



## AGENDA

### Middleton Planning and Zoning Commission Meeting

Date: Monday, November 12, 2018 Time: 7:00 p.m. Location: 6 N. Dewey Ave., Middleton ID

1. Call To Order - Pledge of Allegiance
2. Roll Call
3. Information Items:
4. Action Items
  - A. Elect a commission chair and vice chair to serve the remainder of Chairman Garner's and Vice Chairman Gregory's terms that expire December 31, 2018.
  - B. Consider approving minutes of the October 8, 2018 Regular Meeting.
  - C. **Public Hearing.** Consider approving a request for a special use permit for Middleton Industrial Park LLC to except Middleton Industrial Park Subdivision from Middleton City Code (MCC) 5-4-11.1.B, a requirement to install a pressure irrigation system, and from MCC 5-4-11.2.A, a requirement to install sidewalks. The subject property is located at the southwest corner of Middleton Road and Bass Lane, Middleton, Idaho, commonly referred to as Canyon County parcel number R34075014A0.
  - D. **Public Hearing.** Consider recommending city council approve a request by Elizabeth Robles to rezone 0.12 acres from R-3 (Single Family Residential) to M-F (Multiple Family Residential) and to except to property from Middleton City Code 5-4-1 Table 2 front and rear setbacks reducing them from 20 feet to seven feet. The subject property is Canyon County Parcel No. 18104010 commonly referred to as the vacant lot west of 202 S. Middleton Rd., Middleton, Idaho.
  - E. **Public Hearing.** Consider a request by KJRC LLC to except from the Idaho Standards for Public Works and Middleton Supplement the 32 places where the wastewater mainline in Valhalla St. and Nordic Ave. were repaired, cleaned and re-photographed using closed circuit television that exceed tolerances allowed in the standards.
5. Public Comments
6. Commission/Staff Comments
7. Adjourn

Posted by:

  
Dawn M. Dalton, Deputy Clerk

Date: November 7, 2018  
Time: 2:15 p.m.



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**MIDDLETON CITY PLANNING AND ZONING  
COMMISSION MINUTES  
OCTOBER 8, 2018**

The Planning and Zoning Commission Meeting of September 10, 2018 was called to order by Mayor Darin Taylor at 7:00 p.m.

**Roll Call:** Chairman Jeff Graner and Commissioners Jackie Hutchison, Janet Gregory, Kent Brough and Ray Waltemate were all present.

**Motion:** Motion by Commissioner Gregory to approve the agenda of the Planning and Zoning meeting, was seconded by Commissioner Waltemate and carried unanimously.

**4. Action Items**

**A. Consider approving minutes of the August 27, 2018 Special Meeting and the September 10, 2018 Regular Meeting.**

**Motion:** Motion by Commissioner Gregory to approve the minutes from the August 27, 2018 Special Commission Meeting and the September 10, 2018 Regular Meeting was seconded by Commissioner Waltemate and carried unanimously.

**B. Consider recommending that city council approve a request by Ryan McDermott and Wesley McDermott to: (1) rezone 12.51 acres from R-3 (three units per acre) to R-2 (two units per acre), (2) except the proposed Lot 1 Block 1 Raw Pastures Estates Subdivision from Middleton City Code 5-2-3 Note 4 requirement for a two acre or larger lot to use an individual domestic well and septic system, and (3) approve a preliminary plat. The subject property is approximately 130 feet south of Foothill Rd and approximately 615 feet east of Duff Ln, Middleton, Idaho, commonly referred to as Canyon County parcel number R33853010A0.**

City Planning and Zoning Official Randall Falkner gave a brief staff report regarding the agenda item.

Chairman Garner opened the public hearing item and turned time over to the applicant **Wes McDermott**. Mr. McDermott made it clear that they are aware of all the requirements required to Southwest District Health and will meet all standards and requirements put forth by them and the City of Middleton.

**Jeff Conrad** voiced concern regarding the ground south of the purposed plat that will be subdivided in the future and was worried about the traffic outflow onto Foothill.

Chairman Garner decaled the public hearing portion of the public meeting closed, and Commission discussion followed.

**Motion:** Motion by Commissioner Gregory to recommend that City Council approve a request by Ryan McDermott and Wesley McDermott to: (1) rezone 12.51 acres from R-3 (three units per acre) to R-2 (two units per acre), was seconded by Commissioner Hutchison and carried unanimously.

**Motion:** Motion by Commissioner Gregory to approve the exception of the purposed lots from fronting on a public road and for Lot 1 Block 1 Raw Pastures Estates Subdivision from Middleton City Code 5-2-3 Note 4 requirement for a two acre or larger lot to use an individual domestic well and septic system, was seconded by Commissioner Waltemate and carried unanimously.

**Motion:** Motion by Commissioner Waltemate to recommend that City Council approve the preliminary plat, was seconded by Commissioner Gregory and carried unanimously.

