
**MIDDLETON CITY PLANNING AND ZONING
COMMISSION MINUTES
FEBRUARY 12, 2024**

Pledge of Allegiance, Roll Call & Call to Order: The February 12, 2024, Planning and Zoning Commission Meeting was called to order by Chairmen Summers at 5:31 p.m. Commissioners Summers, Crofts, Tremble, Watkins, and Sparrow were present. Planning & Zoning Official Ms. Stewart and Planning Deputy Clerk Ms. Day were also present.

Action Items:

1. **Consent Agenda (items of routine administrative business)**
 - a. **Consider approving minutes for January 8, 2024, regular meeting.**
 - b. **Consider approving the Findings of Facts, Conclusion of Law and Recommendation (“FCR”) for the Maverik/Payne annexation and development agreement applications.**

Motion: Motion by Commissioner Sparrow to approve the consent agenda item 1a and 1b. Motion seconded by Commissioner Tremble and approved unanimously.

2. **Public Hearing: (Request to be tabled to April 8, 2024): Application by City of Middleton to amend the Comprehensive Plan Maps to show the Idaho Transportation Department Alternate Bypass. The specific Comprehensive Plan Maps to be changed are: (1) Transportation, Schools & Recreation Map, (2) Transit Map, (3) Functional Classification Map, and (4) Future Acquisitions Map.**

Chairman Summers opened the public hearing at 5:38 p.m.

Ms. Stewart addressed the commissioners and asked for the Public Hearing to be tabled until April 8, 2024 at 5:30 p.m. at ITD’s request to allow them more time to work with concerns of citizens.

Brief discussion between commissioners and Ms. Stewart.

Chairmen Summers closed public hearing at 5:41 p.m.

Motion: Motion by Commissioner Tremble to table to April 8, 2024 at 5:30 the application by City of Middleton to amend the Comprehensive Plan to show the Idaho Transportation Department Alternate Bypass. Motion seconded by Commissioner Crofts approved by Chairmen Summers, Commissioner Crofts, Commissioner Tremble, and Commissioner Sparrow. Commissioner Watkins recused himself.

3. **Public Meeting:** Consider design review application for Wellstone Office Building.

Ms. Stewart presented PowerPoint presentation of Design Review Staff Report. (Exhibit A).

Applicant Johnathan Eldridge presented the application.

Brief discussion between the Commissioners, Applicant and Ms. Stewart.

Motion: Motion by Commissioner Sparrow to approve the design review application for Wellstone Office Building subject to conditions of approval set forth in the Staff Report. Motion seconded by Commissioner Tremble and approved unanimously.

- 4. Public Hearing: Application by Richard Porter and Tradition Capital Partners, LLC for Development Agreement Modification with respect to two parcels totaling 115 acres located at 0 Hwy 44 (Tax Parcels nos. R33938013 and R33938011). Applicants are applying to amend the approved Development Agreement to add a provision allowing them to change the side setbacks for their lots zoned R-2 from 25' to 10' and to change the front setback for the same lots from 25' to 20'.**

Chairmen Summers opened the public hearing at 5:50 p.m.

Ms. Stewart presented PowerPoint presentation of the Staff Report. (Exhibit B)

Stephanie Hopkins presented on behalf of applicants.

Discussion among Commissioners, Ms. Stewart, and the applicant.

Chairmen Summers opened public testimony at 6:02 p.m.

Tyler Hess: Testified

Spencer Kofoed: Testified

Don Reynolds: Testified

Chairmen Summers closed public testimony at 6:15 p.m.

Brief Discussion between Commissioners and applicant.

Chairmen Summers closed public hearing at 6:19 p.m.

Motion: Motion by Commissioner Sparrow to approve the application by Richard Porter and Tradition Capital Partners, LLC for the Development Agreement subject to the conditions of approval set forth in the Staff Report for the hearing. Motion seconded by Commissioner Crofts and approved by Chairman Summer, Commissioner Crofts, Commissioner Tremble and Commissioner Sparrow. Commissioner Watkins recused himself.

- 5. Public Hearing: Application by Brandon Nicholls/Zamco Technologies and Chrysalis Architecture for variance to MCC 5-4-7 with respect to a parcel located at 21987 Middleton Road, Caldwell, Idaho (Parcel No. R34075015). Applicants are seeking a variance to bond for uncompleted roadwork on Middleton Road fronting their property.**

Chairmen Summers opened public hearing at 6:20 p.m.

Ms. Stewart presented PowerPoint presentation of Staff Report (Exhibit C)

Brandon Nicholls presented on behalf of applicants.

Brief discussion among Commissioners, Ms. Stewart and Mr. Nicholls.

Chairman Summers opened public testimony at 6:34 p.m.

Theresa Denham: Testified

Chairmen Summers closed public testimony at 6:36 p.m.

Bried Discussion between commissioners, Ms. Stewart, and the applicant.

Chairman Summers closed public hearing at 6:38 p.m.

Motion: Motion by Commissioner Watkins to approve the application by Brandon Nicholls (Zamco) seeking a variance to bond for uncompleted roadwork on Middleton Road fronting their property subject to the conditions set forth in the Staff Report. Motion seconded by Commissioner Sparrow and approved unanimously.

Public Comments

Mike Graefe: Testified

Don Reynolds: Testified

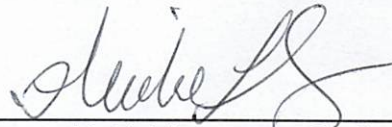
Commission and Staff Comments

Ms. Stewart reminded commissioners about the Special Meeting on February 15, 2024, at 5:30.

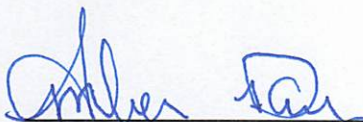
Mr. Crofts will not be available for the February 15 meeting.

Motion to adjourn meeting by Commissioner Sparrow.

Adjourn: Chairman Summers adjourned the meeting at 6:42 p.m.



Heidal Summers, Chairwomen



ATTEST:
Deputy Clerk, Planning

Approved: March 25, 2024

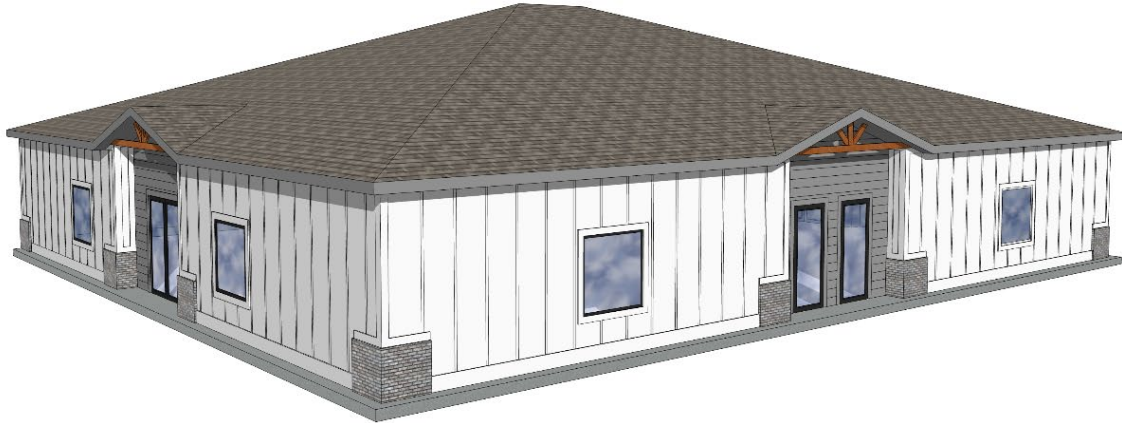


STAFF REPORT

Middleton Design Review Committee

Design Review

Wellstone Subdivision Office Building



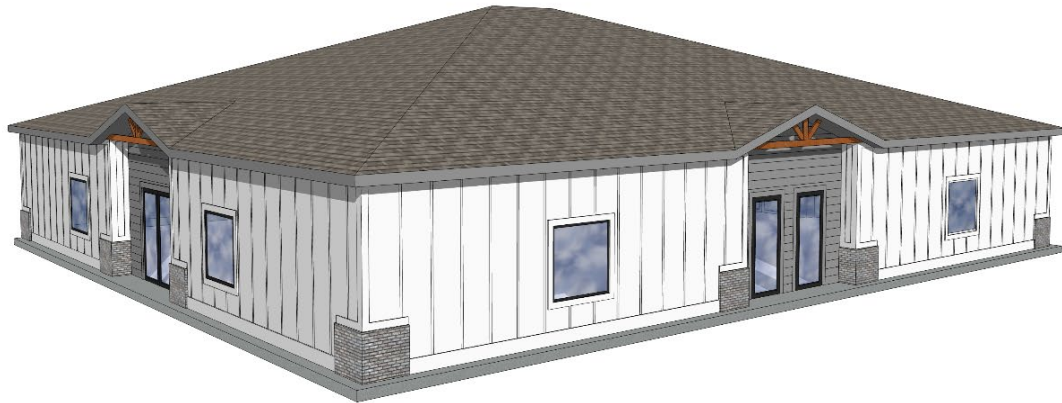
- A. **Design Review Meeting Date:** February 12, 2024.
- B. **Project Description:** The proposed project parcel is a .16-acre vacant lot located in the Wellstone Commercial Subdivision (1034 W. Main Street). The Wellstone Subdivision is on the north side of Hwy 44 between Cemetery Road and Whiffin Road.

The Wellstone building is 5,765 s.f. and is intended to be used as a general office space.

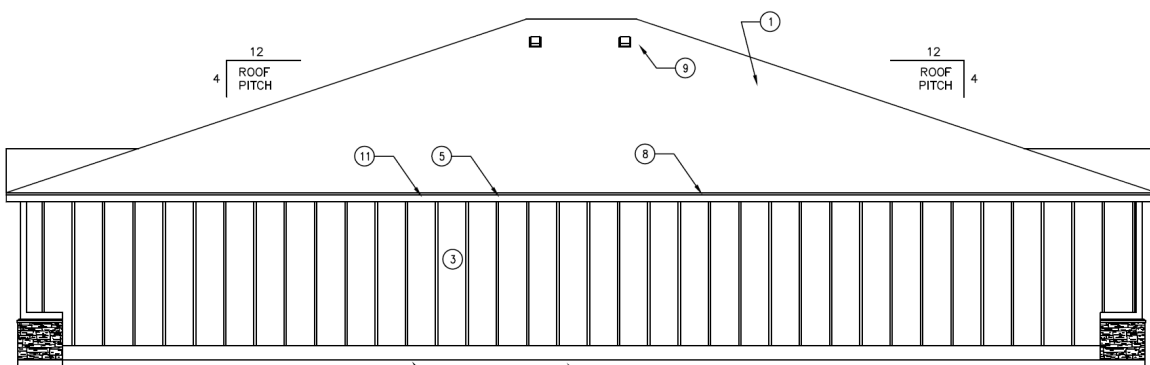
C. Zoning & Site Conditions: The project parcel is currently a vacant lot within City limits. It is zoned C-1 (Neighborhood Commercial). "Office Building" is an allowable use in the C-1 Zone.

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

The Wellstone Office Building meets these design standards by providing the following design elements: (1) gable roof and hip roof, (2) board and batten siding, (3) brick wainscoting accent, (4) accent siding at entrance insets, and (5) faux wood beam accents at gables.



Elevation on front (north) and both sides (east & west)



Elevation on rear (south side).

[11x17 copy of Elevation Sheets and site plan are attached as Exhibit "A"]

E. Site Plan / Streets / Access / Parking / Landscape & Utilities: Wellstone Commercial Subdivision is a well-established subdivision. The infrastructure is already installed. Parking stalls are striped. Drive aisles are established. Utilities are stubbed to the project site, and landscaping in the parking islands had been planted a number of years ago.

Access will be via Hwy 44 and the Subdivision entrance.



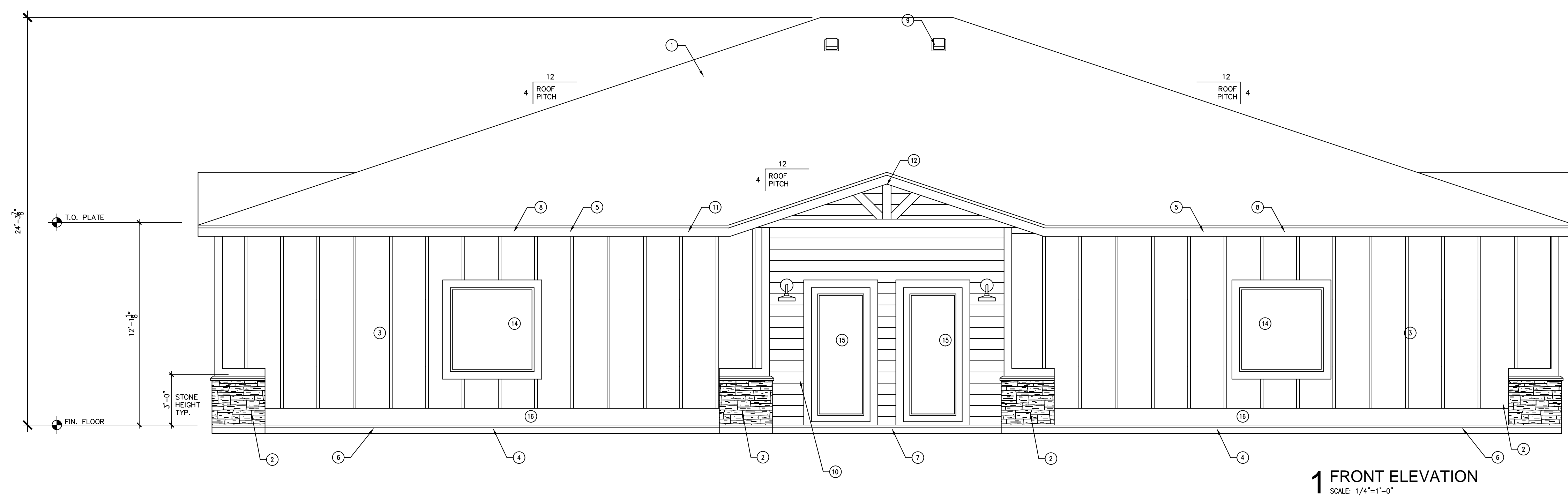
F. Applicable Codes and Standards: Per MCC 1-15-8-1, a design review is required for all nonresidential structures in Middleton. The applicable Codes and Standards relevant to the review are MCC 1-15, 5-1, and 5-4.

G. Conclusions and Recommended Conditions of Approval:

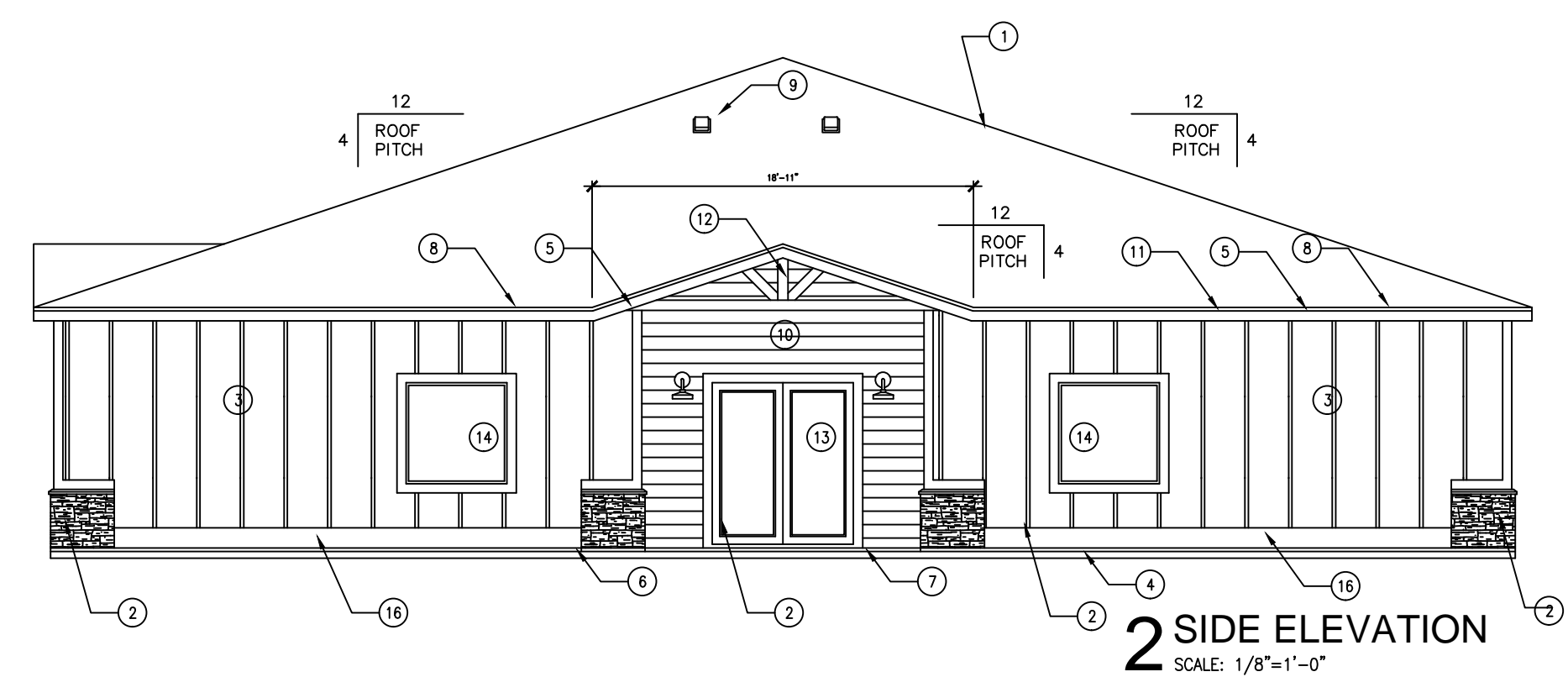
If the Design Review Committee is inclined to approve the application, City Planning Staff recommends the following conditions of approval.

1. Applicant to comply with all Engineering, Building Department & Planning Comments for the building permit application.
2. Applicant to comply with all Middleton Rural Fire Department comments.
3. All exterior lighting must be downlit.

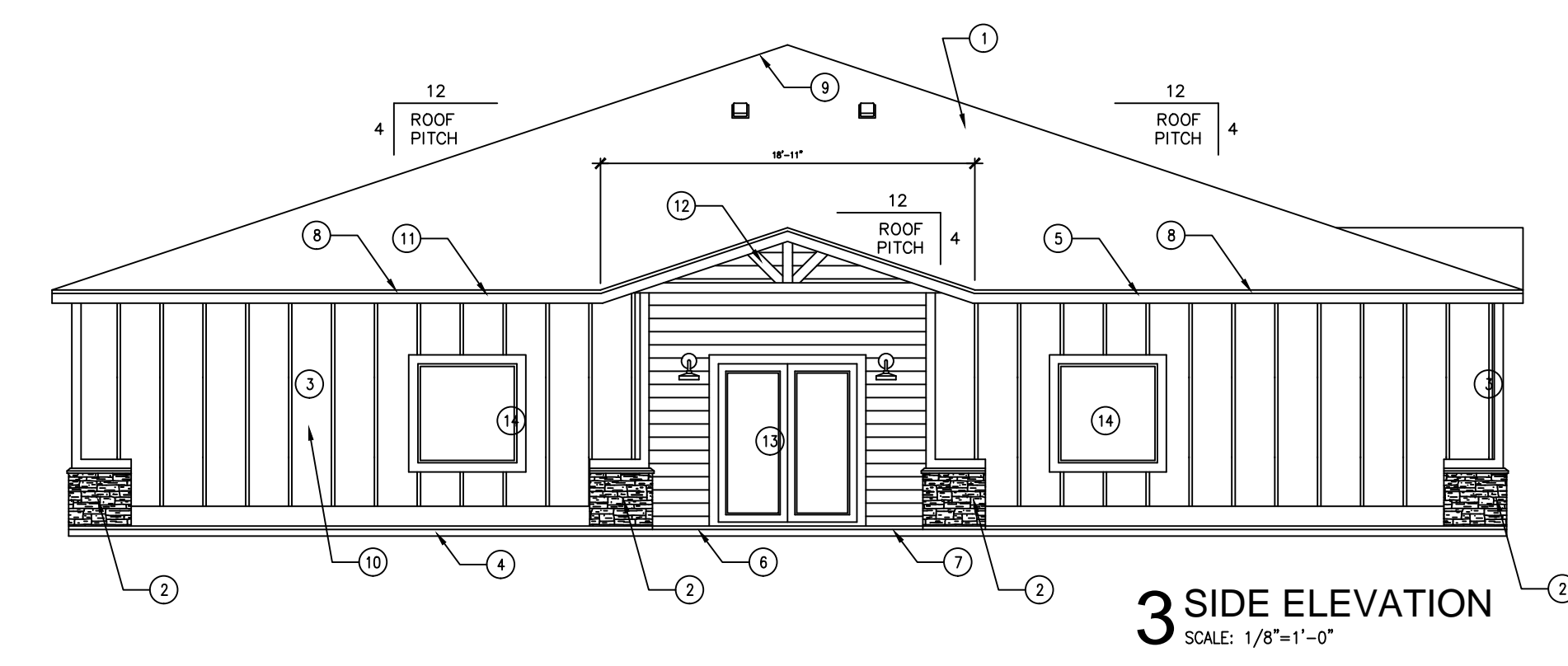
EXHIBIT "A"
ELEVATION AND SITE PLAN



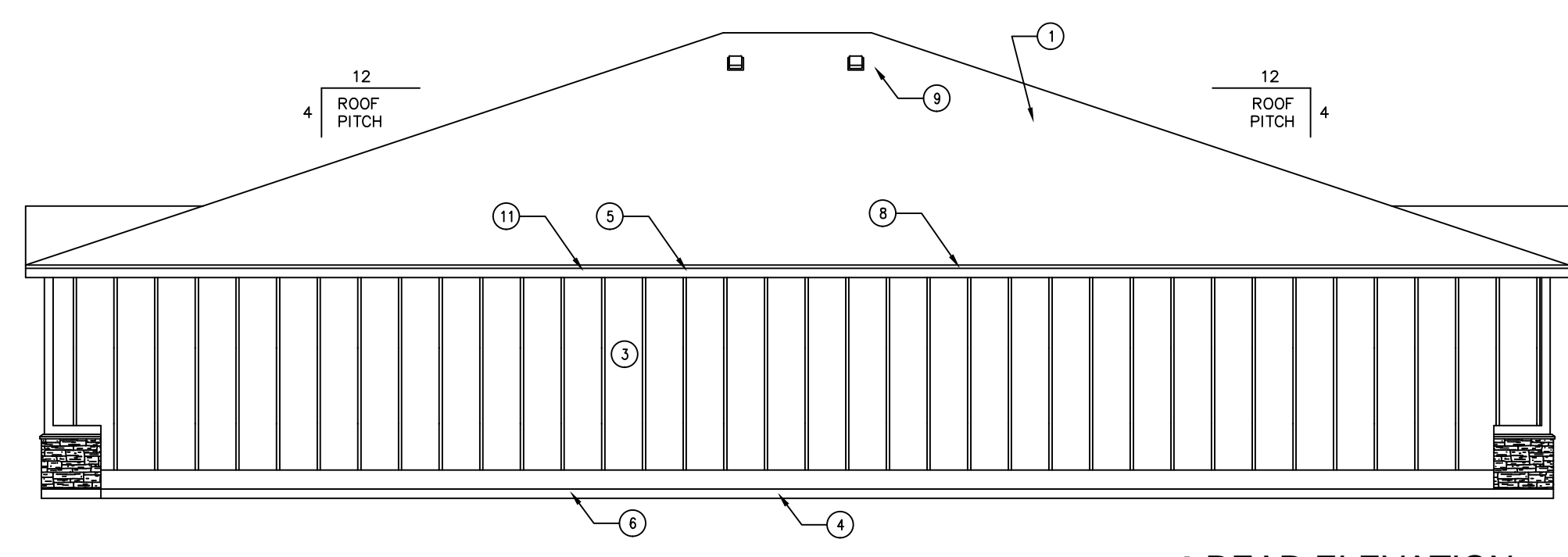
1 FRONT ELEVATION
SCALE: 1/4"=1'-0"



