Canyon Dr.
Middleton, Idaho 83644

Ronald Goff
1297 Horseshoe Canyon Dr.
Middleton, Idaho 83644

Mark Thompson
1321 Horseshoe Canyon Dr.
Middleton, Idaho 83644

Bruce Jenkins
1353 Horseshoe Canyon Dr.
Middleton, Idaho 83644

Jason Abel
1320 White Horse Ridge
Middleton, Idaho 83644

Dennis Stokes
1300 White Horse Ridge
Middleton, Idaho 83644

Brian Seidel
1290 White Horse Ridge
Middleton, Idaho 83644

Richard Vaughn
1270 White Horse Ridge
Middleton, Idaho 83644

Baldes Marie Living Trust
1656 Spring Creek Ave.
Middleton, Idaho 83644

Colby Anderson
1638 Spring Creek Ave.
Middleton, Idaho 83644

Camille Thomas
1635 Spring Creek Ave.
Middleton, Idaho 83644

Jason Slade
1673 Spring Creek Ave.
Middleton, Idaho 83644

Nicolas Bullock
1289 White Horse Ridge Dr.
Middleton, Idaho 83644

Aaron Budge
1301 White Horse Ridge Dr.
Middleton, Idaho 83644

Mason Plaisted
1319 White Horse Ridge Dr.
Middleton, Idaho 83644

Bruce Lytle
1682 Mustang Mesa Place
Middleton, Idaho 83644

Michael Loney
1650 Mustang Mesa Place
Middleton, Idaho 83644

John Scaggs
1642 Mustang Mesa Place
Middleton, Idaho 83644

Freddie Poole

1628 Mustang Mesa Place
Middleton, Idaho 83644

Bryan Kremer

1610 Mustang Mesa Place
Middleton, Idaho 83644

Adam Risko

1600 Mustang Mesa Place
Middleton, Idaho 83644

Earl Priest

1576 Mustang Mesa Place
Middleton, Idaho 83644

Ryan Sigler

1560 Mustang Mesa Place
Middleton, Idaho 83644

Rylan Chan

1557 Mustang Mesa Place
Middleton, Idaho 83644

Lawrence Campagnano

1575 Mustang Mesa Place
Middleton, Idaho 83644

Bonny McCoy

1591 Mustang Mesa Place
Middleton, Idaho 83644

Scott Brown

1603 Mustang Mesa Place
Middleton, Idaho 83644

Jessica Walston

1625 Mustang Mesa Place
Middleton, Idaho 83644

Mathew Davis

1172 S. Main St. No. 236
Salinas, CA 93901

Delbert Cornett

1661 Mustang Mesa Place
Middleton, Idaho 83644

Dana Furrow

1679 Mustang Mesa Place
Middleton, Idaho 83644

Don Frickey

24 Ord Blvd.
Nampa, ID 83651

Aleta Vandermeer

1701 Mustang Mesa Place
Middleton, Idaho 83644

Geoffrey Case

1711 Mustang Mesa Place
Middleton, Idaho 83644

Brant Caldwell

1563 Big Horn Ave.
Middleton, Idaho 83644

Ramiro Espinoza

1386 Cimarron Ct.
Middleton, Idaho 83644

Bruce Mills

1291 Cimarron Ct.
Middleton, Idaho 83644

Michael Whittinghill

1311 Cimarron Ct.
Middleton, Idaho 83644

Jason Spickelmire

1387 Cimarron Ct.
Middleton, Idaho 83644

Joseph Baldes

1360 Big Horn Ct.
Middleton, Idaho 83644

Brian Smith

1288 Big Horn Ct.
Middleton, Idaho 83644

Neal Scott

1355 Big Horn Ct.
Middleton, Idaho 83644

Mandy Waltemate

1389 Big Horn Ct.
Middleton, Idaho 83644

Bobby Harris

1427 Big Horn Ct.
Middleton, Idaho 83644

Stephen Jenkins

1471 Big Horn Ct.
Middleton, Idaho 83644

Eduardo Martinez

1509 Big Horn Ct.
Middleton, Idaho 83644

Larry Thompson

1541 Big Horn Ct.
Middleton, Idaho 83644

James Payne

23546 Hartley Ln.
Middleton, Idaho 83644

Gary Glege

12917 Okie Ridge
Middleton, Idaho 83644

Paul Okamura

23107 Hartley Ln.
Middleton, Idaho 83644

Nathan Arrasmith

12981 Okie Ridge
Middleton, Idaho 83644

Paul Waton

PO Box 545
Middleton, Idaho 83644

Middleton School Dist. 134

5 S. 3rd Ave. W.
Middleton, Idaho 83644

City of Middleton

PO Box 487
Middleton, Idaho 83644

Kenneth Mortensen

23854 Emmett Rd.
Caldwell, Idaho 83607

Brent Heck

13168 Greenwell Ln.
Caldwell, Idaho 83607

Greg Nightingale

23553 Emmet Rd.
Caldwell, Idaho 83607

Bradley Green

23547 Emmet Rd.
Caldwell, Idaho 83607

Brice Reese

13247 Greenwell Ln.
Caldwell, Idaho 83607

Jerry Merritt

13107 Greenwell Ln.
Caldwell, Idaho 83607

Ralph Patnaude

13271 Greenwell Ln.
Caldwell, Idaho 83607

Mark Warren

13105 Greenwell Ln.
Caldwell, Idaho 83607

Aaron Spoor

13279 Greenwell Ln
Caldwell, Idaho 83607

Jay Walker

849 E State St. Ste. 104
Eagle, Idaho 83616

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PLANNING AND ZONING COMMISSION MIDDLETON, CANYON COUNTY, IDAHO

STONEHAVEN SUBDIVISION

Special Use Permit – Exceptions to Sidewalks
April 8, 2019

FINDINGS OF FACT, CONCLUSIONS OF LAW, DECISION AND NOTICE

The Middleton Planning and Zoning Commission makes the following Findings of Fact, Conclusions of Law, and Recommendation based on the written record and oral record in this matter.