2 SIDE ELEVATION
SCALE: 1/8"=1'-0"



3 SIDE ELEVATION
SCALE: 1/8"=1'-0"



4 REAR ELEVATION
SCALE: 1/8"=1'-0"

① SHEET NOTES

1. COMPOSITE SHINGLE ROOFING
2. STONE VENEER - SEE DETAILS
3. BOARD AND BATTEN SIDING AS SPECIFIED
4. CONCRETE FOUNDATION WALL - SEE FOUNDATION PLAN
5. GUTTER WITH DOWN SPOUT
6. APPROXIMATE LINE OF FINISH GRADE
7. CONCRETE STOOP
8. 8" FASCIA BOARD (PAINT)
9. ROOF VENT 51in
10. SIDING AND TRIM AS SPECIFIED
11. RETURN FASCIA AND ROOFING AS SHOWN
12. DETAIL IN GABLES
13. 7' WIDE X 8' TALL STORE FRONT DOOR
14. 5050 FIXED WINDOW
15. 3680 DOOR
16. 12" BAND OF SIDING

GENERAL NOTES

A. ATTIC VENTILATION:
PROVIDE MIN. 1 SF/300 SF FREE AREA OF VENT
W/ ROOF, RIDGE AND/OR GABLE VENTS.

ELEVATIONS	DESIGN NO.: WELLSTONE OFFICE	FIRST FLOOR: 5765 S.F.
	PROJECT NO.: 2023	SECOND FLOOR: N/A
DATE: 11-20-23	BONUS ROOM: N/A	LOT 12 BLOCK 1 WELLSTONE SUB
TOTAL LIVING AREA: 5765 S.F.	GARAGE: N/A	



1 SITE PLAN
SCALE: 1/8"=1'-0"
 LOT 12 BLOCK 1
 WELLSTONE SUB.
 MIDDLETON, CANYON COUNTY, IDAHO

NOTES:
 A. ALL SETBACKS TO COMPLY WITH ALL CODES & ZONING REGS. AND TO BE VERIFIED BY BLDG. INSPECTOR PRIOR TO CONST.
 B. WATER AND SEWER BY LOCAL WATER CORP.
 C. ALL UTILITIES TO BE RUN UNDERGROUND.
 D. IRRIGATION WATER MAY NOT BE PROVIDED. IDAHO CODE 21-3805
 E. ALL DETAILS SHALL BE VERIFIED W/ CURRENT PLAT MAP ON FILE W/ CITY OR COUNTY.

BUILDING FOOT PRINT - 6436 SQ FT
 LOT SIZE - 7145 SQ FT
 — 90% LOT COVERAGE

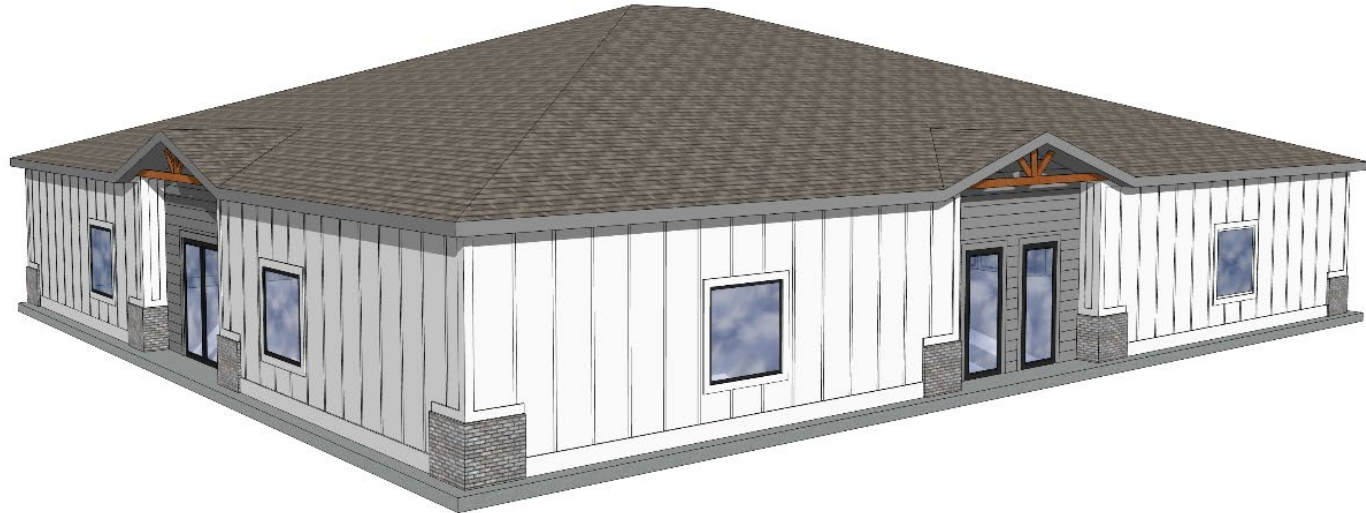
GENERAL NOTES

- A. ANY DISCREPANCY OR CONFLICT IN THESE DRAWINGS AND SPECIFICATIONS ARE TO BE REPORTED TO CONTRACTOR AND RESOLVED PRIOR TO ACQUISITION OF MATERIALS/COMPONENTS OR CONSTRUCTION RELATED TO THE ITEM(S) IN QUESTION.
- B. DO NOT SCALE DRAWINGS.
- C. THE BUILDER RESERVES THE RIGHT TO ADJUST THE ACTUAL CONSTRUCTION ELEMENTS TO MEET ALL CODE REQUIREMENTS.

INDEX OF DRAWINGS

- A1.1 SITE PLAN
- A2.1 FOUNDATION PLAN
- A3.1 1ST FLOOR PLAN
- A3.2 1ST ROOF PLAN, WALL BRACING
- A4.1 ELEVATIONS
- A5.1 DETAILS / SECTIONS
- A6.1 1ST FLOOR ELECTRICAL PLAN

DESIGN NO.: WELLSTONE OFFICE	5765 S.F.
PROJECT NO.: 2023	N/A
DATE: 11-20-23	N/A
TOTAL LIVING AREA: 5765 S.F.	N/A
	GARAGE: N/A



Design Review

Wellstone Subdivision Building

Vicinity 1034 W. Main

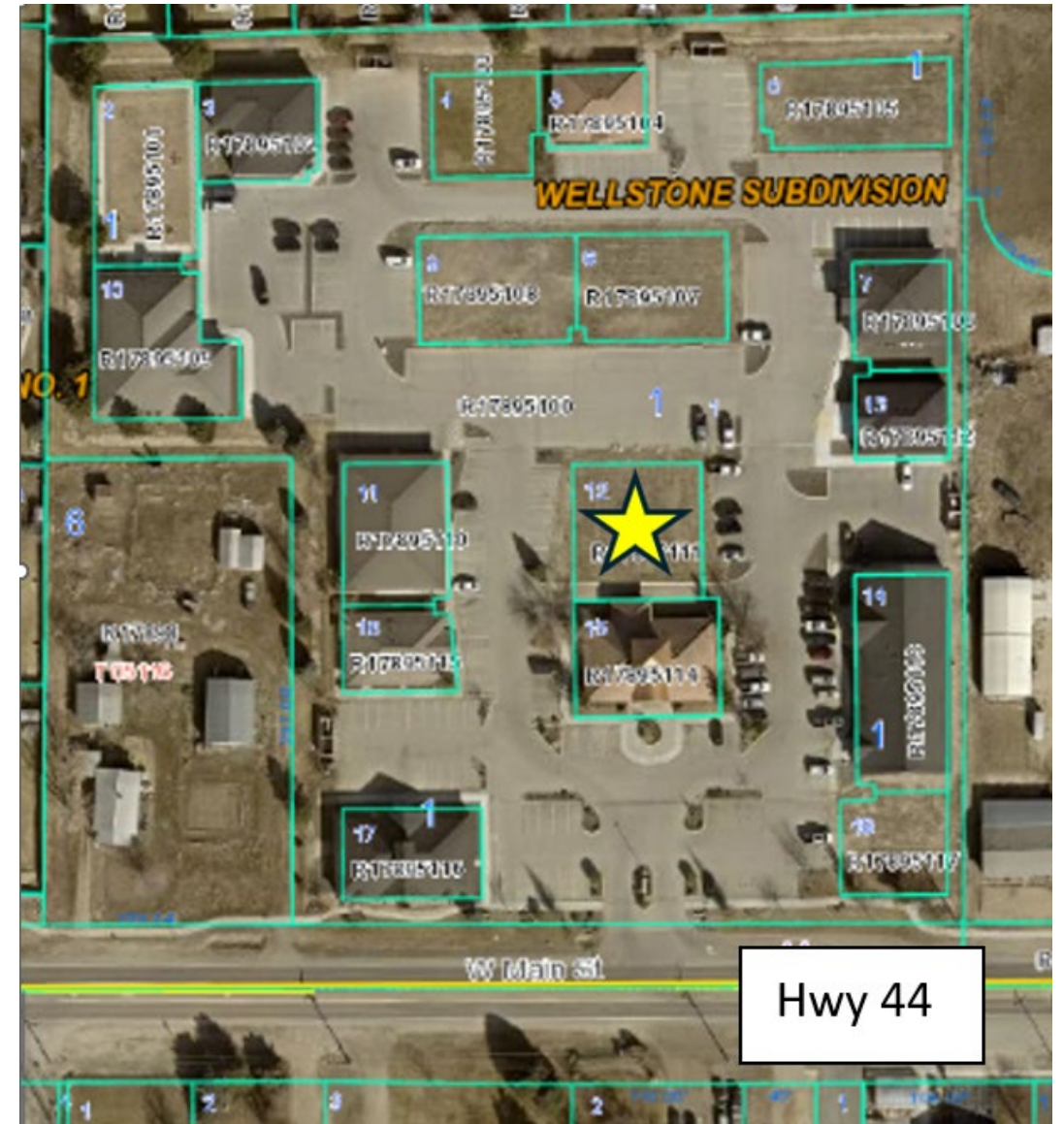
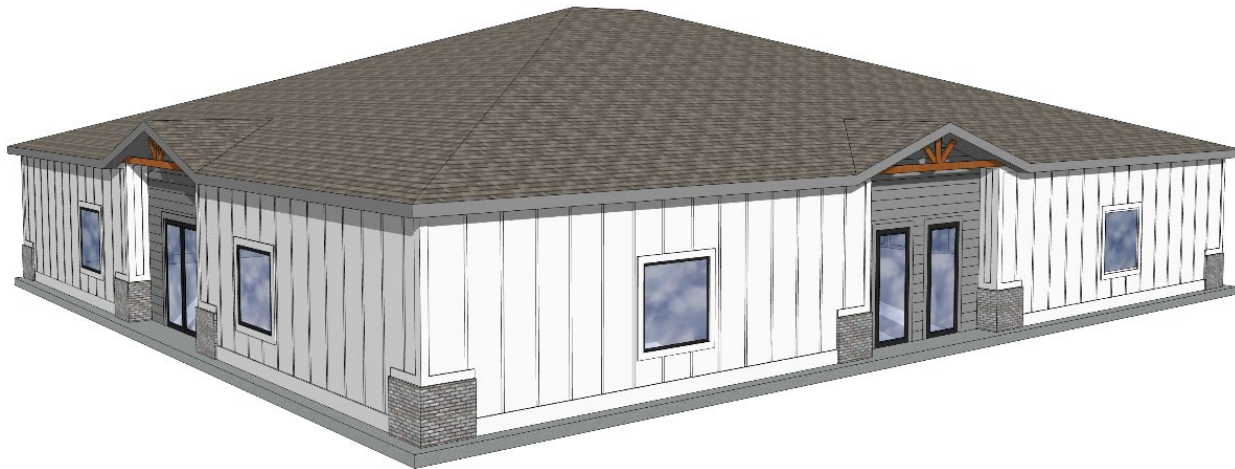


Project Description & Zoning

The project parcel is a .16-acre vacant lot located in the Wellstone Commercial Subdivision, which is in City limits.

The proposed building is 5,765 s.f. and is intended to be used as a general office space.

The parcel is zoned C-1 (Neighborhood Commercial). "Office Building" is an allowable use in the C-1 Zone.

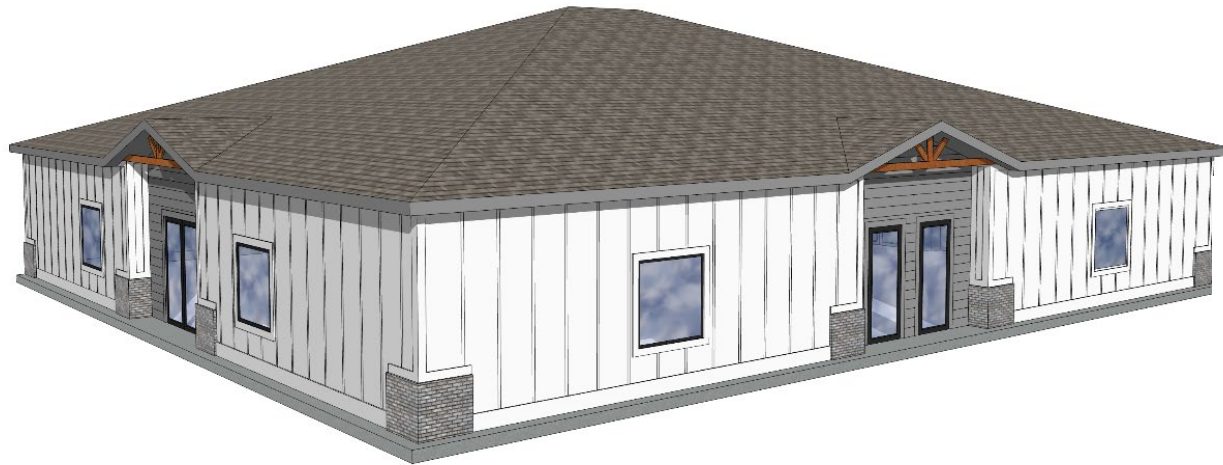




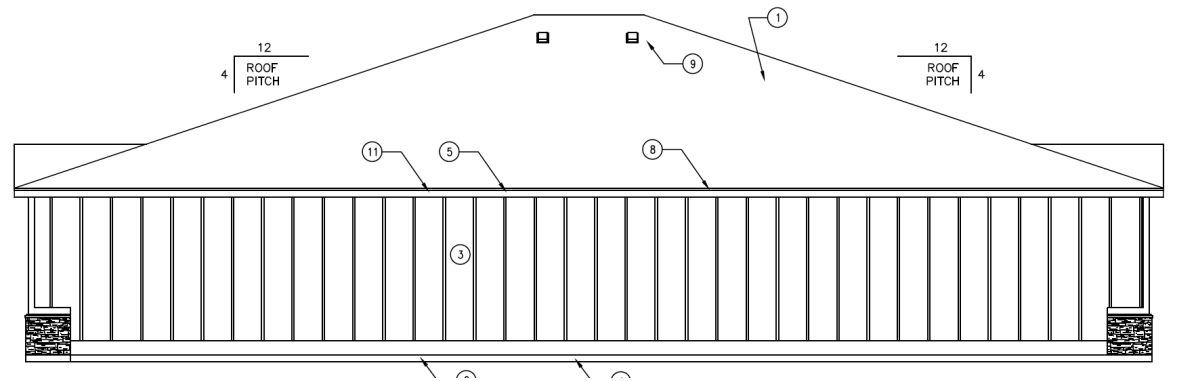
Architecture

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

The Wellstone building meets these design standards by providing the following design elements: (1) gable roof and hip roof, (2) board and batten siding, (3) brick wainscoting accent, (4) accent siding at entrance insets, and (5) faux wood beam accents at gables.



Front and side elevation – north, east & west



Rear elevation – south facing

Site Plan / Streets / Access / Parking / Landscape & Utilities

Wellstone Commercial Subdivision is a well-established subdivision. The infrastructure is already installed. Parking has been striped. Drive aisles are established. Utilities are already stubbed to the site. And landscaping in the parking islands has already been installed.

Access will be via Hwy 44 and the Subdivision entrance.



Conclusions and Recommended Conditions of Approval

If the Design Review Committee is inclined to approve the application, City Planning Staff recommends the following conditions of approval.

1. Applicant to comply with all Engineering, Building Department & Planning Comments for the building permit application.
2. Applicant to comply with all Middleton Rural Fire Department comments.
3. All exterior lighting must be downlit.

Exhibit “B”



STAFF REVIEW AND REPORT

Middleton Planning & Zoning Commission

River Walk Crossing Subdivision

Development Agreement Modification Application



- A. Project and Application Requests:** The River Walk Crossing Subdivision was approved by City Council in October 2021. It involves 36 commercial lots, 80 patio home lots, and 81 luxury home lots zoned R-2 (minimum lot size 21,780 sf). Most of the R-2 lots back up to shared lakes/ponds. The setbacks for the R-2 homes are 25' on the side and 25' on the front.

Developers have constructed Phase 1, which involves a large hotel site, restaurant site, commercial lots and 33 residential R-2 home lots. Developer obtained final plat approval for Phase 1 in December 2023. Developer is now seeking to obtain building permits for the R-2 residential lots; however, Developer is finding that the large custom style homes are not fitting well on the R-2 lots because of the expansive 25' setbacks on the side and front.

Developer is requesting that the Development Agreement be modified to allow narrower setbacks on the front and sides. Specifically, Developer is requesting the R-2 front setback of 25' be reduced to 20'. Developer also requests that the interior and street side setbacks be reduced from 25' to 10'. Developer is not making any request with respect to the rear setback.

- B. 1st Amendment to Development Agreement:** The proposed 1st Amendment to Development Agreement is attached as Exhibit "A". It sets forth language regarding setbacks as follows:

***"3.27 Setbacks for R-2 Zone:** The front setback for single family homes located in the R-2 zone shall be a minimum of twenty feet (20'). The interior side setback and street side setback shall be a minimum of ten feet (10')."*

The governing bodies are not required to make specific findings regarding criteria or standards before approving or denying a Modified DA request. Instead, the governing bodies need merely determine if they want to agree to the proposed amendment to the Development Agreement.

[See Exhibit "A".]

- C. Comments Received from Surrounding Landowners:** None.
- D. Comments from Agencies:** Agency comments attached as Exhibit "B".
- E. Comments from City Engineer & Planning Staff:** None.
- F. Applicant Information:** Representative Stephanie Hopkins of KM Engineering. 5725 N. Discovery Way, Boise ID 83713.

G. Notices & Neighborhood Meeting:	Dates:
Newspaper Notification	01/28/2024
Radius notification mailed to Adjacent landowners within 300'	01/24/2024
Circulation to Agencies	01/24/2024

Sign Posting property 01/24/2024

Neighborhood Meeting 01/16/2024

H. Applicable Codes and Standards:

Idaho State Statute Title 67, Chapter 65 and Title 50, Chapters 2 and 13, Idaho Standards for Public Works Construction and Middleton Supplement thereto and Middleton City Code 1-14, 1-15, 1-16, 5-1, 5-2, 5-3, and 5-4.

I. Conclusions and Recommended Conditions of Approval:

The Planning and Zoning Commission is tasked with making a recommendation to City Council to approve (with or without conditions) or deny applicant's Development Agreement Modification application.

As to Findings, none required per Idaho State Code or Middleton City Code.

As to Conclusions of Law, Planning Staff finds that the Commission has the authority to hear these applications in order to recommend approval or denial to the City Council. Planning Staff further finds that legal notice was given appropriately and according to law. Finally, the pertinent codes and standards have been set forth above.

If the Planning & Zoning Commission is inclined to recommend approval of the application, Planning Staff does not have any recommended conditions of approval.

EXHIBIT "A"

Proposed 1st Amendment to Development Agreement

After Recording, mail to
Middleton City Administrator
1103 W. Main St.
Middleton, ID 83644

**FIRST AMENDMENT TO DEVELOPMENT AGREEMENT
(River Walk Crossing Subdivision)**

This First Amendment to Development Agreement (“First Amendment”) is made and entered into this ___ day of _____, 20__ by and between the CITY OF MIDDLETON, a municipal corporation in the State of Idaho (**City**); and TRADITION CAPITAL PARTNERS LLC, an Idaho Limited Liability Company, HESS PROPERTIES LLC, an Idaho Limited Liability Company, WATKINS PROPERTIES LP, an Idaho Limited Partnership and RICHARD A. PORTER, an individual (hereinafter referred to collectively as “**Owner**”).

RECITALS

WHEREAS, Owner owns approximately 115 acres of real property located at 0 Hwy 44 (Tax Parcel Nos. R33938013 and R33938011), Middleton, Canyon County, Idaho, legally described in Exhibit A attached hereto and incorporated herein by this reference (**Property**); and

WHEREAS, Developer submitted applications for Annexation/Rezone, Development Agreement, and Preliminary Plat for the River Walk Crossing Subdivision (**Project**), which applications were approved by the Middleton City Council following a public hearing on October 6, 2021.

WHEREAS, the Development Agreement was fully-executed and recorded in the records of Canyon County Recorder’s Office as Instrument #2023-019842.

WHEREAS, Developer has submitted an application for Development Agreement Modification, thereby seeking approval of this First Amendment to Development Agreement.

**ARTICLE I
LEGAL AUTHORITY**

This Agreement is made pursuant to and in accordance with the provisions of Idaho Code §67-6511A and Middleton City Code, Title 5, Chapter 2.

**ARTICLE II
AGREEMENT**

NOW, THEREFORE, for good and valuable consideration, the receipt and sufficiency of which is hereby acknowledged, and in consideration of the recitals above, which are incorporated below, and the mutual covenants, representations, and performances herein bargained for, relied on, and expected, the parties hereby agree as follows:

1. *Article III Conditions of Development* shall be amended to add Paragraph 3.27 as follows:

“3.27 Setbacks for R-2 Zone: The front setback for single family homes located in the R-2 zone shall be a minimum of twenty feet (20’). The interior side setback and street side setback shall be a minimum of ten feet (10’).”

2. **City Council Adoption.** The Middleton City Council hereby adopts this First Amendment to Development Agreement pursuant to Middleton City Code 5-2-5.
3. **Effect of Amendment.** In the event of a conflict between the Development Agreement and this First Amendment thereto, the terms of this First Amendment shall govern. The terms of the Development Agreement, as modified by this First Amendment, shall continue in full force and effect.

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

[Signatures on Following Pages]

CITY OF MIDDLETON

ATTEST

By: _____
Jackie L. Hutchinson, Mayor

By: _____
Becky Crofts, City Clerk

State of IDAHO)
 ss.
County of Canyon)

I, a notary public, do hereby certify that on this _____ day of _____, 2024,
personally appeared before me Jackie L. Hutchinson, who declared that she is the Mayor of
the City of Middleton, Idaho and signed this Development Agreement as Mayor of the City of
Middleton.

Notary Public
My Commission Expires: _____

TRADITION CAPITAL PARTNERS LLC:

By: _____

State of IDAHO)

ss.

County of _____)

I, a notary public, do hereby certify that on this _____ day of _____, 2024, personally appeared before me _____, who, being first duly sworn, declared that he is the _____ for Tradition Capital Partners LLC and signed on behalf of Tradition Capital Partners LLC.

Notary Public
My Commission Expires: _____

HESS PROPERTIES LLC:

By: _____

State of IDAHO)

ss.

County of _____)

I, a notary public, do hereby certify that on this _____ day of _____, 2024, personally appeared before me _____, who, being first duly sworn, declared that he is the _____ for Hess Properties LLC and signed on behalf of Hess Properties LLC.

Notary Public

My Commission Expires: _____

RICHARD A. PORTER:

State of IDAHO)

ss.

County of _____)

I, a notary public, do hereby certify that on this _____ day of _____, 2024, personally appeared before me Richard A. Porter, who being first duly sworn, declared that he is the signatory on this document.

Notary Public
My Commission Expires: _____

WATKINS PROPERTIES LP:

By: _____

State of IDAHO)

ss.

County of _____)

I, a notary public, do hereby certify that on this _____ day of _____, 2024, personally appeared before me _____, who, being first duly sworn, declared that he is the _____ for Watkins Properties LP and signed on behalf of Watkins Properties LP.

Notary Public

My Commission Expires: _____

EXHIBIT "A"

Legal Description

EXHIBIT "B"
Agency Comments

From: [Niki Benyakhlef](#)
To: [Roberta Stewart](#)
Subject: RE: Agency Notice - River Walk Crossing Subdivision - DA Modification
Date: Friday, February 2, 2024 12:22:22 PM
Attachments: [image001.png](#)

Hello Roberta –

After careful review of the transmittal submitted to ITD on January 24, 2024 regarding River Walk Crossing Subdivision – DA Modification, the Department has no comments or concerns to make at this time. The proposed setbacks will not affect transportation on state facilities.

Thank you,



Niki Benyakhlef
Development Services Coordinator

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

From: Roberta Stewart <rstewart@middletoncity.com>
Sent: Wednesday, January 24, 2024 3:28 PM
To: akrantz@msd134.org; MStowell@ccparamedics.com; gis@compassidaho.org; deann.gerthung@canyoncounty.id.gov; MYbarguen@idahopower.com; D3 Development Services <D3Development.Services@itd.idaho.gov>; gmpdjulie@gmail.com; lgrooms@msd134.org; mgee@msd134.org; permits@starfirerescue.org; monica.taylor@intgas.com; Mitch.Kiester@phd3.idaho.gov; westerninfo@idwr.idaho.gov; zoninginfo@canyoncounty.id.gov; Iriccio@canyonhd4.org; chopper@canyonhd4.org; bryce@sawtoothlaw.com; irr.water.3@gmail.com; canyoncountywater@gmail.com; Jamie.macleod@sparklight.biz
Subject: Agency Notice - River Walk Crossing Subdivision - DA Modification

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

Hello All: attached is the agency notice for a request to change the setbacks in Zone R-2 for the River Walk Crossing Subdivision. The application packet is attached for your convenience.

Roberta L. Stewart

PLANNING & ZONING OFFICIAL
City of Middleton, Planning & Zoning
1103 W. Main St.

River Walk Crossing Development Agreement Modification



The River Walk Crossing Subdivision is an approved subdivision project located in the vicinity of Middleton Road, Sawtooth Lakes Drive and Hwy 44. The Preliminary Plat was approved in October 2021, and it contains 36 commercial lots, 80 patio home lots, and 81 luxury home lots zoned R-2.

APPLICATION



Applicants have submitted an application for Development Agreement modification to change the setbacks for their home lots located in the R-2 Zone. Specifically, they want to change the side setback and street side setback of 25 to 10'. They are requesting that the front setback be narrowed from 25' to 20'.





Development Agreement

The proposed 1st Amendment to Development Agreement sets forth the amended language regarding setbacks:

***“3.27 Setbacks for R-2 Zone:** The front setback for single family homes located in the R-2 zone shall be a minimum of twenty feet (20’). The interior side setback and street side setback shall be a minimum of ten feet (10’).”*

The governing bodies are not required to make specific findings regarding criteria or standards before approving or denying a Modified DA request. Instead, the governing bodies need merely determine if they want to agree to the proposed amendment to the Development Agreement.



Comments Received from Surrounding Landowners: None.

Comments from Agencies: Attached as Exhibit “B” to the Staff Report that was posted with the agenda for public review.

Application Information: Representative is Stephanie Hopkins of KM Engineering. Application was accepted on 1/10/2024.

Notices & Neighborhood Meeting:

Dates:

Newspaper Notification	1/28/2024
Radius notice to adjacent landowners	1/24/2024
Circulation to Agencies	1/24/2024
Sign Posting property	1/24/2024
Neighborhood Meeting	1/16/2024

Applicable Codes and Standards:

Idaho Standards for Public Works Construction, the Middleton Supplement to the Idaho Standards for Public Works Construction, Middleton City Code 1-14, 1-15, 1-16, 5-1, 5-2, 5-3, and 5-4, and Idaho Code Title 67, Chapter 65 & Title 50, Chapters 2 and 13.

Conclusions and Recommended Conditions of Approval:

The Planning and Zoning Commission is required to make a recommendation to City Council to approve (with or without conditions) or deny applicant's Development Agreement Modification application.

As to Findings, none required per Idaho State Code or Middleton City Code.

As to Conclusions of Law, Planning Staff finds that the Commission has the authority to hear these applications in order to recommend approval or denial to the City Council. Planning Staff further finds that legal notice was given appropriately and according to law. Finally, the pertinent codes and standards have been set forth above.

If the Planning & Zoning Commission is inclined to recommend approval of the application, Planning Staff does not have any recommended conditions of approval.



2023-019842

RECORDED

06/22/2023 11:57 AM



00764649202300198420410413

CHRIS YAMAMOTO

CANYON COUNTY RECORDER

Pgs=41 TYOUREN

NO FEE

AGR

CITY OF MIDDLETON

After Recording, send copy to
Middleton City Hall
1103 W. Main St.
Middleton, ID 83644

DEVELOPMENT AGREEMENT

This Development Agreement (**Agreement**) is entered into by and between the CITY OF MIDDLETON, a municipal corporation in the State of Idaho (**City**), and TRADITION CAPITAL PARTNERS LLC, an Idaho Limited Liability Company, HESS PROPERTIES LLC, an Idaho Limited Liability Company, WATKINS PROPERTIES LP, an Idaho LIMITED PARTNERSHIP and RICHARD A. PORTER, an individual (hereinafter referred to collectively as "**Owner**").

RECITALS

WHEREAS, Owner owns +/- 129 acres legally described in Exhibit A attached hereto, which real property is commonly referred to in the Canyon County Assessor's records as Parcel Nos. R33938013, R33938011, and R3393800 ("**Property**"); and

WHEREAS, Owner has applied to the City to annex and rezone the Property;
and

WHEREAS, Owner intends to improve the Property according to the Middleton City Code and the City's public works standards at the time(s) the Property is improved; and

WHEREAS, the City, pursuant to Idaho Code §67-6511A, has the authority to conditionally rezone the property and to enter into a development agreement for the purpose of allowing, by agreement, a specific development agreement to proceed in a specific area and for a specific purpose or use which is appropriate in the area, but for which all allowed uses for the requested zoning may not be appropriate pursuant to the Idaho Code and Middleton City Code.

AGREEMENT

NOW, THEREFORE, for good and valuable consideration, the receipt and sufficiency of which is hereby acknowledged, and in consideration of the recitals above, which are incorporated below, and the mutual covenants, representations, and

performances herein bargained for, relied on, and expected, the parties agree as follows:

**ARTICLE I
LEGAL AUTHORITY**

This Agreement is made pursuant to and in accordance with the provisions of Idaho Code §67-6511A and Middleton City Code, Title 5, Chapter 2.

**ARTICLE II
ZONING ORDINANCE AMENDMENT**

The City will adopt an ordinance amending the Middleton Zoning Ordinance to rezone the property as follows: property described in Exhibit "B" shall be rezoned from County "Agricultural" to C-3 (Heavy Commercial); property described in Exhibit "C" shall be rezoned from County "Agricultural" to M-U (Mixed Use); and property described as Exhibit "D" shall be rezoned from County "Agricultural" to R-2 (Large Lot Residential). The Ordinance will become effective after it is approved, signed, published and recorded according to law, all of which actions the City will perform with the Developer's cooperation.

**ARTICLE III
CONDITIONS OF DEVELOPMENT**

3.1 **Applications.** Owner will develop the Property subject to the conditions and limitations set forth in this Development Agreement. Further, Owner will submit such applications regarding floodplain development permit review, preliminary plat and final plat reviews, and/or any special use permits, if applicable, and any other applicable applications as may be required by the Middleton City Code, which shall comply with the Middleton City Code, as it exists at the time such applications are made except as otherwise provided within this Development Agreement.

3.2 **Concept Plan.** The Concept Plan attached hereto as Exhibit "E" represents Owner's current concept for completion of the project. Owner shall be bound by this Concept Plan and shall develop the project generally consistent with the Concept Plan. However, as the project evolves, the City understands that certain changes in that concept may occur. If the City determines that any such changes are significant due to potential impacts on surrounding property or the community, City shall require Owner to apply, in compliance with City Code, for a Development Agreement Modification to address the proposed changes to the Concept Plan.

3.3 **M-U Zone and Setbacks.** Only single-family homes may be built in the M-U Zone. Minimum setbacks for said single-family homes shall be twenty (20) feet in the front yard; fifteen (15) feet in the rear yard, five (5) feet in the interior side yard, and twenty (20) feet in any street side yard. Cornices, canopies, and eaves that do not increase the enclosed building area, may project into any setback up to two (2) feet. Unenclosed covered patios and porches may project into the front/rear setbacks up to five (5) feet.

3.4 **Deed Restrictions.** Single-family home lots in the M-U Zone shall be exclusively held for purchase and occupancy by persons who are 55 years or older or to the extent allowed under Idaho State law. All requirements related to the 55+ homebuyer requirement for the homes located in the M-U Zone shall be accomplished by deed restrictions, the same being drafted and applied in compliance with the laws of the State of Idaho.

3.5 **Middleton Road Frontage Improvements.** The portions of Middleton Road that front the Property are slated to be improved through impact fees collected via the 2021/2022 Mid-Star Service Area Capital Improvement Plan. Although off-site frontage improvements are generally required pursuant to Middleton City Code, Owner shall not be responsible for constructing these improvements. If, at a later date, Owner and City agree that Owner should construct all, or a portion of the planned Middleton Road improvements, then City shall credit Owner for any improvement work over and above Owner's proportionate share of the improvement work.

3.6 **Highway 44 Road Frontage Improvements.** Owner shall, at its own cost, improve all City required street frontages on Highway 44. Such improvements must be completed and accepted by the City before final plat approval for Phase 4 (as the phase is shown on the approved preliminary plat).

3.7 **Traffic Pro-rata/Proportionate Share Fees.** Owner shall pay all traffic impact and traffic pro-rata/proportionate share fees required by the City prior to approval of Phase 1 final plat.

3.8 **Completion of E. Sawtooth Lakes Street.** Final plat for Phase 3 shall not be approved until a second access is constructed for the project. Owner may develop Phases 1 and 2 entirely without constructing a 2nd access that connects to Duff Lane, Middleton Road, Highway 44 or Boise Street. Owner agrees to enter into, and record, an agreement with the owner of the adjacent River Pointe Subdivision to complete, in the event that the River Pointe Subdivision is not developed, the portions of E. Sawtooth Lakes Street and/or Yetna Avenue located on the River Pointe Subdivision parcel to ensure access to either Duff Lane or Hwy 44. Final Plat for Phase 1 shall not be approved until Owner provides City with a copy of the recorded agreement between Owner and the River Pointe owner.

3.9 East/West Collector. Developer shall provide an east/west collector that connects to the subdivision to the east and provides access to Duff Lane. Parking shall not be allowed on this collector, and signs to that effect must be posted. No driveway access shall be allowed on the collector.

3.10 Pathways. The 10' wide asphalt pathways along the Kennedy Lateral shall be open for public use. Owner shall ensure that a public use easement is shown on the preliminary plat and final plat or otherwise created by a recorded instrument.

If the City so requires, Owner agrees to construct the pathways along the Kennedy Lateral below the embankment and nearer to the water level.

Owner shall improve and construct said pathways and obtain a license/easement from the pertinent Irrigation District(s) prior to approval of final plat for Phase 3 as the phase is shown on the approved preliminary plat. Owner and/or its successors and assigns are responsible for maintaining and repairing the portions of the pathway located within the Property.

3.11 Extraction of Gravel. Owner shall have the right to excavate the ponds as shown on the preliminary plat. Any extraction shall be in compliance with the following conditions:

1. Comply with all submittal requirements of MCC 1-15-16-2 "Submittal Requirements for Mining Applications" and submit (1) a site plan with phasing plan, (2) an "operations plan", (3) SWPPP (4) traffic plan (on site and off site) and (5) reclamation plan before submittal to other agencies.
2. Obtain a NOI prior to permit approval and beginning excavation.
3. Obtain Water Rights permit for ponds to remain on site and provide the City with a copy of the water right/permit.
4. Construction hours shall be Monday through Saturday 7 a.m. to 6 p.m. Once the first home is occupied in Phase 1, excavation in Phase 2 may only occur Monday through Friday 7 a.m. to 6 p.m.
5. Obtain all permits from Army Corp of Engineers and/or Idaho Department of Water Resources related to FEMA Special Flood Hazard Areas.
6. Access shall be via No. Middleton Road.
7. Comply with all mitigation and other standards of the City Code, particularly MCC 1-15-16-3 Standards for Mineral Extraction and Nuisance standards of MCC 8-1.
8. Excavation of ponds may occur until September 1, 2027, although this time-period may be extended for 1 additional year upon written request to the Planning & Zoning Official. Before final plat can be approved for any phase, the pond in that particular phase must be completed and filled and all excess materials must be removed from the phase.

3.12 Cell Phone Tower Facility. A cell tower facility has existed on the Property for a number of years. The cell tower facility may continue in its current location and at its present capacity. In the event the cell tower facility use is intensified or substantially changed, Owner shall apply per the requirements of the City Code for a special use permit to change the wireless communication activity. In the event Owner transfers the ownership of the property where the cell tower is currently located, Owner will ensure that the transfer documents include the requirements of this Development Agreement.

3.13 Landscape Buffer. Owner is not subject to the landscape buffer requirement of Middleton City Code 5-4-10-7(A) for all areas where a residential lot does not directly abut with a commercial lot but are located on the same street or similar proximity. Instead, Owner shall construct a landscape buffer at least 15' wide, and the landscaping may or may not include berming and/or fencing. The 15' wide buffer shall be required along all streets that are shared with both a commercial use and a residential use. The 15' wide buffer must be located entirely on one side of the street. It cannot be split between each side of the street.

At locations where a commercial lot directly abuts a residential lot, the landscape buffer requirement found in MCC 5-4-10-7(A) shall apply.

3.14 Wrought Iron Fencing. Only black wrought iron fencing shall be allowed in the project. This includes the perimeter fence required by MCC 5-4-11-2. The perimeter fence may be less than the six (6) foot height prescribed in MCC 5-4-11-2, but the fence height must be a minimum height of four (4) feet. These fencing requirements do not apply to any privacy walls constructed around patios or near the building structure.

3.15 Design Requirements for Commercial Structures/Uses. Because all commercial buildings will be accessed off internal roads, the rear and street sides of the structures will face the frontage of Middleton Road and Hwy 44. To prevent unsightly elevations fronting the roadway, the rear and street side elevations of all commercial buildings shall have enhanced exterior elevations that shall include at least three (3) different design elements or architectural features. Specifically, said elevations shall have a combination of stucco, wood/cement siding, board & batt, modern metal siding, synthetic stone/brick, and/or other accent such as wood beams, metal pop-outs, awnings, inset panels or similar accents.

3.16 Signage. Owner may exceed the one wall sign limit found in the Middleton City Code and may be permitted signs on both the rear elevation and front elevation of a commercial building that has its rear elevation fronting Highway 44 or Middleton Road.

3.17 CC&Rs. The conditions, covenants and restrictions for the Property shall contain at least the following:

- a) An allocation of responsibility for repair and maintenance of all community and privately owned landscaping, pressurized irrigation facilities, and amenities. Owner shall provide an operation and maintenance manual including the funding mechanism as an addendum to the CC&Rs and the repair and maintenance requirement shall run with the land and that the requirement cannot be modified and that the homeowner's association or other entity cannot be dissolved without the express consent of the City.
- b) A requirement that in the event any of the CC&Rs are less restrictive than any government rules, regulations or ordinances, then the more restrictive government rule, regulation or ordinances shall apply. The CC&Rs are subject to all rules, regulations, laws and ordinances of all applicable government bodies. In the event a governmental rule, regulation, law or ordinance would render a part of the CC&Rs unlawful, then in such event that portion shall be deemed to be amended to comply with the applicable rule, regulation, law or ordinance.

3.18 **Floodplain.** Owner shall comply with all applicable provisions of Title 4, Chapter 3 Flood Control Regulations and Title 5, Chapter 4, Section 13, Subsection 2, Subdivision Within Floodplain, of the Middleton City Code.

3.19 **Floodway.** All buildings shall be setback a minimum of 50 -feet from the floodway line as identified In Title 4, Chapter 3, Section 7, Subsection 5 Specific Standards of Middleton City Code.

3.20 **Administrative Application for C-3 Zone Changes.** In light of the large commercial component of this project and the need for commercial flexibility, Owner shall be allowed some flexibility with respect to the phasing and lot line configurations of the C-3 portion of the project. Specifically, Owner shall be allowed to pay a fee of \$1000 and make an administrative application to the City Planning & Zoning Official to change the phasing boundaries and/or number of phases in the C-3 Zone. Additionally, the administrative request may apply to alter lot lines to decrease or increase the number of commercial lots and make minor or insignificant reconfigurations of roadway and/or utilities within the affected Phase. If the Planning & Zoning Official deems the changes to lot lines, roadways, and utilities too significant, Owner must utilize the Amended Preliminary Plat process found in the Middleton City Code.

3.21 **Centerline Radius.** Owner shall be allowed a roadway minimum centerline radius of ninety (90) feet.