FINDINGS OF FACT

1. The landowner and applicant is WTW Development LLC, an Idaho limited liability company in good standing.
2. The city accepted the application March 5, 2019.
3. The application to except Stonehaven Subdivision from Middleton City Code 5-4-1 Table 2 by reducing the minimum side setback from 10 feet to five feet on all residential lots. The subject property is located at the southwest corner of Willis Rd. and Hartley Ln., Middleton, Idaho (Property).
4. Idaho Code 67-6512, Middleton City Code (MCC) 1-14-1, -2 and -4; 1-15-2 and -7; and 5-4-1 Table 2 contain the ordinances and standards used in evaluating the application.
5. The Commission reviewed the entire record, including the application, applicable codes and standards, the Administrative Review and Report.
6. Notice of the application and public hearing were given according to law.
7. The city council approved the preliminary plat for Stonehaven Subdivision on May 16, 2018. Phase 1 is under construction. The city issued an Infrastructure Construction Plan Permit for on February 22, 2019 authorizing construction of Phase 2 infrastructure, and the preconstruction meeting is scheduled on April 10, 2019.
8. The Property is zoned R-3, three residential units per gross acre, and side

Findings, Conclusions, and Decision

Special Use Permit – Stonehaven Subdivision - Exception to Side Setback Standards

Page 1 of 3



PLANNING AND ZONING COMMISSION MIDDLETON, CANYON COUNTY, IDAHO

setbacks in that zone are ten feet, meaning a permanent structure must be constructed at least ten feet from the side property boundaries.

9. Resident Shawn Maybon challenged the city's use of the special use permit process to granting exceptions to standards, which process is authorized by Idaho Code 67-6512(f) and city code.
10. Amy Watson, speaking on behalf of the landowner applicant, asserted the city is obligated to follow precedent the city set when it approved five-foot side setbacks in West Highlands Ranch Estates Subdivision and in Sawtooth Lake Subdivision, both zoned R-3. Middleton City Code (MCC) 1-15-7(A)(3) recognizes that nothing in city code requires the city to grant a special use permit. State law and MCC 1-15-7(A)(7) states, "The granting of a special use permit shall not be considered as establishing a binding precedent to grant other special use permits."
11. Reduced side setbacks were approved by the city in 2006 and 2009 approvals and negotiated development agreements relating to West Highlands Ranch Estates Subdivision. Reduced side setbacks were approved by the city in 2018 approvals of Sawtooth Lakes Subdivision due to its proximity to a transit-oriented development area described in Middleton's comprehensive plan, zoning ordinance, and Future Land Use map. The circumstances and location of Stonehaven Subdivision are distinguished from the other two subdivisions.

CONCLUSIONS OF LAW

The Planning and Zoning Commission concludes that notice was given and a public hearing was conducted according to law. The special use permit process is authorized by state and local law to except certain standards from applicability. Approving reduced side setbacks in one subdivision does not establish a precedent obligating the city to approve reduced side setbacks in another subdivision.

DECISION

Based on the Findings of Fact and Conclusions of Law, the Planning and Zoning Commission hereby denies the application.



PLANNING AND ZONING COMMISSION
MIDDLETON, CANYON COUNTY, IDAHO

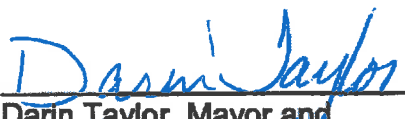
NOTICE

This Decision is deemed by Idaho law to be a final decision that is effective unless appealed and overturned by the Middleton city council. An affected person aggrieved by this decision may, within fifteen (15) calendar days from the date of this written decision, file a written appeal with the city, along with a nonrefundable fee. The city council shall consider the appeal at a noticed public hearing and may approve, approve with conditions or deny the application. Middleton City Code 1-15-7(E).

April 13, 2019.


Janet Gregory, Chairwoman
Middleton Planning and Zoning Commission

Attest:


Darin Taylor, Mayor and
Acting Planning and Zoning Official