3.22 **Final Plat Deadline & Termination of Agreement.** Owner shall obtain City Engineer's signature on the final plat for Phase 1 within two years of the date the preliminary plat is approved. Upon written request prior to the expiration of

said two year period, Owner may apply administratively with a written request for a one year extension to obtain City Engineer's signature on the final plat for Phase 1. Notwithstanding the provisions in Article IV, if Owner does not obtain the City Engineer's signature on the final plat for Phase 1 within two years of the date the preliminary plat is approved or within the time-period of a one year extension, then Owner will be in material breach of this Agreement. Additionally, the preliminary plat shall become null and void. The City, after complying with the notice and hearing requirements contained in the Middleton City Code and Idaho Code, may then choose to extend, modify, or terminate this Agreement. The City may initiate the foregoing proceedings and may do so at any time following a material breach hereof. Termination of this Agreement shall not affect the zoning that is in place at the time of the termination, and the zoning for the Property shall remain the same. No delay in initiating proceedings to extend, modify, or terminate this Agreement following a material beach by Owner shall constitute a waiver of said breach.

3.23 Two Year intervals for Final Plat. Other than phase 1 final plat dealt with in Paragraph 3.22 above, Owner shall submit a final plat application on each phase within two years of final plat approval on the previous phase. Upon written request prior to the expiration of said two year period, Owner may apply administratively with a written request for a one year extension to submit a final plat application. If Owner does not timely apply for a one year extension or does not subsequently submit the final plat application within the requested one year extension time period, then the preliminary plat for said phase and all subsequent phases shall become null and void, and Owner must resubmit the preliminary plat for said phases in order to continue to develop the Property.

3.24 Easement for Land-locked Parcels. Per MCC 5-3-1(A), all lots in a subdivision must front public right of way. Developer shall be entitled to a waiver of this code section with respect to Lots 18-22, Block 1 (northwest corner of the pre-plat immediately north of the Kennedy Drain). Instead, Developer shall create a 20' wide cross-access easement to give access to the parcels.

3.25 Public Easement on River Access Common Lot: Developer shall create a public access easement over the entirety of the common lot shown as Lot 22, Block 6 on the Preliminary Plat for the purpose of granting public access to the Boise River. The lot shall be paved with asphalt or compacted gravel to permit easy access by the public and vehicles. Developer and/or Homeowners Association shall be responsible for constructing the drop-off zone and maintaining it thereafter.

3.26 Community Amenity: As part of a community amenity, Developer shall construct the court amenity (or amenity(ies) that is deemed matching or better) as shown on Lot 31/Block 4 of the Preliminary Plat.

**ARTICLE IV
FAILURE TO COMPLY WITH AGREEMENT**

4.1 If the Developer fails to comply with any of the terms or conditions in this Agreement, then the portion(s) of this Agreement pertaining to the breach may be modified or terminated by the Middleton City Council, after complying with the notice and hearing requirement contained in Middleton City Code and Idaho Code.

If after a breach, the City Council determines that the terms of this Agreement applicable to the breach should be modified, the term(s) of this Agreement shall be amended and the Developer shall comply with the amended terms.

Any breach waived by the City shall apply solely to the breach waived and shall not bar any other rights or remedies of the City or apply to any subsequent breach of any such or other covenants and conditions.

4.2 If after a breach, the City Council determines that the zoning should be changed to another zone, or as otherwise provided in the Idaho Code, then the Developer hereby consents to such change or other authorized action and will cease uses not allowed or permitted within the changed zone.

4.3 Upon a breach of this Agreement, any of the parties in any court of competent jurisdiction, by action or proceeding at law or in equity, may secure the specific performance of the covenants and agreements herein contained, may be awarded damages for failure of performance of both, or may obtain rescission, disconnection, and damages for repudiation or material failure of performance.

4.4 NOTICE OF FAILED PERFORMANCE. Upon any failure of any party to this Agreement to perform its obligations under this Agreement, the party claiming such failure shall notify, in writing, the party alleged to have failed to perform of the alleged failure and shall demand performance. No breach of this Agreement may be found to have occurred if performance has commenced to the satisfaction of the complaining party with thirty (30) days of the receipt of such notice.

**ARTICLE V
GENERAL PROVISIONS**

5.1 This Agreement contains the entire agreement of the parties respecting the Property and supersedes all prior discussions, and written and verbal agreements between the parties respecting the Property.

5.2 Any amendment or addendum to this Agreement shall be in writing and made only after the City has complied with the notice and hearing provisions of Idaho Code §67-6509 and Middleton City Code Title 5, Chapter 2.

5.3 Any notice that a party may desire to give to another party must be in writing and may be given by personal delivery, by mailing the same registered or certified mail with a return receipt requested, or by Federal Express or other reputable overnight delivery service. Notice shall be given to the parties at the following addresses or such other address and to such other persons as the parties may designate after giving notice. Any such notice shall be deemed given upon delivery if by personal delivery, upon deposit in the United States mail if sent by mail pursuant to the forgoing:

Middleton: City Clerk
City of Middleton
P.O. Box 487
Middleton, Idaho 83644

Developer: Tradition Capital Partners LLC
8454 Brookhaven PL
Middleton, ID 83644

Hess Properties, LLC
15031 Spyglass Lane
Caldwell ID 83607

5.4 If either party shall fail to perform under this Agreement and said failure is cured with the assistance of an attorney for the other party, as a part of curing said failure, the reasonable attorneys' fees incurred by the other party shall be reimbursed to the other party upon demand. In the event a suit or action is filed by either party against the other to interpret or enforce this Agreement, the unsuccessful party to such litigation agrees to pay to the prevailing party all costs and expenses, including reasonable attorneys' fees incurred therein, including the same with respect to an appeal.

5.5 The Agreement shall be effective after being fully executed. This Agreement shall become valid and binding only upon its approval by the City Council and execution of the Mayor and City Clerk. After its execution, the Agreement shall be recorded in the office of the County Recorder at the expense of the Developer.

5.6 Each commitment and restriction described in this Agreement shall be a burden on the Property and run with the land, and shall be appurtenant to and for the benefit of the Property, adjacent property and other residential land near the Property.

This Agreement shall be binding on the City and Developer, and their respective heirs, administrators, executors, agents, legal representatives, successors and assigns. Provided, however, that if all or any portion of the Property is divided, then each owner of a legal lot shall only be responsible for duties and obligations or breaches as to their owners' parcels or lots.

The new owner of the Property or any portion thereof (including, without limitation, any owner who acquires its interest by foreclosure, trustee's sale or otherwise) shall be liable for all commitments and other obligations arising under this Agreement with respect only to such owner's lot or parcel.

5.7 The Property that is the subject of this Agreement is located in Canyon County, Idaho and the terms of this Agreement shall be construed according to the laws of the State of Idaho in effect at this time this Agreement is executed. Any action brought in connection with this Agreement shall be brought in a court of competent jurisdiction located in Canyon County, Idaho.

5.8 If any term, provision, commitment or restriction of this Agreement or the application thereof to any party or circumstance shall to any extent be held invalid or unenforceable, the remainder of this instrument shall remain in full force and effect.

5.9 Time is of the essence for performance of each obligation in this Agreement.

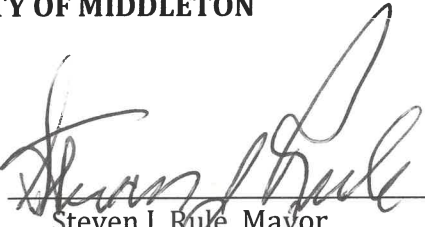
IN WITNESS WHEREOF, the parties have hereunto caused this Agreement to be executed, on the day and year first above written.

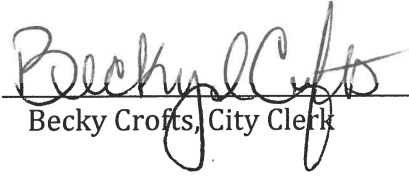
Dated this 21st day of June, 2023 and effective upon annexation of the Property.

[Signatures and notaries on following pages]

CITY OF MIDDLETON


ATTEST

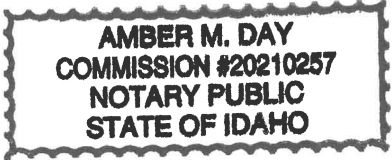
By: 
Steven J. Rule, Mayor

By: 
Becky Crofts, City Clerk

State of IDAHO)
County of Canyon) ss.

I, a notary public, do hereby certify that on this 21 day of June, 2023, personally appeared before me Steven J. Rule, who, being first duly sworn, declared that he is the Mayor of the City of Middleton, Idaho and signed it as Mayor of the City of Middleton.


Notary Public
My Commission Expires: 1/19/2027



TRADITION CAPITAL PARTNERS LLC:


By: 

State of IDAHO)

ss.

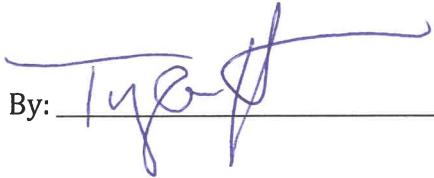
County of Canyon)

I, a notary public, do hereby certify that on this 09 day of May, 2023, personally appeared before me Spencer Kofoed, who, being first duly sworn, declared that h is the MANAGING MEMBER for Tradition Capital Partners LLC and signed on behalf of Tradition Capital Partners LLC.


Notary Public
My Commission Expires: 03/27/2029




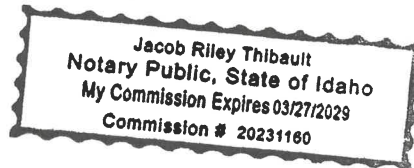
HESS PROPERTIES LLC:

By: 

State of IDAHO)
County of Canyon) ss.

I, a notary public, do hereby certify that on this 09 day of May, 2023, personally appeared before me Tyler Hess, who, being first duly sworn, declared that he is the MANAGING MEMBER for Hess Properties LLC and signed on behalf of Hess Properties LLC.


Notary Public
My Commission Expires: 03/27/2029



RICHARD A. PORTER:

Richard A. Porter

State of IDAHO)
County of Canyon) ss.

I, a notary public, do hereby certify that on this 09 day of May, 2023, personally appeared before me Richard A. Porter, who being first duly sworn, declared that he is the signatory on this document.

Jacob Thibault
Notary Public
My Commission Expires: 03/27/2029



WATKINS PROPERTIES LP:

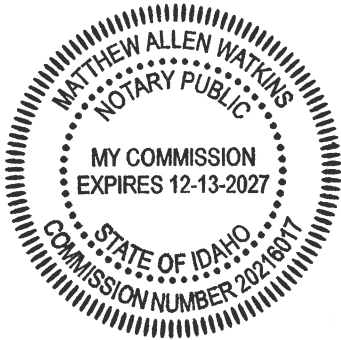
By: Harold A. Watkins
Harold A. Watkins; Partner

State of IDAHO)

ss.

County of Canyon)

I, a notary public, do hereby certify that on this 16th day of June, 2023, personally appeared before me Harold A. Watkins who, being first duly sworn, declared that he is the Partner for Watkins Properties LP and signed on behalf of Watkins Properties LP.



Matthew A. Watkins; Matthew A. Watkins
Notary Public
My Commission Expires: Dec. 13, 2027

Exhibit "A"
Legal Description of Project Parcel

June 22, 2021
Project No. 19-053
Watkins Properties, L.P.
Hess Properties, LLC

EXHIBIT "A"

**City of Middleton Annexation
Legal Description**

A parcel of land being a portion of the Northwest 1/4 and a portion of Government Lots 3 and 4 of Section 8, Township 4 North, Range 2 West, Boise Meridian, Canyon County, Idaho and being more particularly described as follows:

BEGINNING at a found lead plug and tack marking the Center 1/4 corner of said Section 8 and the Northeast corner of said Government Lot 3, which bears S89°30'32"E a distance of 2,657.54 feet from a found axle marking the West 1/4 corner of said Section 8;

Thence following the easterly line of said Government Lot 3, S00°50'37"W a distance of 910.81 feet to the North Bank Meander Line of the Boise River;

Thence leaving said easterly line and following said North Bank Meander Line the following two (2) courses:

1. S77°01'27"W a distance of 547.74 feet;
2. S00°38'22"W a distance of 36.14 feet to the North Bank Ordinary High Water Line of said Boise River;

Thence leaving said North Bank Meander Line and following said North Bank Ordinary High Water Line the following seventeen (17) courses:

1. S58°26'19"W a distance of 26.45 feet to a found 5/8-inch rebar;
2. N31°40'33"W a distance of 75.41 feet to a found 5/8-inch rebar;
3. N73°15'46"W a distance of 138.24 feet to a found 5/8-inch rebar;
4. N67°11'47"W a distance of 231.63 feet to a found 5/8-inch rebar;
5. N73°03'40"W a distance of 96.44 feet to a found 5/8-inch rebar;
6. N36°31'41"W a distance of 100.89 feet to a found 5/8-inch rebar;
7. N43°24'33"W a distance of 178.25 feet to a found 5/8-inch rebar;
8. N59°19'17"W a distance of 105.49 feet to a found 5/8-inch rebar;
9. N69°18'03"W a distance of 190.94 feet to a found 5/8-inch rebar;
10. N81°08'08"W a distance of 113.30 feet to a found 5/8-inch rebar;
11. N86°42'20"W a distance of 122.08 feet to a found 5/8-inch rebar;
12. S80°25'15"W a distance of 176.98 feet to a found 5/8-inch rebar;
13. N84°25'06"W a distance of 95.29 feet to a found 5/8-inch rebar;
14. N78°41'12"W a distance of 146.46 feet to a found 5/8-inch rebar;
15. N63°15'14"W a distance of 81.61 feet to a found 5/8-inch rebar;
16. N60°51'55"W a distance of 107.72 feet;
17. N86°24'00"W a distance of 184.54 feet to a found 5/8-inch rebar on said North Bank Meander Line;

Thence leaving said North Bank Ordinary High Water Line and following said North Bank Meander Line, N17°50'35"W a distance of 92.62 feet to a found 5/8-inch rebar marking the easterly right-of-way line of Middleton Road;

Thence leaving said North Bank Meander Line and following said easterly right-of-way line the following three (3) courses:

1. 195.10 feet along the arc of a circular curve to the left, said curve having a radius of 1,005.37 feet, a delta angle of 11°07'06", a chord bearing of N15°35'37"W and a chord distance of 194.79 feet to a found 5/8-inch rebar;
2. 102.58 feet along the arc of a circular curve to the left, said curve having a radius of 1,960.08 feet, a delta angle of 02°59'55", a chord bearing of N22°39'07"W and a chord distance of 102.57 feet to a found 5/8-inch rebar;
3. N24°09'05"W a distance of 95.48 feet to a found 5/8-inch rebar on the westerly line of said South 1/2 of the Northwest 1/4;

Thence leaving said easterly right-of-way line and following said westerly line, N00°39'59"E a distance of 1,230.72 feet to a found 5/8-inch rebar;

Thence leaving said westerly line, S89°43'48"E a distance of 797.00 feet to a found 5/8-inch rebar;

Thence N00°19'15"E a distance of 43.04 feet to a found 5/8-inch rebar on the southerly right-of-way line of State Highway 44;

Thence N13°26'58"E a distance of 60.00 feet to the centerline of said State Highway 44;

Thence following said centerline the following three (3) courses:

1. 537.49 feet along the arc of a circular curve to the left, said curve having a radius of 2,864.79 feet, a delta angle of 10°45'00", a chord bearing of S81°55'31"E and a chord distance of 536.71 feet;
2. S88°56'46"E a distance of 251.30 feet;
3. S89°46'06"E a distance of 1,062.38 feet to the easterly line of said Northwest 1/4;

Thence leaving said centerline and following said easterly line, S00°35'37"W a distance of 1,305.45 feet to the **POINT OF BEGINNING.**

Said parcel contains 121.370 acres, more or less, and is subject to all existing easements and/or rights-of-way of record or implied.

Attached hereto is **EXHIBIT B** and by this reference is hereby made a part hereof.



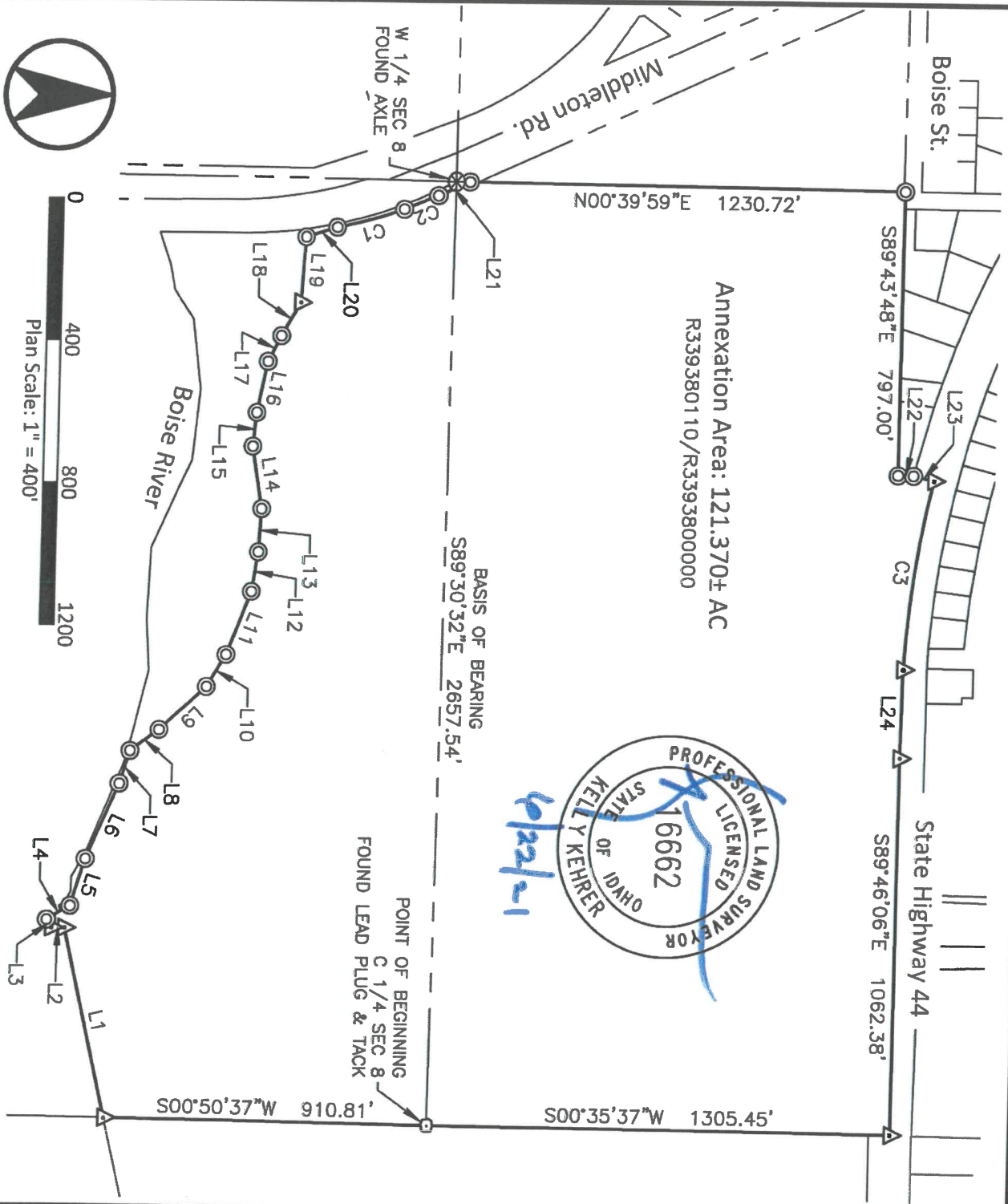


Exhibit B - City of Middleton Annexation Proposed River Ranch Crossing Subdivision

A portion of the NW 1/4 and a portion of Gov Lots 3 and 4 of Sec. 8, T.4N., R.2W., B.M., Canyon County, Idaho

DATE:	June 2021
PROJECT:	19-053
SHEET:	1 OF 2

K&M ENGINEERING
5725 NORTH DISCOVERY WAY
BOISE, IDAHO 83713
PHONE (208) 639-6939
kmengllp.com

LINE TABLE		
LINE	BEARING	DISTANCE
L1	S77°01'27"W	547.74
L2	S0°38'22"W	36.14
L3	S58°26'19"W	26.45
L4	N31°40'33"W	75.41
L5	N73°15'46"W	138.24
L6	N67°11'47"W	231.63
L7	N73°03'40"W	96.44
L8	N36°31'41"W	100.89
L9	N43°24'33"W	178.25
L10	N59°19'17"W	105.49
L11	N69°18'03"W	190.94
L12	N81°08'08"W	113.30
L13	N86°42'20"W	122.08
L14	S80°25'15"W	176.98
L15	N84°25'06"W	95.29
L16	N78°41'12"W	146.46
L17	N63°15'14"W	81.61
L18	N60°51'55"W	107.72
L19	N86°24'00"W	184.54
L20	N17°50'35"W	92.62
L21	N24°09'05"W	95.48
L22	N0°19'15"E	43.04
L23	N13°26'58"E	60.00
L24	S88°56'46"E	251.30

CURVE TABLE					
CURVE	RADIUS	LENGTH	DELTA	CHORD BRG	CHORD
C1	1005.37'	195.10'	11°07'06"	N15°35'37"W	194.79'
C2	1960.08'	102.58'	2°59'55"	N22°39'07"W	102.57'
C3	2864.79'	537.49'	10°45'00"	S81°55'31"E	536.71'

LEGEND

- FOUND 5/8-INCH REBAR
- ⊙ FOUND LEAD PLUG/TACK
- ⊙ FOUND AXLE
- △ CALCULATED POINT
- SECTION LINE
- PARCEL BOUNDARY LINE
- ADJACENT BOUNDARY LINE

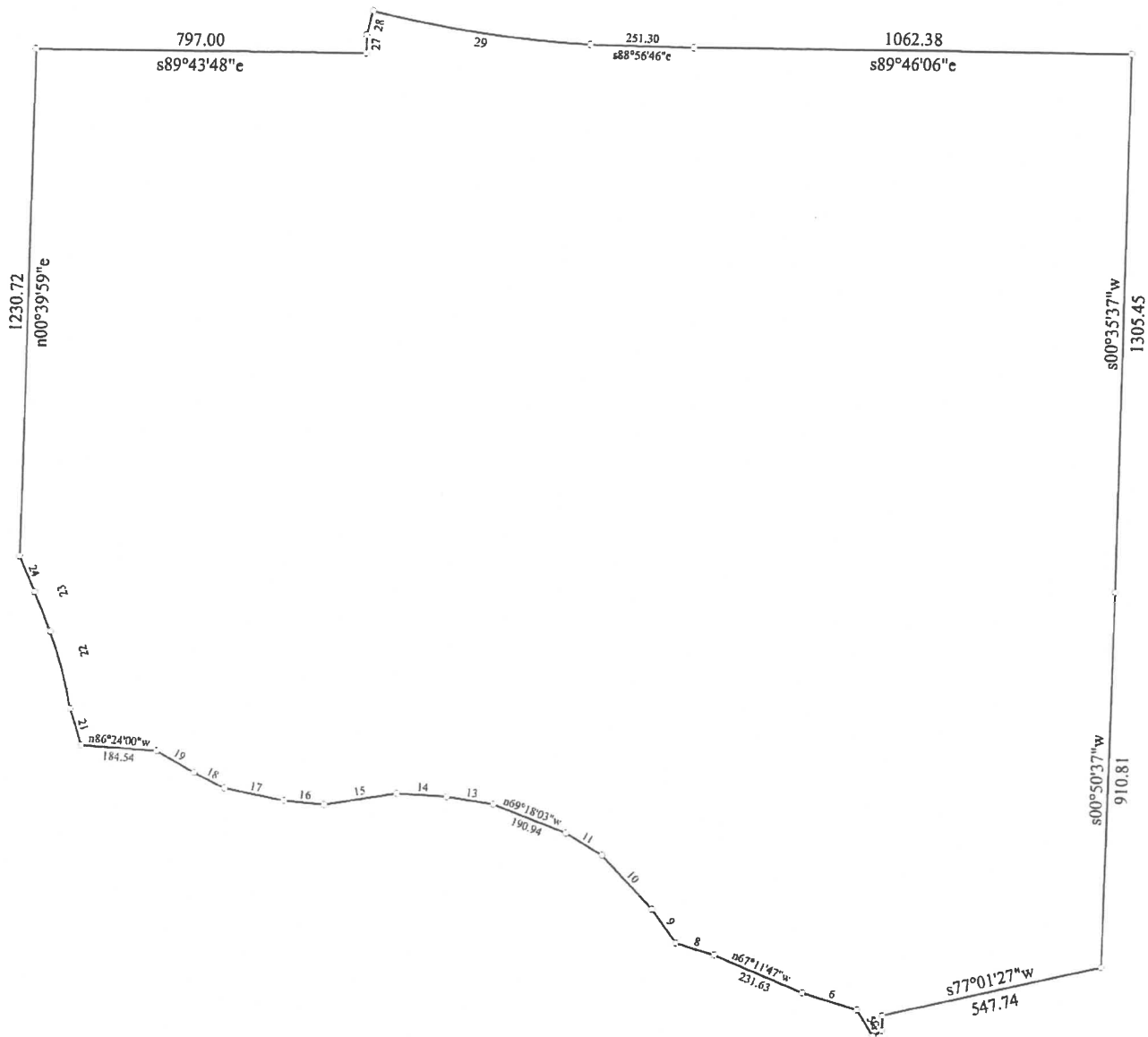
**Exhibit B - City of Middleton Annexation
Proposed River Ranch Crossing Subdivision**

A portion of the NW 1/4 and a portion of Gov Lots 3
and 4 of Sec. 8, T.4N., R.2W., B.M., Canyon County, Idaho

DATE: June 2021
PROJECT: 19-053

SHEET: 2 OF 2





Title: 19-053 City of Middleton Annexation

Date: 06-16-2021

Scale: 1 inch = 400 feet

File: Deed Plotter.des

Tract 1: 121.370 Acres: 5286866 Sq Feet: Closure = n13.1329e 0.01 Feet: Precision = 1/802202: Perimeter = 9440 Feet

001=s00.5037w 910.81
 002=s77.0127w 547.74
 003=s00.3822w 36.14
 004=s58.2619w 26.45
 005=n31.4033w 75.41
 006=n73.1546w 138.24
 007=n67.1147w 231.63
 008=n73.0340w 96.44
 009=n36.3141w 100.89
 010=n43.2433w 178.25
 011=n59.1917w 105.49

012=n69.1803w 190.94
 013=n81.0808w 113.30
 014=n86.4220w 122.08
 015=s80.2515w 176.98
 016=n84.2506w 95.29
 017=n78.4112w 146.46
 018=n63.1514w 81.61
 019=n60.5155w 107.72
 020=n86.2400w 184.54
 021=n17.5035w 92.62
 022: Lt, R=1005.37, Delta=11.0706
 Bng=n15.3537w, Chd=194.79

023: Lt, R=1960.08, Delta=-02.5955
 Bng=n22.3907w, Chd=102.57
 024=n24.0905w 95.48
 025=n00.3959e 1230.72
 026=s89.4348e 797.00
 027=n00.1915e 43.04
 028=n13.2658e 60.00
 029: Lt, R=2864.79, Delta=10.4500
 Bng=s81.5531e, Chd=536.71
 030=s88.5646e 251.30
 031=s89.4606e 1062.38
 032=s00.3537w 1305.45

Exhibit "B"
Legal Description for C-3 Zone

June 23, 2021
Project No. 19-053
Watkins Properties, L.P.
Hess Properties, LLC

EXHIBIT "B"
Legal Description for
Rezone to C-3
Proposed River Ranch Crossing Subdivision

A parcel of land being a portion of the Northwest 1/4 and a portion of Government Lot 4 of Section 8, Township 4 North, Range 2 West, Boise Meridian, Canyon County, Idaho, and being more particularly described as follows:

Commencing at a found lead plug and tack marking the Center 1/4 corner of said Section 8, which bears S89°30'32"E a distance of 2,657.54 feet from a found axle marking the West 1/4 corner of said Section 8, thence following the easterly line of said Northwest 1/4, N00°35'37"E a distance of 868.38 feet to the **POINT OF BEGINNING**.

Thence leaving said easterly line, 132.45 feet along the arc of a circular curve to the left, said curve having a radius of 200.00 feet, a delta angle of 37°56'40", a chord bearing of N71°19'53"W and a chord distance of 130.04 feet;

Thence S89°41'47"W a distance of 689.03 feet;

Thence 25.90 feet along the arc of a circular curve to the right, said curve having a radius of 510.00 feet, a delta angle of 02°54'36", a chord bearing of N88°52'53"W and a chord distance of 25.90 feet;

Thence N86°58'01"W a distance of 90.02 feet;

Thence N87°23'37"W a distance of 481.57 feet;

Thence 176.43 feet along the arc of a circular curve to the left, said curve having a radius of 510.00 feet, a delta angle of 19°49'14", a chord bearing of S82°41'45"W and a chord distance of 175.55 feet;

Thence S72°47'08"W a distance of 161.47 feet;

Thence 156.85 feet along the arc of a circular curve to the right, said curve having a radius of 510.00 feet, a delta angle of 17°37'18", a chord bearing of S81°35'47"W and a chord distance of 156.24 feet;

Thence N89°35'33"W a distance of 425.15 feet;

Thence 93.98 feet along the arc of a circular curve to the left, said curve having a radius of 60.00 feet, a delta angle of 89°44'27", a chord bearing of S45°32'13"W and a chord distance of 84.66 feet;

Thence S00°39'59"W a distance of 429.69 feet;

Thence 177.90 feet along the arc of a circular curve to the left, said curve having a radius of 200.00 feet, a delta angle of 50°57'52", a chord bearing of S24°48'56"E and a chord distance of 172.09 feet;

Thence S50°17'52"E a distance of 138.86 feet;

Thence 40.13 feet along the arc of a circular curve to the right, said curve having a radius of 200.00 feet, a delta angle of 11°29'42", a chord bearing of S44°33'01"E and a chord distance of 40.06 feet;

Thence S38°48'10"E a distance of 411.92 feet;

Thence S51°11'50"W a distance of 25.00 feet;

Thence S00°35'37"W a distance of 277.20 feet;

Thence N84°25'06"W a distance of 72.65 feet;

Thence N78°41'12"W a distance of 146.46 feet;

Thence N63°15'14"W a distance of 81.61 feet;

Thence N60°51'55"W a distance of 107.72 feet;

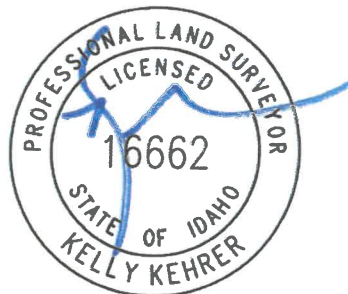
Thence N86°24'00"W a distance of 184.54 feet;
Thence N17°50'35"W a distance of 92.62 feet;
Thence 195.10 feet along the arc of a circular curve to the left, said curve having a radius of 1,005.37 feet, a delta angle of 11°07'06", a chord bearing of N15°35'37"W and a chord distance of 194.79 feet;
Thence 102.58 feet along the arc of a circular curve to the left, said curve having a radius of 1,960.08 feet, a delta angle of 02°59'55", a chord bearing of N22°39'07"W and a chord distance of 102.57 feet;
Thence N24°09'05"W a distance of 95.48 feet to the westerly line of said Northwest 1/4;
Thence following said westerly line, N00°39'59"E a distance of 1,230.72 feet;
Thence S89°43'48"E a distance of 797.00 feet;
Thence N00°19'15"E a distance of 43.04 feet to the southerly right-of-way line of State Highway 44;
Thence N13°26'58"E a distance of 60.00 feet to the centerline of said State Highway 44;
Thence following said centerline the following three (3) courses:
1. 537.49 feet along the arc of a circular curve to the left, said curve having a radius of 2,864.79 feet, a delta angle of 10°45'00", a chord bearing of S81°55'31"E and a chord distance of 536.71 feet;
2. S88°56'46"E a distance of 251.30 feet;
3. S89°46'06"E a distance of 1,062.38 feet to the easterly line of said Northwest 1/4;

Thence leaving said centerline and following said easterly line, S00°35'37"W a distance of 437.07 feet to the **POINT OF BEGINNING**.

Said parcel contains 38.243 acres, more or less, and is subject to all existing easements and/or rights-of-way of record.

All subdivisions, deeds, record of surveys, and other instruments of record referenced herein are recorded documents of the county in which these described lands are situated in.

Attached hereto is **Exhibit B** and by this reference is hereby made a part hereof.



6/23/21

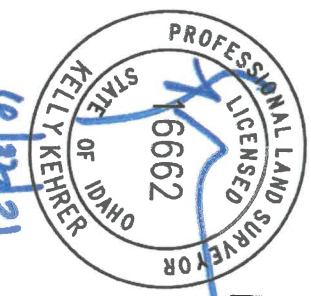
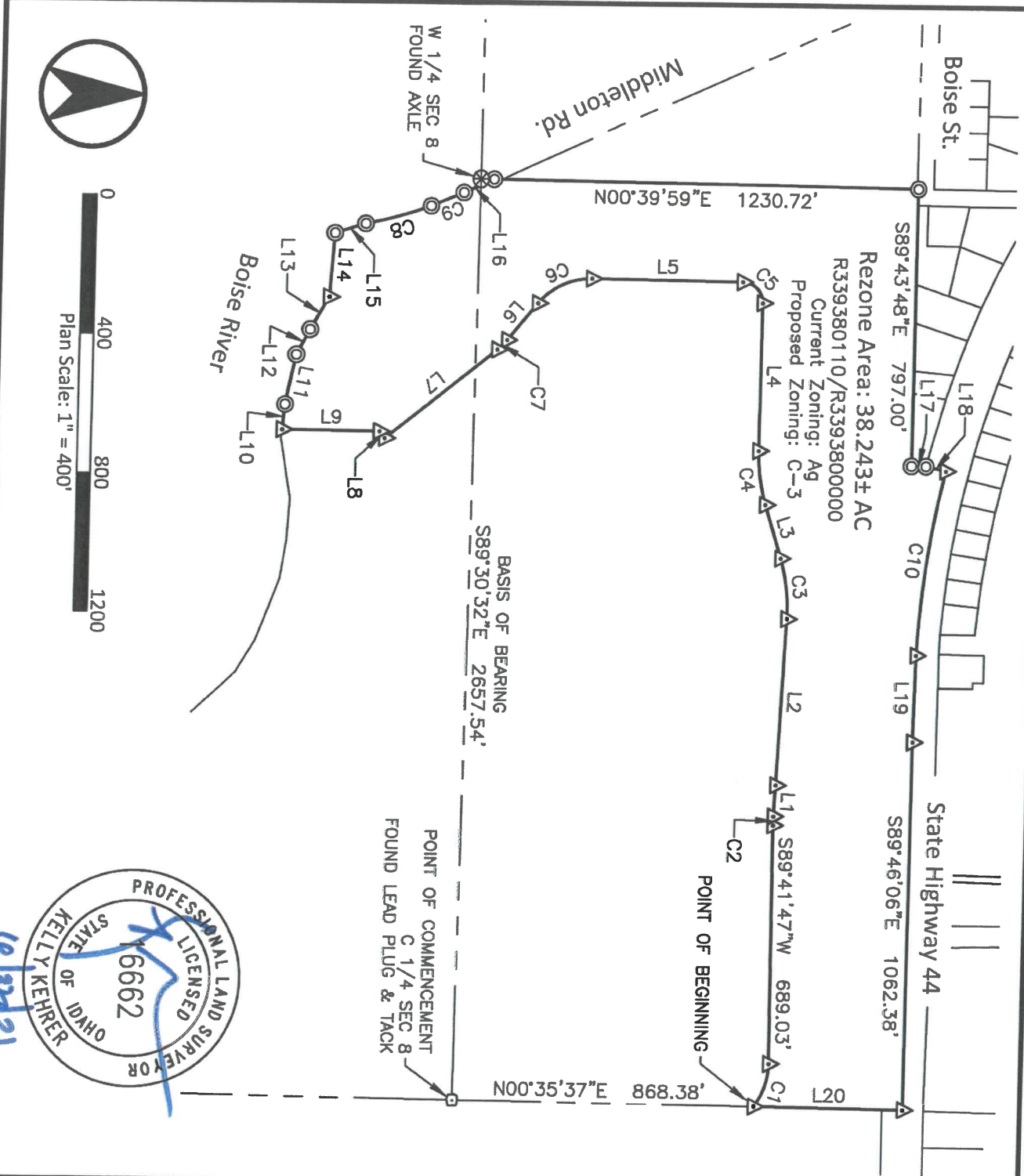


Exhibit B - Rezone to C-3
 Proposed River Ranch Crossing Subdivision

Situated in a portion of the NW 1/4 and a portion of Gov. Lot 4 of
 Sec. 8, T.4N., R.2W., B.M., Canyon County, Idaho

DATE:	June 2021
PROJECT:	19-053
SHEET:	1 OF 2

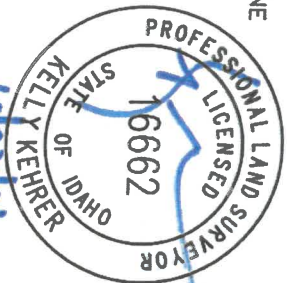
Km
 ENGINEERING
 5725 NORTH DISCOVERY WAY
 BOISE, IDAHO 83713
 PHONE (208) 639-6939
 kmeng@ip.com

LINE TABLE		
LINE	BEARING	DISTANCE
L1	N86°58'01"W	90.02
L2	N87°23'37"W	481.57
L3	S72°47'08"W	161.47
L4	N89°35'33"W	425.15
L5	S0°39'59"W	429.69
L6	S60°17'52"E	138.86
L7	S38°48'10"E	411.92
L8	S51°11'50"W	25.00
L9	S0°35'37"W	277.20
L10	N84°25'06"W	72.65
L11	N78°41'12"W	146.46
L12	N63°15'14"W	81.61
L13	N60°51'55"W	107.72
L14	N86°24'00"W	184.54
L15	N17°50'35"W	92.62
L16	N24°09'05"W	95.48
L17	N0°19'15"E	43.04
L18	N13°26'58"E	60.00
L19	S88°56'46"E	251.30
L20	S0°35'37"W	437.07

CURVE TABLE					
CURVE	RADIUS	LENGTH	DELTA	CHORD BRG	CHORD
C1	200.00'	132.45'	37°56'40"	N71°19'53"W	130.04'
C2	510.00'	25.90'	2°54'36"	N88°52'53"W	25.90'
C3	510.00'	176.43'	19°49'14"	S82°41'45"W	175.55'
C4	510.00'	156.85'	17°37'18"	S81°35'47"W	156.24'
C5	60.00'	93.98'	89°44'27"	S45°32'13"W	84.66'
C6	200.00'	177.90'	50°57'52"	S24°48'56"E	172.09'
C7	200.00'	40.13'	11°29'42"	S44°33'01"E	40.06'
C8	1005.37'	195.10'	11°07'06"	N15°35'37"W	194.79'
C9	1960.08'	102.58'	2°59'55"	N22°39'07"W	102.57'
C10	2864.79'	537.49'	10°45'00"	S81°55'31"E	536.71'

LEGEND

- ⊙ FOUND 5/8-INCH REBAR
- FOUND LEAD PLUG/TACK
- ⊗ FOUND AXLE
- △ CALCULATED POINT
- SECTION LINE
- PARCEL BOUNDARY LINE
- ADJACENT BOUNDARY LINE



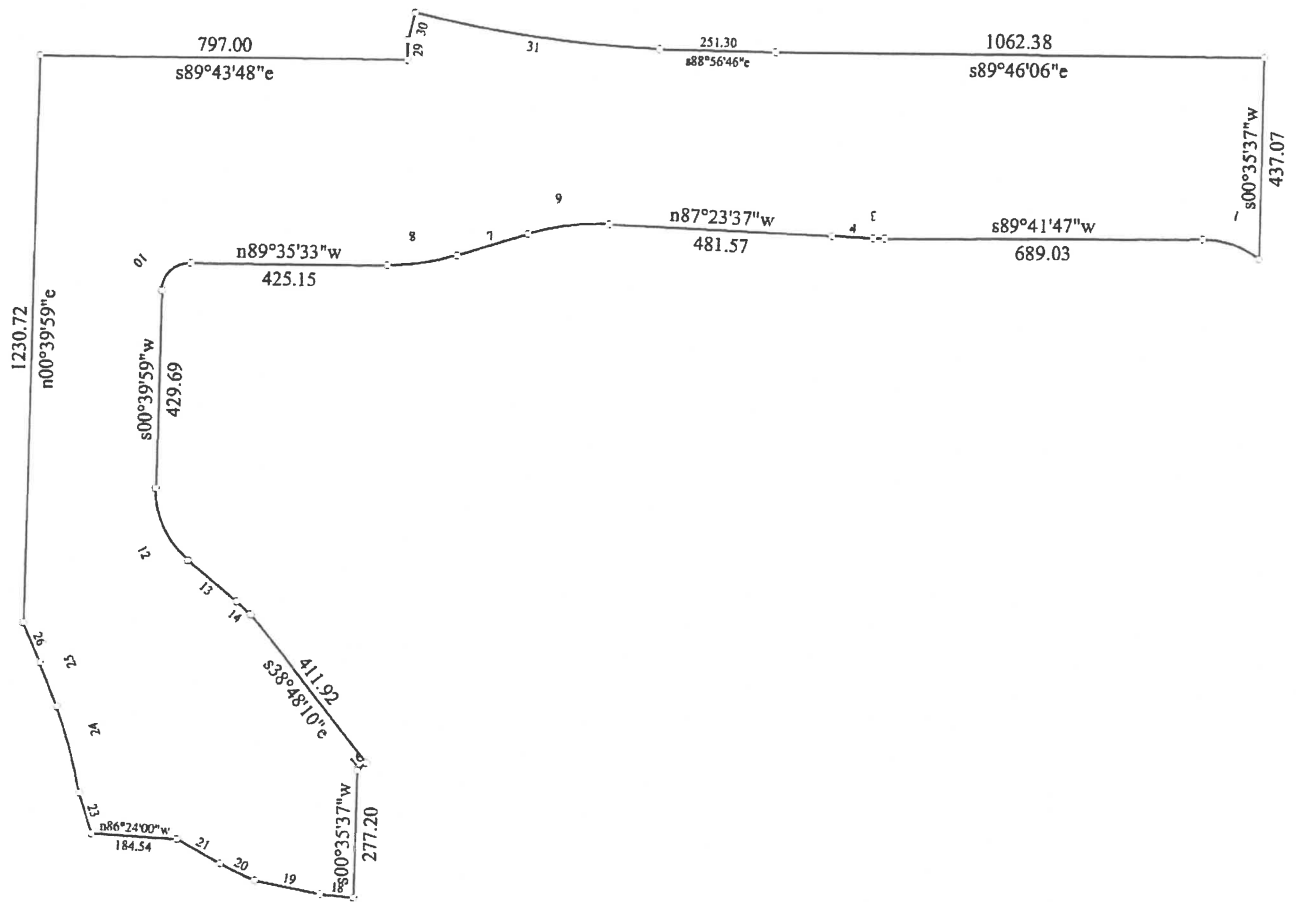
**Exhibit B - Rezone to C-3
Proposed River Ranch Crossing Subdivision**

Situated in a portion of the NW 1/4 and a portion of Gov. Lot 4 of
Sec. 8, T.4N., R.2W., B.M., Canyon County, Idaho

DATE: June 2021
PROJECT: 19-053

SHEET: 2 OF 2

Km
ENGINEERING
5725 NORTH DISCOVERY WAY
BOISE, IDAHO 83713
PHONE (208) 639-6939
kmen@kjp.com



Title: 19-053 Rezone C-3		Date: 06-15-2021
Scale: 1 inch = 400 feet	File: Deed Plotter.des	
Tract 1: 38.243 Acres: 1665855 Sq Feet: Closure = n48.0048e 0.01 Feet: Precision >1/999999: Perimeter = 9431 Feet		
001: Lt, R=200.00, Delta=37.5640 Bng=n71.1953w, Chd=130.04 002=s89.4147w 689.03 003: Rt, R=510.00, Delta=02.5436 Bng=n88.5253w, Chd=25.90 004=n86.5801w 90.02 005=n87.2337w 481.57 006: Lt, R=510.00, Delta=19.4914 Bng=s82.4145w, Chd=175.55 007=s72.4708w 161.47 008: Rt, R=510.00, Delta=17.3718 Bng=s81.3547w, Chd=156.24 009=n89.3533w 425.15 010: Lt, R=60.00, Delta=89.4427 Bng=s45.3213w, Chd=84.66 011=s00.3959w 429.69 012: Lt, R=200.00, Delta=50.5752 Bng=s24.4856e, Chd=172.09	013=s50.1752e 138.86 014: Rt, R=200.00, Delta=11.2942 Bng=s44.3301e, Chd=40.06 015=s38.4810e 411.92 016=s51.1150w 25.00 017=s00.3537w 277.20 018=n84.2506w 72.65 019=n78.4112w 146.46 020=n63.1514w 81.61 021=n60.5155w 107.72 022=n86.2400w 184.54 023=n17.5035w 92.62 024: Lt, R=1005.37, Delta=11.0706 Bng=n15.3537w, Chd=194.79	025: Lt, R=1960.08, Delta=02.5955 Bng=n22.3907w, Chd=102.57 026=n24.0905w 95.48 027=n00.3959e 1230.72 028=s89.4348e 797.00 029=n00.1915e 43.04 030=n13.2658e 60.00 031: Lt, R=2864.79, Delta=10.4500 Bng=s81.5531e, Chd=536.71 032=s88.5646e 251.30 033=s89.4606e 1062.38 034=s00.3537w 437.07

Exhibit "C"
Legal Description for M-U Zone



June 3, 2021
Project No. 19-053
Watkins Properties, L.P.
Hess Properties, LLC

EXHIBIT "C"

Legal Description for Rezone to M-U Proposed River Ranch Crossing Subdivision

A parcel of land being a portion of the Northwest 1/4 and the Southwest 1/4 of Section 8, Township 4 North, Range 2 West, Boise Meridian, Canyon County, Idaho, and being more particularly described as follows:

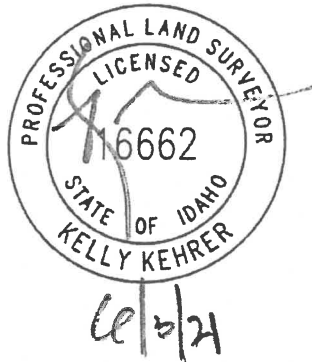
Commencing at a found lead plug and tack marking the Center 1/4 corner of said Section 8, which bears S89°30'32"E a distance of 2,657.54 feet from a found axle marking the West 1/4 corner of said Section 8, thence following the easterly line of said Northwest 1/4, N00°35'37"E a distance of 377.41 feet to the **POINT OF BEGINNING**.

Thence leaving said easterly line, S50°17'05"W a distance of 178.86 feet;
Thence N29°32'52"W a distance of 116.25 feet;
Thence 200.87 feet along the arc of a circular curve to the left, said curve having a radius of 200.00 feet, a delta angle of 57°32'41", a chord bearing of N58°19'12"W, and a chord distance of 192.53 feet;
Thence N87°05'33"W a distance of 1,107.15 feet;
Thence 32.88 feet along the arc of a circular curve to the right, said curve having a radius of 405.00 feet, a delta angle of 04°39'07", a chord bearing of N84°45'59"W, and a chord distance of 32.87 feet;
Thence N82°26'26"W a distance of 216.64 feet;
Thence 289.27 feet along the arc of a circular curve to the left, said curve having a radius of 200.00 feet, a delta angle of 82°52'12", a chord bearing of S56°07'28"W, and a chord distance of 264.71 feet;
Thence S14°41'22"W a distance of 190.15 feet;
Thence 253.20 feet along the arc of a circular curve to the right, said curve having a radius of 400.00 feet, a delta angle of 36°16'06", a chord bearing of S32°49'25"W, and a chord distance of 248.99 feet;
Thence N38°48'10"W a distance of 88.36 feet;
Thence 40.13 feet along the arc of a circular curve to the left, said curve having a radius of 200.00 feet, a delta angle of 11°29'42", a chord bearing of N44°33'01"W, and a chord distance of 40.06 feet;
Thence N50°17'52"W a distance of 138.86 feet;
Thence 177.90 feet along the arc of a circular curve to the right, said curve having a radius of 200.00 feet, a delta angle of 50°57'52", a chord bearing of N24°48'56"W, and a chord distance of 172.09 feet;
Thence N00°39'59"E a distance of 429.69 feet;
Thence 93.98 feet along the arc of a circular curve to the right, said curve having a radius of 60.00 feet, a delta angle of 89°44'27", a chord bearing of N45°32'13"E, and a chord distance of 84.66 feet;
Thence S89°35'33"E a distance of 425.15 feet;
Thence 156.85 feet along the arc of a circular curve to the left, said curve having a radius of 510.00 feet, a delta angle of 17°37'18", a chord bearing of N81°35'47"E, and a chord distance of 156.24 feet;
Thence N72°47'08"E a distance of 161.47 feet;
Thence 176.43 feet along the arc of a circular curve to the right, said curve having a radius of 510.00 feet, a delta angle of 19°49'14", a chord bearing of N82°41'45"E, and a chord distance of 175.55 feet;
Thence S87°23'37"E a distance of 481.57 feet;
Thence S86°58'01"E a distance of 90.02 feet;

Thence 25.90 feet along the arc of a circular curve to the left, said curve having a radius of 510.00 feet, a delta angle of $02^{\circ}54'36''$, a chord bearing of $S88^{\circ}52'53''E$, and a chord distance of 25.90 feet;
Thence $N89^{\circ}41'47''E$ a distance of 689.03 feet;
Thence 132.45 feet along the arc of a circular curve to the right, said curve having a radius of 200.00 feet, a delta angle of $37^{\circ}56'40''$, a chord bearing of $S71^{\circ}19'53''E$, and a chord distance of 130.04 feet to the easterly line of said Northwest 1/4;
Thence following said easterly line, $S00^{\circ}35'37''W$ a distance of 490.96 feet to the **POINT OF BEGINNING**.

Said parcel contains 25.927 acres, more or less, and is subject to all existing easements and/or rights-of-way of record.

All subdivisions, deeds, record of surveys, and other instruments of record referenced herein are recorded documents of the county in which these described lands are situated in.



~~PRINTED~~

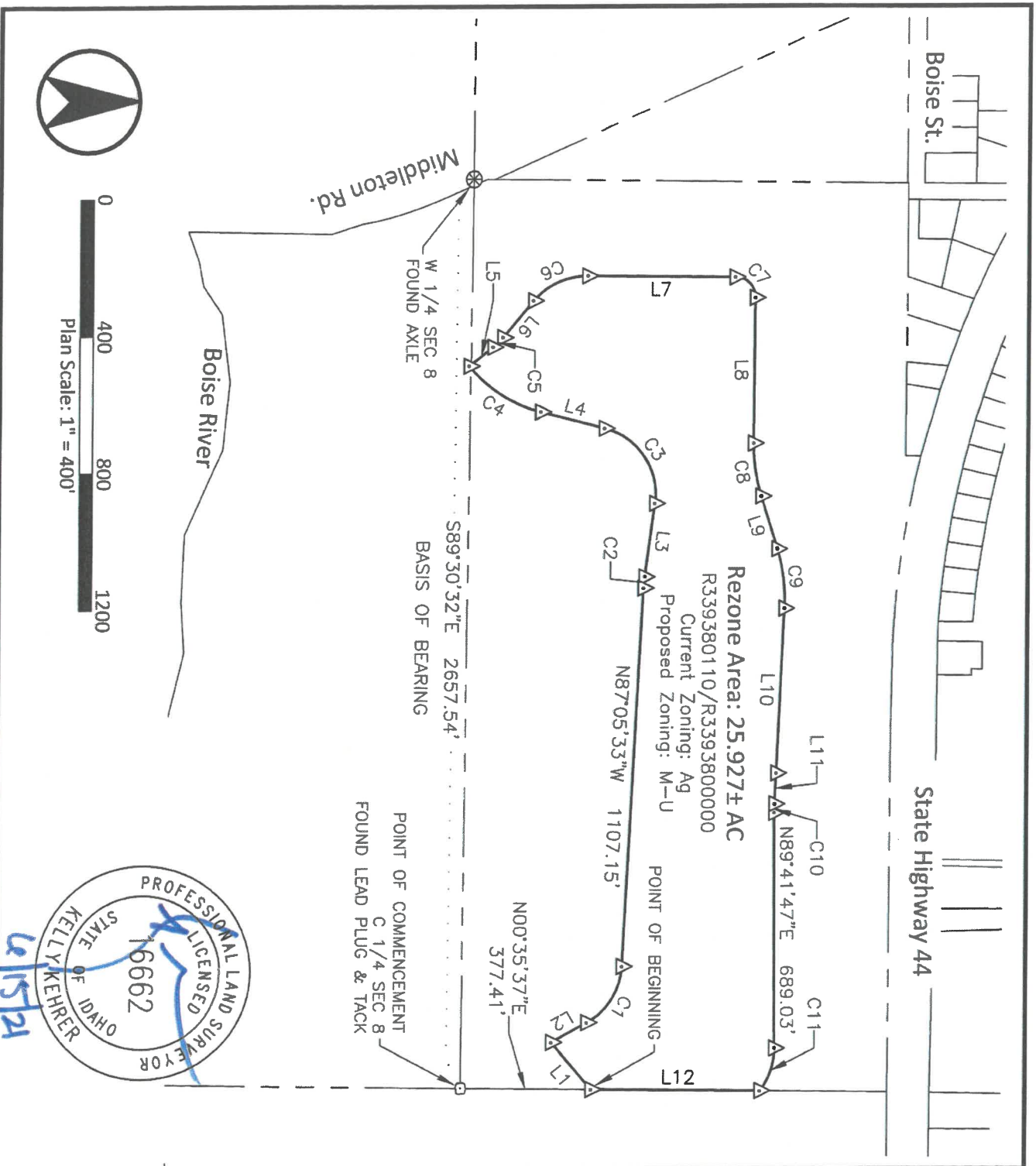


	Exhibit B - Rezone to M-U Proposed River Ranch Crossing Subdivision	
	Situated in a portion of the NW 1/4 and the SW 1/4 of Sec. 8, T.4N., R.2W., B.M., Canyon County, Idaho	
DATE: June 2021 PROJECT: 19-053	SHEET: 1 OF 2	K&M ENGINEERING 5725 NORTH DISCOVERY WAY BOISE, IDAHO 83713 PHONE (208) 639-6939 kmeng@idp.com

LINE TABLE		
LINE	BEARING	DISTANCE
L1	S50°17'05"W	178.86
L2	N29°32'52"W	116.25
L3	N82°26'26"W	216.64
L4	S14°41'22"W	190.15
L5	N38°48'10"W	88.36
L6	N50°17'52"W	138.86
L7	N0°39'59"E	429.69
L8	S89°35'33"E	425.15
L9	N72°47'08"E	161.47
L10	S87°23'37"E	481.57
L11	S86°58'01"E	90.02
L12	N0°35'37"E	490.96

CURVE TABLE						
CURVE	RADIUS	LENGTH	DELTA	CHORD BRG	CHORD	
C1	200.00'	200.87'	57°32'41"	N58°19'12"W	192.53'	
C2	405.00'	32.88'	4°39'07"	N84°45'59"W	32.87'	
C3	200.00'	289.27'	82°52'12"	S56°07'28"W	264.71'	
C4	400.00'	253.20'	36°16'06"	S32°49'25"W	248.99'	
C5	200.00'	40.13'	11°29'42"	N44°33'01"W	40.06'	
C6	200.00'	177.90'	50°57'52"	N24°48'56"W	172.09'	
C7	60.00'	93.98'	89°44'27"	N45°32'13"E	84.66'	
C8	510.00'	156.85'	17°37'18"	N81°35'47"E	156.24'	
C9	510.00'	176.43'	19°49'14"	N82°41'45"E	175.55'	
C10	510.00'	25.90'	2°54'36"	S88°52'53"E	25.90'	
C11	200.00'	132.45'	37°56'40"	S71°19'53"E	130.04'	

LEGEND

- ⊙ FOUND 5/8-INCH REEBAR
- ⊙ FOUND LEAD PLUG/TACK
- ⊙ FOUND AXLE
- △ CALCULATED POINT
- SECTION LINE
- PARCEL BOUNDARY LINE
- ADJACENT BOUNDARY LINE



**Exhibit B - Rezone to M-U
Proposed River Ranch Crossing Subdivision**

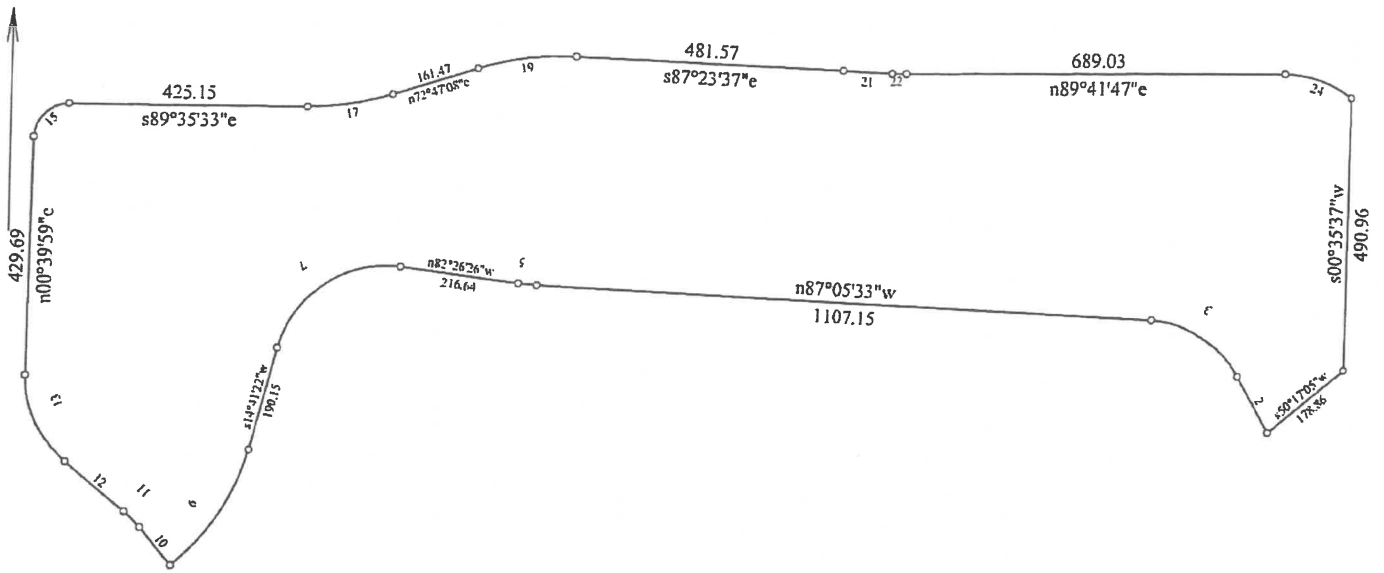
Situated in a portion of the NW 1/4 and the SW 1/4 of
Sec. 8, T.4N., R.2W., B.M., Canyon County, Idaho

DATE: June 2021
PROJECT: 19-053

SHEET: 2 OF 2

km
ENGINEERING
5725 NORTH DISCOVERY WAY
BOISE, IDAHO 83713
PHONE (208) 639-6939
kmenr@ip.com

32



Title: 19-053 Rezone to M-U

Date: 06-03-2021

Scale: 1 inch = 320 feet

File: Deed Plotter.des

Tract 1: 25.927 Acres: 1129374 Sq Feet: Closure = s37.1807w 0.01 Feet: Precision >1/999999: Perimeter = 6384 Feet

001=s50.1705w 178.86

002=n29.3252w 116.25

003: Lt, R=200.00, Delta=57.3241
Bng=n58.1912w, Chd=192.53

004=n87.0533w 1107.15

005: Rt, R=405.00, Delta=04.3907
Bng=n84.4559w, Chd=32.87

006=n82.2626w 216.64

007: Lt, R=200.00, Delta=82.5212
Bng=s56.0728w, Chd=264.71

008=s14.4122w 190.15

009: Rt, R=400.00, Delta=36.1606
Bng=s37.4925w, Chd=248.99

010=n38.4810w 88.36

011: Lt, R=200.00, Delta=11.2942
Bng=n44.3301w, Chd=40.06

012=n50.1752w 138.86

013: Rt, R=200.00, Delta=50.5752
Bng=n24.4856w, Chd=172.09

014=n00.3959e 429.69

015: Rt, R=60.00, Delta=89.4427
Bng=n45.3213e, Chd=84.66

016=s89.3533e 425.15

017: Lt, R=510.00, Delta=17.3718
Bng=n81.3547e, Chd=156.24

018=n72.4708e 161.47

019: Rt, R=510.00, Delta=19.4914
Bng=n82.4145e, Chd=175.55

020=s87.2337e 481.57

021=s86.5801e 90.02

022: Lt, R=510.00, Delta=02.5436
Bng=s88.5253e, Chd=25.90

023=n89.4147e 689.03

024: Rt, R=200.00, Delta=37.5640
Bng=s71.1953e, Chd=130.04

025=s00.3537w 490.96

Exhibit "D"
Legal Description for R-2 Zone

June 3, 2021
Project No. 19-053
Watkins Properties, L.P.
Hess Properties, LLC

EXHIBIT "D"
Legal Description for
Rezone to R-2
Proposed River Ranch Crossing Subdivision

A parcel of land being a portion of the Northwest 1/4 and the Southwest 1/4 of Section 8, Township 4 North, Range 2 West, Boise Meridian, Canyon County, Idaho, and being more particularly described as follows:

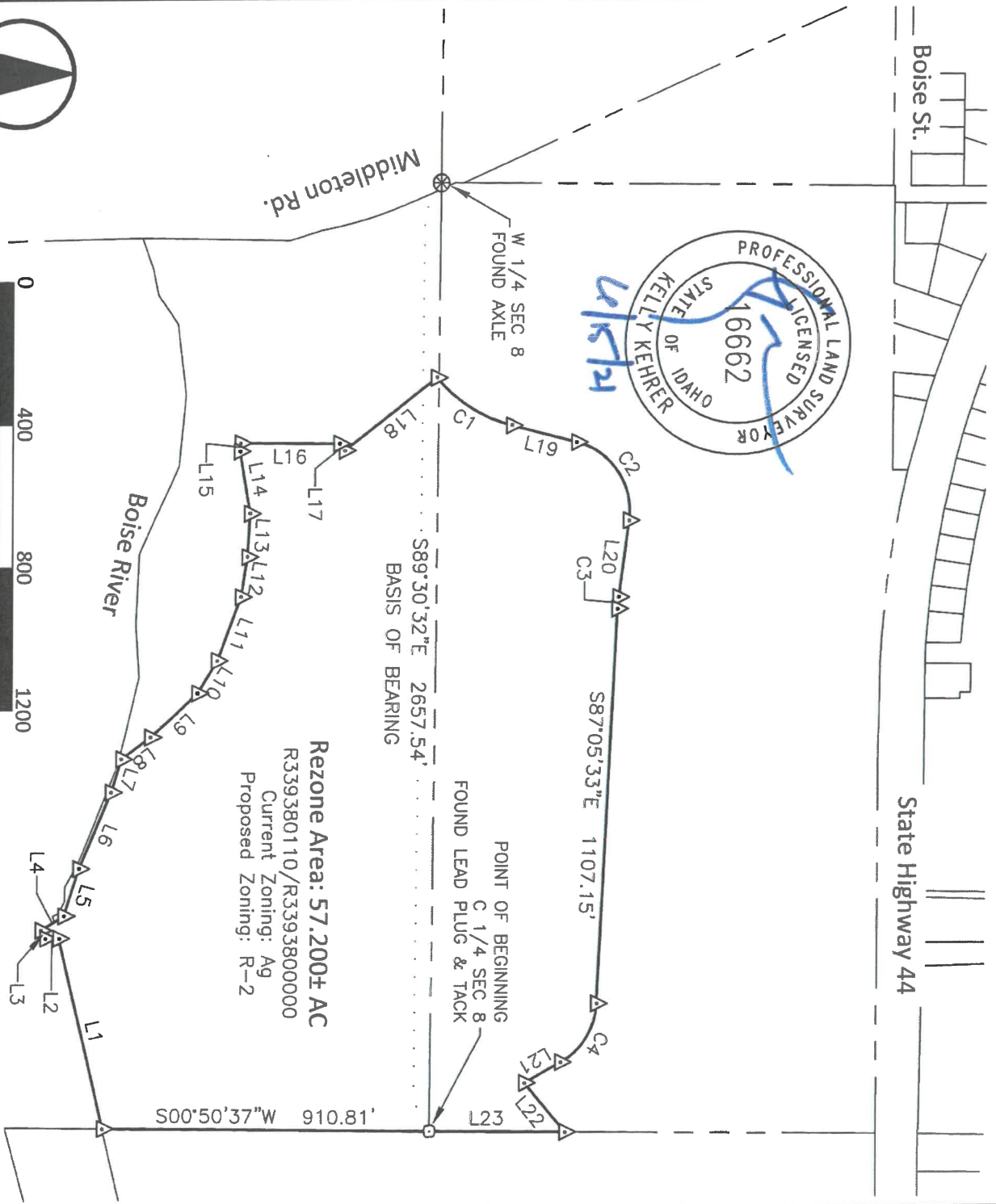
BEGINNING at a found lead plug and tack marking the Center 1/4 corner of said Section 8, which bears S89°30'32"E a distance of 2,657.54 feet from a found axle marking the West 1/4 corner of said Section 8; Thence following the easterly line of said Southwest 1/4, S00°50'37"W a distance of 910.81 feet; Thence S77°01'27"W a distance of 547.74 feet; Thence S00°38'22"W a distance of 36.14 feet; Thence S58°26'19"W a distance of 26.45 feet; Thence N31°40'33"W a distance of 75.41 feet; Thence N73°15'46"W a distance of 138.24 feet; Thence N67°11'47"W a distance of 231.63 feet; Thence N73°03'40"W a distance of 96.44 feet; Thence N36°31'41"W a distance of 100.89 feet; Thence N43°24'33"W a distance of 178.25 feet; Thence N59°19'17"W a distance of 105.49 feet; Thence N69°18'03"W a distance of 190.94 feet; Thence N81°08'08"W a distance of 113.30 feet; Thence N86°42'20"W a distance of 122.08 feet; Thence S80°25'15"W a distance of 176.98 feet; Thence N84°25'06"W a distance of 22.64 feet; Thence N00°35'37"E a distance of 277.20 feet; Thence N51°11'50"E a distance of 25.00 feet; Thence N38°48'10"W a distance of 323.57 feet; Thence 253.20 feet along the arc of a circular curve to the left, said curve having a radius of 400.00 feet, a delta angle of 36°16'06", a chord bearing of N32°49'25"E, and a chord distance of 248.99 feet; Thence N14°41'22"E a distance of 190.15 feet; Thence 289.27 feet along the arc of a circular curve to the right, said curve having a radius of 200.00 feet, a delta angle of 82°52'12", a chord bearing of N56°07'28"E, and a chord distance of 264.71 feet; Thence S82°26'26"E a distance of 216.64 feet; Thence 32.88 feet along the arc of a circular curve to the left, said curve having a radius of 405.00 feet, a delta angle of 04°39'07", a chord bearing of S84°45'59"E, and a chord distance of 32.87 feet; Thence S87°05'33"E a distance of 1,107.15 feet; Thence 200.87 feet along the arc of a circular curve to the right, said curve having a radius of 200.00 feet, a delta angle of 57°32'41", a chord bearing of S58°19'12"E, and a chord distance of 192.53 feet; Thence S29°32'52"E a distance of 116.25 feet; Thence N50°17'05"E a distance of 178.86 feet to the easterly line of said Southwest 1/4; Thence following said easterly line, S00°35'37"W a distance of 377.41 feet to the **POINT OF BEGINNING**.

Said parcel contains 57.200 acres, more or less, and is subject to all existing easements and/or rights-of-way of record.

All subdivisions, deeds, record of surveys, and other instruments of record referenced herein are recorded documents of the county in which these described lands are situated in.



6/3/21



Rezone Area: 57.200± AC
 R339380110/R3393800000
 Current Zoning: Ag
 Proposed Zoning: R-2

Exhibit B - Rezone to R-2
 Proposed River Ranch Crossing Subdivision

Situated in a portion of the NW 1/4 and the SW 1/4 of
 Sec. 8, T.4N., R.2W., B.M., Canyon County, Idaho

<p>K&M ENGINEERING 5725 NORTH DISCOVERY WAY BOISE, IDAHO 83713 PHONE (208) 539-6939 kmengllp.com</p>	DATE:	June 2021
	PROJECT:	19-053
	SHEET:	1 OF 2

37

LINE TABLE	
LINE	BEARING DISTANCE
L1	S77°01'27"W 547.74
L2	S0°38'22"W 36.14
L3	S58°26'19"W 26.45
L4	N31°40'33"W 75.41
L5	N73°15'46"W 138.24
L6	N67°11'47"W 231.63
L7	N73°03'40"W 96.44
L8	N36°31'41"W 100.89
L9	N43°24'33"W 178.25
L10	N59°19'17"W 105.49
L11	N69°18'03"W 190.94
L12	N81°08'08"W 113.30
L13	N86°42'20"W 122.08
L14	S80°25'15"W 176.98
L15	N84°25'06"W 22.64
L16	N0°35'37"E 277.20
L17	N51°11'50"E 25.00
L18	N38°48'10"W 323.57
L19	N14°41'22"E 190.15
L20	S82°26'26"E 216.64
L21	S29°32'52"E 116.25
L22	N50°17'05"E 178.86
L23	S0°35'37"W 377.41

CURVE TABLE					
CURVE	RADIUS	LENGTH	DELTA	CHORD BRG	CHORD
C1	400.00'	253.20'	36°16'06"	N32°49'25"E	248.99'
C2	200.00'	289.27'	82°52'12"	N56°07'28"E	264.71'
C3	405.00'	32.88'	4°39'07"	S84°45'59"E	32.87'
C4	200.00'	200.87'	57°32'41"	S58°19'12"E	192.53'

LEGEND

- ⊙ FOUND 5/8-INCH REBAR
- FOUND LEAD PLUG/TACK
- ⊗ FOUND AXLE
- △ CALCULATED POINT
- SECTION LINE
- ___ PARCEL BOUNDARY LINE
- - - ADJACENT BOUNDARY LINE



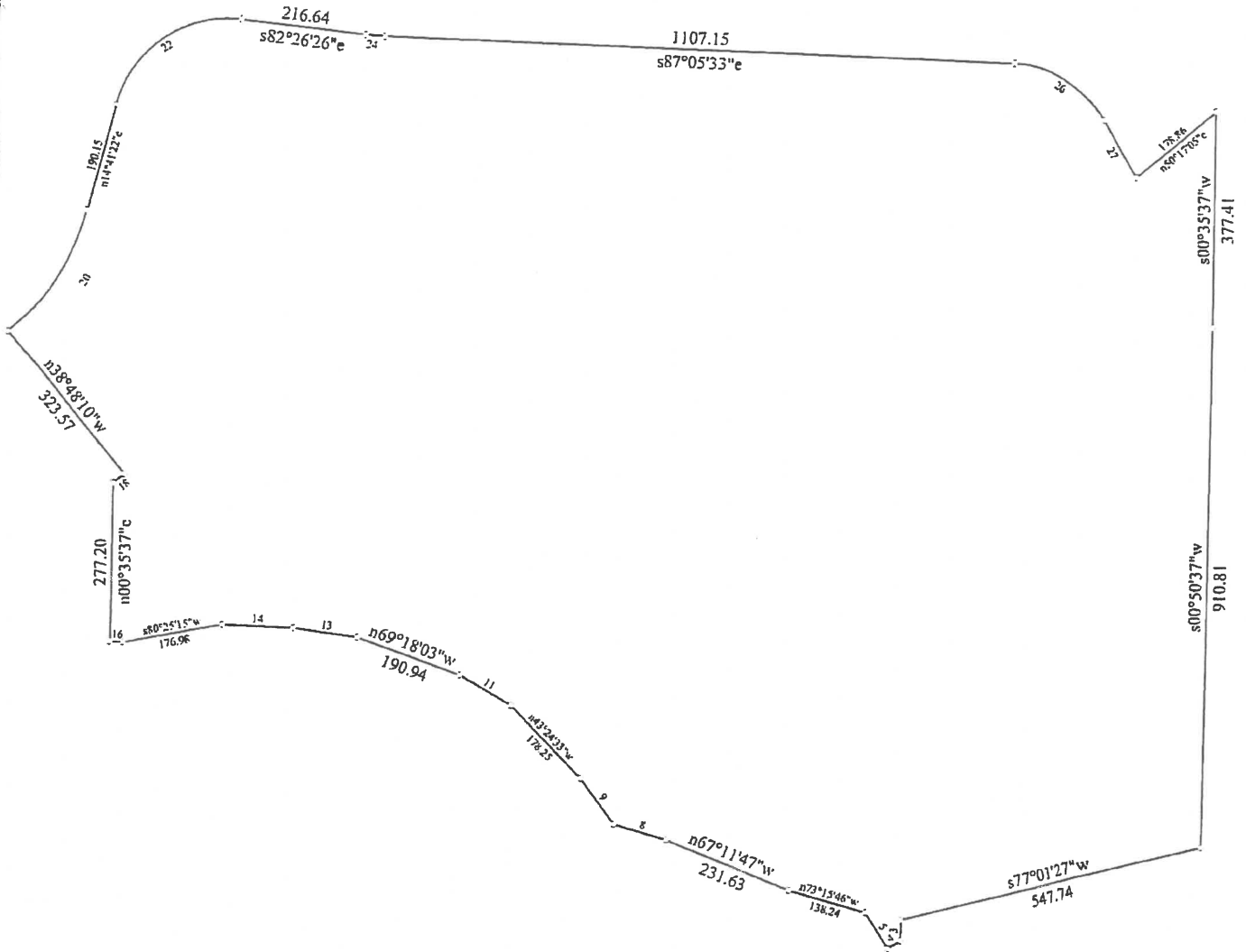
**Exhibit B - Rezone to R-2
Proposed River Ranch Crossing Subdivision**

Situated in a portion of the NW 1/4 and the SW 1/4 of
Sec. 8, T.4N., R.2W., B.M., Canyon County, Idaho

DATE: June 2021
PROJECT: 19-053

SHEET: 2 OF 2

K&M ENGINEERING
5725 NORTH DISCOVERY WAY
BOISE, IDAHO 83713
PHONE (208) 639-6939
krmengllp.com



Title: 19-053 Rezone to R-2		Date: 06-03-2021
Scale: 1 inch = 280 feet	File: Deed Plotter.des	
Tract 1: 57.200 Acres: 2491637 Sq Feet: Closure = s38.2811e 0.01 Feet: Precision = 1/697496: Perimeter = 6662 Feet		
001=s00.5037w 910.81	011=n59.1917w 105.49	021=n14.4122e 190.15
002=s77.0127w 547.74	012=n69.1803w 190.94	022: Rt. R=200.00, Delta=82.5212 Bng=n56.0728e, Chd=264.71
003=s00.3822w 36.14	013=n81.0808w 113.30	023=s82.2626e 216.64
004=s58.2619w 26.45	014=n86.4220w 122.08	024: Lt. R=405.00, Delta=04.3907 Bng=s84.4559e, Chd=32.87
005=n31.4033w 75.41	015=s80.2515w 176.98	025=s87.0533e 1107.15
006=n73.1546w 138.24	016=n84.2506w 22.64	026: Rt. R=200.00, Delta=57.3241 Bng=s58.1912e, Chd=192.53
007=n67.1147w 231.63	017=n00.3537e 277.20	027=s29.3252e 116.25
008=n73.0340w 96.44	018=n51.1150e 25.00	028=n50.1705e 178.86
009=n36.3141w 100.89	019=n38.4810w 323.57	029=s00.3537w 377.41
010=n43.2433w 178.25	020: Lt. R=400.00, Delta=36.1606 Bng=n32.4925e, Chd=248.99	

39

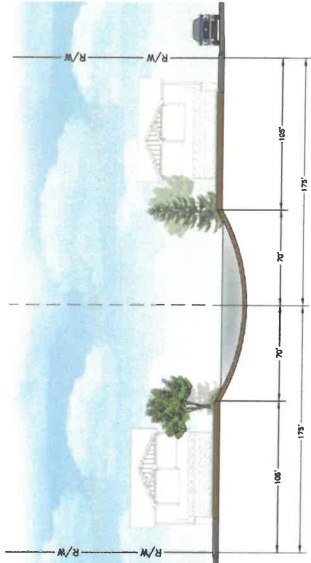
Exhibit "E"
Concept Plan

RWR

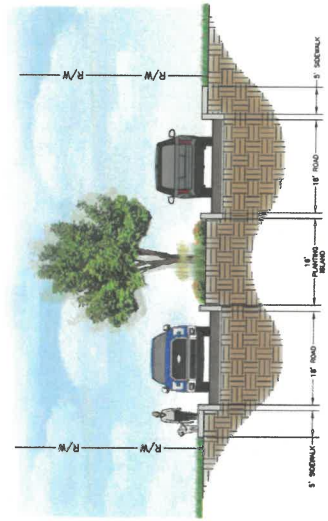
CONCEPTUAL, SUBJECT TO CHANGE



TYPICAL LOT SECTION



ENTRY BOULEVARD SECTION



After Recording, mail to
Middleton City Administrator
1103 W. Main St.
Middleton, ID 83644

**FIRST AMENDMENT TO DEVELOPMENT AGREEMENT
(River Walk Crossing Subdivision)**

This First Amendment to Development Agreement (“First Amendment”) is made and entered into this ___ day of _____, 20__ by and between the CITY OF MIDDLETON, a municipal corporation in the State of Idaho (**City**); and TRADITION CAPITAL PARTNERS LLC, an Idaho Limited Liability Company, HESS PROPERTIES LLC, an Idaho Limited Liability Company, WATKINS PROPERTIES LP, an Idaho Limited Partnership and RICHARD A. PORTER, an individual (hereinafter referred to collectively as “**Owner**”).

RECITALS

WHEREAS, Owner owns approximately 115 acres of real property located at 0 Hwy 44 (Tax Parcel Nos. R33938013 and R33938011), Middleton, Canyon County, Idaho, legally described in Exhibit A attached hereto and incorporated herein by this reference (**Property**); and

WHEREAS, Developer submitted applications for Annexation/Rezone, Development Agreement, and Preliminary Plat for the River Walk Crossing Subdivision (**Project**), which applications were approved by the Middleton City Council following a public hearing on October 6, 2021.

WHEREAS, the Development Agreement was fully-executed and recorded in the records of Canyon County Recorder’s Office as Instrument #2023-019842.

WHEREAS, Developer has submitted an application for Development Agreement Modification, thereby seeking approval of this First Amendment to Development Agreement.

**ARTICLE I
LEGAL AUTHORITY**

This Agreement is made pursuant to and in accordance with the provisions of Idaho Code §67-6511A and Middleton City Code, Title 5, Chapter 2.

**ARTICLE II
AGREEMENT**

NOW, THEREFORE, for good and valuable consideration, the receipt and sufficiency of which is hereby acknowledged, and in consideration of the recitals above, which are incorporated below, and the mutual covenants, representations, and performances herein bargained for, relied on, and expected, the parties hereby agree as follows:

1. *Article III Conditions of Development* shall be amended to add Paragraph 3.27 as follows:

***“3.27 Setbacks for R-2 Zone:** The front setback for single family homes located in the R-2 zone shall be a minimum of twenty feet (20’). The interior side setback and street side setback shall be a minimum of ten feet (10’).”*

2. **City Council Adoption.** The Middleton City Council hereby adopts this First Amendment to Development Agreement pursuant to Middleton City Code 5-2-5.
3. **Effect of Amendment.** In the event of a conflict between the Development Agreement and this First Amendment thereto, the terms of this First Amendment shall govern. The terms of the Development Agreement, as modified by this First Amendment, shall continue in full force and effect.

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

[Signatures on Following Pages]

CITY OF MIDDLETON

ATTEST

By: _____
Jackie L. Hutchinson, Mayor

By: _____
Becky Crofts, City Clerk

State of IDAHO)
 ss.
County of Canyon)

I, a notary public, do hereby certify that on this _____ day of _____, 2024,
personally appeared before me Jackie L. Hutchinson, who declared that she is the Mayor of
the City of Middleton, Idaho and signed this Development Agreement as Mayor of the City of
Middleton.

Notary Public
My Commission Expires: _____

TRADITION CAPITAL PARTNERS LLC:

By: _____

State of IDAHO)

ss.

County of _____)

I, a notary public, do hereby certify that on this _____ day of _____, 2024, personally appeared before me _____, who, being first duly sworn, declared that he is the _____ for Tradition Capital Partners LLC and signed on behalf of Tradition Capital Partners LLC.

Notary Public
My Commission Expires: _____

HESS PROPERTIES LLC:

By: _____

State of IDAHO)

ss.

County of _____)

I, a notary public, do hereby certify that on this _____ day of _____, 2024, personally appeared before me _____, who, being first duly sworn, declared that he is the _____ for Hess Properties LLC and signed on behalf of Hess Properties LLC.

Notary Public

My Commission Expires: _____

RICHARD A. PORTER:

State of IDAHO)

ss.

County of _____)

I, a notary public, do hereby certify that on this _____ day of _____, 2024, personally appeared before me Richard A. Porter, who being first duly sworn, declared that he is the signatory on this document.

Notary Public
My Commission Expires: _____

WATKINS PROPERTIES LP:

By: _____

State of IDAHO)

ss.

County of _____)

I, a notary public, do hereby certify that on this _____ day of _____, 2024, personally appeared before me _____, who, being first duly sworn, declared that he is the _____ for Watkins Properties LP and signed on behalf of Watkins Properties LP.

Notary Public

My Commission Expires: _____

EXHIBIT "A"

Legal Description

Exhibit “C”



STAFF REVIEW AND REPORT

Middleton Planning and Zoning Commission

Zamco Technologies Variance Application (21987 Middleton Rd – Tax Parcel No. R34075015)



- A. **Planning & Zoning Commission Hearing Date:** February 12, 2024
- B. **Project Description & Application Request:** Application by Zamco Technologies and Richard Wilmot for variance to MCC 5-4-7(3) to allow Applicants to submit a surety to cover the estimated cost of unfinished improvements to Middleton Road frontage.

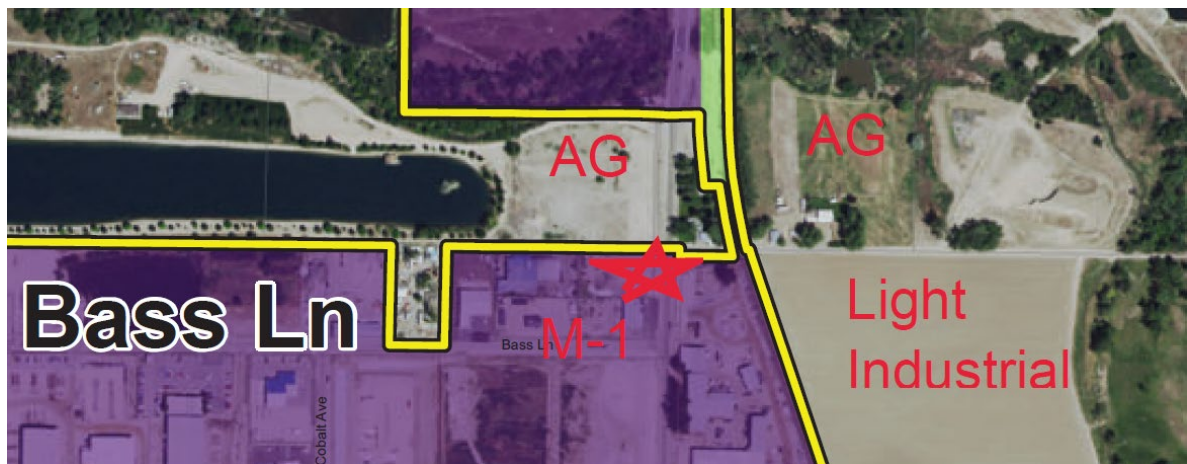
In 2023, Applicant applied to the City for a building permit to build a new Zamco Technologies building at 21987 Middleton Road. City issued the building permit, and the new building has been under construction for a number of months.

As part of the building permit conditions, Zamco must improve the portion of Middleton Road fronting the Zamco parcel to add expanded travel lanes, curb/gutter and sidewalk. Idaho Power, however, installed a number of new power poles this past spring, one of which was installed in the area Zamco was to construct new Middleton Road frontage improvements. Zamco attempted to stop Idaho Power's work to no avail. However, since installation, Idaho Power has determined that it made an error, and it has promised Zamco that it will relocate the power pole at no cost to Zamco or the City.

Idaho Power has not yet moved the power pole, and Zamco is stalled "at the mercy" of Idaho Power's timeline. Zamco cannot finish the road frontage work; therefore, it cannot ask the city for a Certificate of Occupancy even though most of the other work on the building and site is completed.

Zamco is requesting that City allow it to bond for the unfinished Middleton Road frontage work so the City can issue it a Temporary Certificate of Occupancy when all the other building permit requirements are completed. This will allow Zamco to move into its new building and start running its business. When Idaho Power removes the power pole and Zamco completes its Middleton Road Frontage improvements, the City will then issue a permanent Certificate of Occupancy for the building.

- C. Current Zoning & Property Condition:** The property is within city limits and zoned M-1 (Light Industrial). The lot is surrounded by County property zoned "Agricultural to the north and County property zoned Light Industrial to the east. Property to the south and west is within City limits and zoned M-1 (Light Industrial).



The new Zamco building is almost constructed on site, but it is standing vacant waiting for final touches and a certificate of occupancy.

- D. City Services:** City sewer and water are adjacent to the site and readily available.

- E. Variance Request:** City Code allows bonding for unfinished construction work, but only if it involves landscaping, irrigation or fencing. (MCC 5-4-7(A)(3)). Zamco is seeking to bond for unfinished road improvements, but the Code has no provisions for that type of bond. However, the City Code does allow for a variance to code when a hardship is presented as a result of something not the Applicant's doing.

MCC 1-15-6 sets forth the procedures and standards for variance requests. A variance allows an adjustment or special exception to the code in those circumstances where an owner would be deprived of a privilege commonly enjoyed by other lot owners because of some special circumstance on the owner's lot. The Planning & Zoning Commission is the governing body that approves the variance request. The request does not go to City Council for consideration.

Pursuant to MCC 1-16-6, Planning & Zoning may approve a variance request after considering the following standards and findings:

1. Whether there are extraordinary site characteristics applicable to the property that do not generally apply to other similar properties in the zone.
2. Whether a literal interpretation of the code will result in a hardship to applicant or result in an inability to enjoy privileges enjoyed by owners of similar properties in the zone.
3. Whether granting the variance will not constitute a special privilege to the owner inconsistent with the privileges enjoyed by owners of similarly zoned properties.
4. Whether granting the variance will not be detrimental to the public health, safety and welfare or injure any other property or improvements in the vicinity.

Attached as Exhibit "A" is an estimate of \$120,336.00 to cover the costs to construct the unfinished portions of Middleton Road. City Engineer has approved the estimate as accurate. When a bond is allowed by Code, City Code requires a bond to be 200 times the estimated costs of construction. Applying that same principle to Zamco's request, the submitted bond should total \$240,672. (Attached as Exhibit "A" is a copy of the approved estimate for roadway construction costs.)

Staff Findings:

Staff recommends approval of Zamco's variance request. Staff finds that there is an extraordinary site characteristic that does not apply to other similarly situated lots. Idaho Power's mistake in locating the power pole in the City's future right of way is unexpected and difficult to work around. Zamco did not contribute to the circumstance and is not at fault in any way. If Zamco is not allowed to bond, its finished building could remain vacant for an indefinite period of time waiting for Idaho Power to return to the site to remove the pole. Zamco would be unfairly delayed as a result of someone else's mistake. Allowing Zamco to bond for the road work so it can start operating out of its new building will not grant Zamco any special privileges not enjoyed by others nor will it pose a risk to the public health, safety and welfare of the surrounding site.

- F. **Comments Received from Surrounding Landowners:** None
- G. **Comments from Agencies:** See Exhibit “B”
- H. **Comments from City Engineer and Planning Staff:** None.
- I. **Applicant Information:** Zamco Technologies / Brandon Nicholls & Richard Wilmot of Chrysalis Architecture. 21995 Middleton Road, Caldwell, 83605. The application was accepted on January 8, 2024.

J. Notices & Neighborhood Meeting:	Dates:
Newspaper Notification	01/28/2024
Radius notification to landowners	01/24/2024
Circulation to Agencies	01/24/2024
Sign Posting property	01/24/2024
Neighborhood Meeting	12/11/2024

K. Pertinent Codes and Standards:
 Idaho Standards for Public Works Construction, the Middleton Supplement to the Idaho standards for Public Works Construction, Middleton City Code 1-3, 1-14, 1-15, 5-1, 5-2, 5-3 and 5-4 and Idaho Code Title 67, Chapter 65.

L. Conclusions and Recommended Conditions of Approval:
 Per State law and the Middleton City Code, any final order must be based upon findings of facts and conclusions of law.

As to Findings of Facts, Planning Staff has set forth findings of facts above in parentheses.

As to Conclusions of Law, Planning Staff finds that the Planning & Zoning Commission has the authority to hear the application and to approve or deny the Variance application, with or without conditions. Additionally, Planning Staff notes that all public notice requirements were met. Planning Staff further set forth the portions of the Idaho State Code and Middleton City Code to be considered in making an order on the application.

If the Commission is inclined to approve the Variance Application, Staff recommends the following conditions of approval:

1. The bond for the unfinished road work shall be 200% of the approved estimated amount. Total bond amount is \$240,672.00.

2. The bond must be in the form of a cashier's check only. The cashier's check cannot state an expiration date, which means it will be "cashable" so long as the bank exists.
3. No Temporary Certificate of Occupancy will be issued until City Engineer formally signs-off that Applicant has completed all civil improvements other than the Middleton Road improvements.
4. No Temporary Certificate of Occupancy will be issued until the Planning Department signs off that Zamco has complied with all zoning requirements (parking, design elements...etc.,) other than the Middleton Road improvements.
5. No Temporary Certificate of Occupancy will be issued until the City Building Official formally signs off that Zamco has completed all building structure requirements in compliance with the building permit.
6. Idaho Power pole removal and Middleton Road frontage work must be completed and accepted by the City by December 31, 2024. If it is not, City will revoke the temporary C of O and Zamco will not be able occupy the new Zamco building from that date forward. If extenuating circumstances exist, the Planning & Zoning Official may extend the period for completion up to one year (or December 31, 2025) if Zamco makes an administrative request in writing prior to December 31, 2024.

If the Commission denies the application, the Commission must state what steps the applicant can take to obtain approval. (MCC 1-15-6(C))

EXHIBIT "A"

Approved Estimated Cost of Unfinished Roadwork

DRAFT

S MIDDLETON ROAD - ZAMCO FRONTAGE ESTIMATE OF QUANTITY/COST

ITEM	Quantity	Unit	Unit Cost	Total
Mobilization	1	LS	\$ -	\$ 12,033.67
Subbase	505	ton	\$ 20.00	\$ 10,092.60
Base	216	ton	\$ 30.00	\$ 6,488.10
Pavement	109	ton	\$ 140.00	\$ 15,251.04
Path concrete	116	SY	\$ 50.00	\$ 5,800.00
curb/gutter	135	lf	\$ 75.00	\$ 10,125.00
stormwater management swale	135	lf	\$ 100.00	\$ 13,500.00
curb drain	2	ea	\$ 1,500.00	\$ 3,000.00
ped ramps	1	ea	\$ 3,000.00	\$ 3,000.00
utility adjustment/collar	3	ea	\$ 500.00	\$ 1,500.00
striping/signage	1	LS	\$ 5,000.00	\$ 5,000.00
traffic control	1	LS	\$ 10,000.00	\$ 10,000.00
testing	1	LS	\$ 1,500.00	\$ 1,500.00
staking	1	ea	\$ 2,500.00	\$ 2,500.00
SWPP	1	ea	\$ 1,000.00	\$ 1,000.00
On site concrete		LS	\$ 31,580.00	\$ 31,580.00
				\$ 120,336.74

EXHIBIT "B"
Agency Comments

From: [Chris Hopper](#)
To: [Roberta Stewart](#)
Cc: [Lenny Riccio](#); [Tyler Hannes](#)
Subject: RE: Zamco Variance - Agency Notice
Date: Wednesday, January 24, 2024 3:42:43 PM
Attachments: [image003.png](#)

Roberta-

HD4 would support the request to allow bonding of frontage improvements by Zamco Technologies.

This request would:

- Allow additional time for coordination between the Zamco and Bass Lane Storage projects, who are both constructing improvements to Middleton Rd frontage.
- Allow the two project developers to reach a consensus on design of their frontage improvements to assure drainage and other necessary roadway features are properly constructed.
- Allow for construction of both project frontages at the same time, which will greatly improve ride quality, pavement life, and minimize impacts to the public.

Respectfully,

Chris Hopper, P.E.

District Engineer



Highway District No. 4

15435 Hwy 44

Caldwell, Idaho 83607

208-454-8135

From: Roberta Stewart <rstewart@middletoncity.com>

Sent: Wednesday, January 24, 2024 3:22 PM

To: akrantz@msd134.org; MStowell@ccparamedics.com; gis@compassidaho.org; deann.gerthung@canyoncounty.id.gov; MYbarguen@idahopower.com; D3Development.services@ITD.idaho.gov; gmprdjulie@gmail.com; permits@starfirerescue.org; monica.taylor@intgas.com; Mitch.Kiester@phd3.idaho.gov; westerninfo@idwr.idaho.gov; zoninginfo@canyoncounty.id.gov; Richard@cityofcaldwell.org; lisa.boyd@vallivue.org; jenny.titus@vallivue.org; joseph.palmer@vallivue.org; Lenny Riccio <lriccio@hwydistrict4.org>; Chris Hopper <chopper@hwydistrict4.org>; aperry@cityofcaldwell.org; Jamie.macleod@sparklight.biz

Subject: Zamco Variance - Agency Notice

Hello all: attached is the agency notice for a variance request submitted by Zamco Technologies to bond for unfinished frontage work on Middleton Road. The application packet is also attached for your convenience.

Roberta L. Stewart

PLANNING & ZONING OFFICIAL
City of Middleton, Planning & Zoning
1103 W. Main St.
P.O. Box 487
Middleton, ID 83644

Tele - (208) 585-3133
Fax – (208) 585-9601
rstewart@middletoncity.com

www.middleton.id.gov



From: [Niki Benyakhlef](#)
To: [Roberta Stewart](#)
Subject: RE: Zamco Variance - Agency Notice
Date: Friday, February 2, 2024 12:00:17 PM
Attachments: [image001.png](#)

Hello Roberta –

After careful review of the transmittal submitted to ITD on January 24, 2024, regarding Zamco Variance, the Department has no comments or concerns to make at this time. This Variance request is not on a state facility.

Thank you,



Niki Benyakhlef
Development Services Coordinator

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

From: Roberta Stewart <rstewart@middletoncity.com>
Sent: Wednesday, January 24, 2024 3:22 PM
To: akrantz@msd134.org; MStowell@ccparamedics.com; gis@compassidaho.org; deann.gerthung@canyoncounty.id.gov; MYbarguen@idahopower.com; D3 Development Services <D3Development.Services@itd.idaho.gov>; gmprdjulie@gmail.com; permits@starfirerescue.org; monica.taylor@intgas.com; Mitch.Kiester@phd3.idaho.gov; westerninfo@idwr.idaho.gov; zoninginfo@canyoncounty.id.gov; lrichard@cityofcaldwell.org; lisa.boyd@vallivue.org; jenny.titus@vallivue.org; joseph.palmer@vallivue.org; Iriccio@canyonhd4.org; chopper@canyonhd4.org; aperry@cityofcaldwell.org; Jamie.macleod@sparklight.biz
Subject: Zamco Variance - Agency Notice

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

Hello all: attached is the agency notice for a variance request submitted by Zamco Technologies to bond for unfinished frontage work on Middleton Road. The application packet is also attached for your convenience.

Roberta L. Stewart

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Zamco Variance

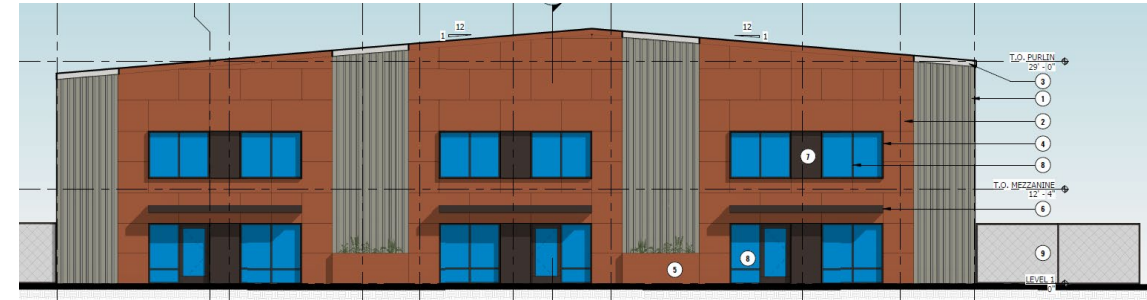


Project Description

This is an application by Zamco Technologies and Richard Wilmot for variance to MCC 5-4-7(3) to allow Applicants to submit a surety bond to cover the estimated cost of unfinished improvements to Middleton Road frontage.

In 2023, Applicant applied to the City for a building permit to build a new Zamco Technologies building at 21987 Middleton Road. City issued the building permit, and the new building has been under construction for a number of months.

As part of the building permit conditions, Zamco must improve the portion of Middleton Road fronting the Zamco parcel to add expanded travel lanes, curb/gutter and sidewalk. Idaho Power, however, installed a number of new power poles this past spring, one of which was installed in the area Zamco was to construct new Middleton Road frontage improvements. Zamco attempted to stop Idaho Power's work to no avail. However, since installation, Idaho Power has determined that it made an error, and it has promised Zamco that it will relocate the power pole at no cost to Zamco or the City.



Project Description

Idaho Power has not yet moved the power pole, and Zamco is stalled “at the mercy” of Idaho Power’s timeline. Zamco cannot finish the road frontage work; therefore, it cannot ask the city for a Certificate of Occupancy even though the other work on the building site will be completed in the near future.

Zamco is requesting that City allow it to bond for the unfinished Middleton Road frontage work so the City can issue it a Temporary Certificate of Occupancy when all the other building permit requirements are completed. This will allow Zamco to move into its new building and start running its business. When Idaho Power removes the power pole and Zamco completes its Middleton Road Frontage improvements, the City will then issue a permanent Certificate of Occupancy for the building.



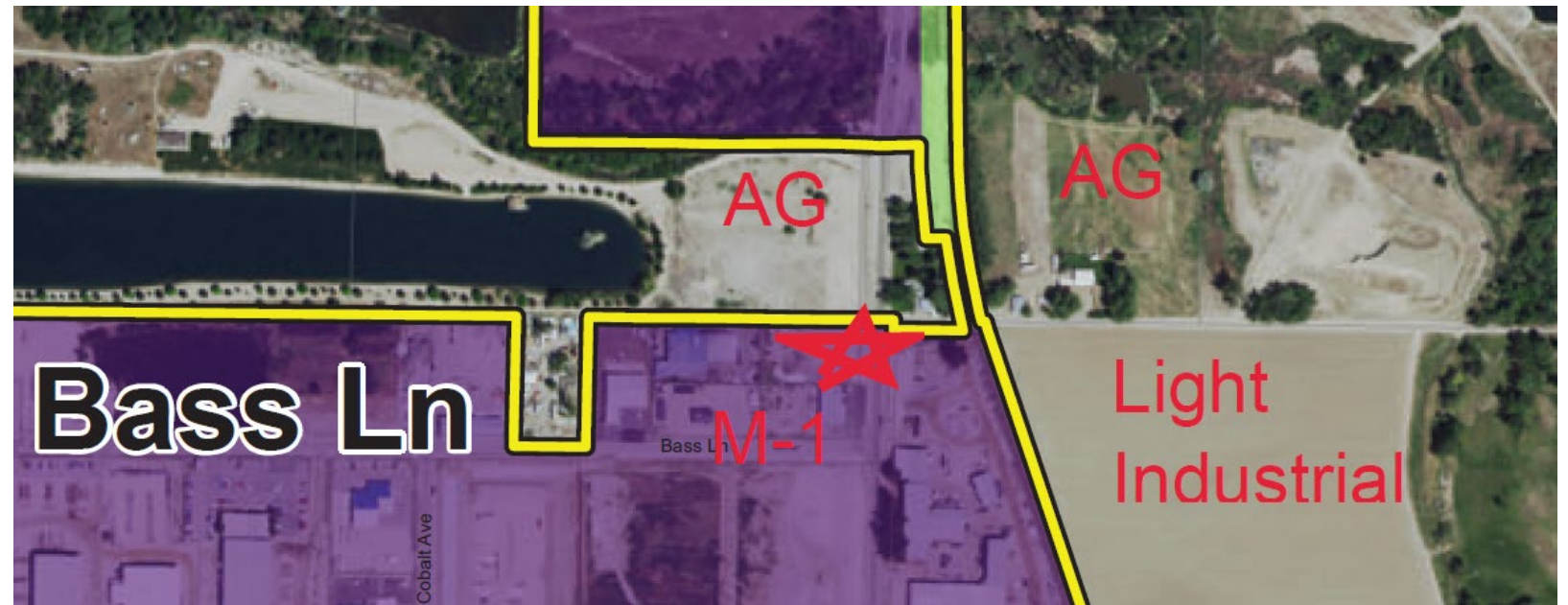


Site Conditions & Zoning

Zoning & Site Conditions:

The property is within city limits and zoned M-1 (Light Industrial).

City sewer and water are adjacent to the site and readily available.





Variance Request

City Code allows bonding for unfinished construction work, but only if it involves landscaping, irrigation or fencing. (MCC 5-4-7(A)(3)). Zamco is seeking to bond for unfinished road improvements. City Code will allow P&Z to grant a variance to the bonding code when a hardship is presented.

Per MCC 1-15-6, a variance allows an adjustment or special exception to the code in those circumstances where an owner would be deprived of a privilege commonly enjoyed by other lot owners because of some special circumstance on the owner's lot. The Planning & Zoning Commission is the governing body that approves the variance request. The request does not go to City Council for consideration.

Pursuant to MCC 1-15-6, Planning & Zoning may approve a variance request after considering the following standards and findings:

1. Whether there are extraordinary site characteristics applicable to the property that do not generally apply to other similar properties in the zone.
2. Whether a literal interpretation of the code will result in a hardship to applicant or result in an inability to enjoy privileges enjoyed by owners of similar properties in the zone.
3. Whether granting the variance will not constitute a special privilege to the owner inconsistent with the privileges enjoyed by owners of similarly zoned properties.
4. Whether granting the variance will not be detrimental to the public health, safety and welfare or injure any other property or improvements in the vicinity.



Variance Request

Attached as Exhibit "A" to the staff report and agenda is an estimate of \$120,336.00 to cover the costs to construct the unfinished portions of Middleton Road. City Engineer has approved the estimate as accurate. When a bond is allowed by Code, City Code requires a bond to be 200 times the estimated costs of construction. Applying that same principle to Zamco's request, the submitted bond should total \$240,672.

Staff Findings:

Staff recommends approval of Zamco's variance request. Staff finds that there is an extraordinary site characteristic that does not apply to other similarly situated lots. Idaho Power's mistake in locating the power pole in the City's future right of way was unexpected and difficult to work around. Zamco did not contribute to the circumstance and is not at fault in any way. If Zamco is not allowed to bond, its finished building could remain vacant for an indefinite period of time waiting for Idaho Power to return to the site to remove the pole. Zamco would be unfairly delayed as a result of someone else's mistake. Allowing Zamco to bond for the road work so it can start operating out of its new building will not grant Zamco any special privileges not enjoyed by others nor will it pose a risk to the public health, safety and welfare of the surrounding site.



Comments Received from Surrounding Landowners: None

Comments from Agencies: See Exhibit "B"

Applicant Information: Zamco Technologies / Brandon Nicholls & Richard Wilmot of Chrysalis Architecture. 21995 Middleton Road, Caldwell, 83605. The application was accepted on January 8, 2024.

Notices & Neighborhood Meeting:

Dates:

Newspaper Notification	01/28/2024
Radius notification to landowners	01/24/2024
Circulation to Agencies	01/24/2024
Sign Posting property	01/24/2024
Neighborhood Meeting	12/11/2024

Pertinent Codes and Standards: MCC 1-15-6 and 5-4-7(3)

Conclusions and Recommended Conditions of Approval

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

As to Findings of Facts, Planning Staff has set forth findings of facts above in parentheses.

As to Conclusions of Law, Planning Staff finds that the Planning & Zoning Commission has the authority to hear the application and to approve or deny the Variance application, with or without conditions. Additionally, Planning Staff notes that all public notice requirements were met. Planning Staff further set forth the portions of the Code to be considered in making an order on the application.

If the Commission is inclined to approve the Variance Application, Staff recommends the following conditions of approval:

1. The bond for the unfinished road work shall be 200% of the approved estimated amount. Total bond amount is \$240,672.00.
2. The bond must be in the form of a cashier's check only. The cashier's check cannot state an expiration date, which means it will be "cashable" so long as the bank exists.
3. No Temporary Certificate of Occupancy will be issued until City Engineer formally signs-off that Applicant has completed all civil improvements other than the Middleton Road improvements.
4. No Temporary Certificate of Occupancy will be issued until the Planning Department signs off that Zamco has complied with all zoning requirements (parking, design elements...etc.,) other than the Middleton Road improvements.
5. No Temporary Certificate of Occupancy will be issued until the City Building Official formally signs off that Zamco has completed all building structure requirements in compliance with the building permit.
6. Idaho Power pole removal and Middleton Road frontage work must be completed and accepted by the City by December 31, 2024. If it is not, City will revoke the temporary C of O and Zamco will not be able occupy the new Zamco building from that date forward. If extenuating circumstances exist, the Planning & Zoning Official may extend the period for completion up to one year (or December 31, 2025) if Zamco makes an administrative request in writing prior to December 31, 2024.

If the Commission denies the application, the Commission must state what steps the applicant can take to obtain approval. (MCC 1-15-6(C))

2



Application by City of Middleton to amend the Comprehensive Plan Maps to show the Idaho Transportation Department Alternate Bypass.

February 12, 2024 - Planning & Zoning Public Hearing

Please check

Name	Address	Phone or Email	Please check			
			In Favor	Neutral	Opposed	Testify
Gary Winkelman	8485 New Castle	g.wink@middletonid.com	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Kathleen Winkelman	" " "	" "	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Tony Burkhardt	22792 S 21st Ave W		<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Noella Burkhardt	✓ ✓ ✓		<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Dafrick Edwards	578 Stanley Lake St	602-295-2558	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Jackie Grayson	24503 Lansing Ln	208-739-1563	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Bart Grayson	24503 Lansing	208-830-9692	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
CAROL AMANO	359 E. ROSELAKE	208-867-1829	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
RICH AMANO	359 E ROSELAKE	208 867 1829	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Howard Rankin	551 TH ST.	425-422-6844	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
MIKE GRAEFE	1827 RIDGE WAY	208-527-6277	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

791052

#2



Application by City of Middleton to amend the Comprehensive Plan Maps to show the Idaho Transportation Department Alternate Bypass.

February 12, 2024 - Planning & Zoning Public Hearing

Please check

Name	Address	Phone or Email	Please check			
			In Favor	Neutral	Opposed	Testify
Gary Brown	23593 Lansing Lane		X			X
Carol + Dave Barr	25114 Lansing	208407-7013	✓			
Don Reynolds						
Don Reynolds	2152 E Walnut Ave Cr	208 965 5225			X	X
Karen Tennant	13651 Hwy 44	208-602-3422			X	
Josh Shackelford	262 W Moran St	208-859-8313	✓			
Chris Anderson	8973 New Castle Dr HI	QJA9466@GMAIL .COM	✓			
Joe Strongone	9617 Golden Willow St	925 321 0110	✓			

PSA
1559
2052

#5



by Brandon Nicholls/Zamco Technologies and Chrysalis Architecture for variance to MCC 5-4-7 with respect to a parcel located at 21987 Middleton Road

February 12, 2024 - Planning & Zoning Public Hearing

Please check

Name	Address	Phone or Email	In Favor	Neutral	Opposed	Testify
Jackie Grayson	24503 LANSING LN	208-739-1562	✓			
Carol & Dave Bass	25114 Lansing	208-407-7013	✓			
JOSH SUAREZ	262 W MORAY ST	208-859-8312	✓			
Therese Denham	on record	208-505-7675	✓		✓	✓



Public Comment

February 12, 2024 - Planning & Zoning Meeting

Name	Address	Phone or Email	Topic
John + Deborah Schmidt	216 PARKMAN DR	6717 AOL Schmidt/John	
MIKE GRAEFE	1889 RIDGE WA	208-587-6227	
DON Reynolds	452 E WALNUTHURST		
Theresa Denham	on record	208 505 7675	

X
✓
✓
X