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**C. Public Hearing. Continued from September 10, 2018 – Consider recommending that city council approve a request by the City of Middleton to amend and add to the city's Comprehensive Plan text and maps.**

Chairman Garner called the agenda item and City Planning and Zoning Official Randall Falkner addressed changes made to the city's Comprehensive Plan text. Mayor Darin Taylor spoke to Commission regarding the changes to the city's Comprehensive Plan maps and answered any questions.

**David Hagans** stated that it was previously stated that there would be an additional \$475 per \$100,000 of assessed value added to a home owners tax statement. This would mean that his taxes alone would increase by half taking his yearly taxes from \$4,800 to \$7,200 per year. Mr. Hagans stated that there has to be some offset because he was confused on what he would be receiving from the City. As of now, he receives transportation and maybe emergency response services from the county but as far as city services there are no sidewalks out his way and all the homes have their own water and septic systems. Surely if his home was annexed into the city the county would have to drop something.

Mayor Taylor responded that yes there would be some offset such as Canyon Highway District receiving less funds as those roads would now be city roads and taken care of by the city. How much offset he did not know exactly and that these great questions would be better handled by Canyon Highway District Director Dave Jones.

Chairman Garner declared the public hearing closed and Commission discussion followed.

**Motion:** Motion by Commissioner Waltemate recommend that City Council approve a request from the City of Middleton to amend and add to the city's Comprehensive Plan text and maps, was seconded by Commissioner Brough and carried unanimously.

**Public Comments:** none.

**Commission/Staff Comments:** none.

**Adjourn**

**Motion:** Chairman Garner declared the meeting of the Planning and Zoning Commission adjourned at 9:30 p.m.

ATTEST:

\_\_\_\_\_  
Jeff Garner, Chairman

\_\_\_\_\_  
**Randall Falkner, Planning and Zoning Official**  
Approved: November 12, 2018

# ADMINISTRATIVE REVIEW AND REPORT

## Middleton Planning and Zoning Commission

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### Middleton Industrial Park

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**A request by Middleton Industrial Park LLC to except Middleton Industrial Park Subdivision No. 1, from Middleton City Code (MCC) 5-4-11.1.B, requiring a pressure irrigation system, and from MCC 5-4-11.2.A, requiring sidewalks. The subject property is vacant land located at the southwest corner of Middleton Road and Bass Lane, Middleton, Idaho, commonly referred to as Canyon County Parcel Number R34075014A0.**

**Applicant:** Middleton Industrial Park, LLC  
11299 Bass Lane  
Caldwell, ID 83605

**Representative:** David Sterling (T-O Engineers)  
2471 S. Titanium Place  
Meridian, ID 83642

1. **APPLICATION:** The application was received and accepted by the City on August 27, 2018.
2. **NOTICE OF PUBLIC HEARING:**  
Published notice Idaho Press Tribune: October 23, 2018  
Letters to 300' Property Owners: October 24, 2018  
Letters to Agencies: October 24, 2018  
Property Posted: November 5, 2018
3. **APPLICABLE CODES AND STANDARDS:**  
Idaho Code Title 67, Chapter 65  
Middleton City Code (MCC) 1-14-2 and 1-15-2  
Middleton City Code 6-2-2  
Middleton Comprehensive Plan, Dec. 20, 2017 version
4. **PLANNING AND ZONING OFFICIAL REVIEW COMMENTS:**

On September 27, 2018, the applicant received preliminary plat approval from City Council for six industrial lots in an M-1 (Light Industrial) zone on 30.26 acres at the southwest corner

of Bass Lane and Middleton Road. Since that time the applicant has submitted a request to the city to except Middleton Industrial Park Subdivision No. 1, from Middleton City Code (MCC) 5-4-11.1.B, a requirement to install a pressure irrigation system, and from MCC 5-4-11-2.A, a requirement to install sidewalks. The applicant states that a pressure irrigation system is not needed and that the industrial lots will have limited if any landscaping matching the existing industrial lots to the north, west and east.

Regarding the exception from sidewalks, the applicant states that industrial developments are not pedestrian oriented developments due to the nature of the activity and uses within them, that the need to accommodate large trucks requires wide curves and approaches in to the lots, that sidewalks are not needed because there will be little to no pedestrian traffic on the internal roadways, and that not providing them will reduce potential conflicts with large trucks.

**Written Agency Responses to Date:** No agency responses received.

**Written Property Owners Responses to Date:** No property owner responses received.

**Compliance with Future Land Use Map**

The request is compliant with Middleton's Future Land Use Map, which shows the project located in an industrial area.

**5. CONCLUSION**

The request by Middleton Industrial Park LLC to except Middleton Industrial Park subdivision, from Middleton City Code (MCC) 5-4-11.1.B, a requirement to install a pressure irrigation system, and from MCC 5-4-11-2.A, a requirement to install sidewalks would be in harmony with city code and standards.



**T.O ENGINEERS**

November 2, 2018

City of Middleton  
1103 W. Main Street  
Middleton, ID 83644

**Re. Middleton Industrial Park – Special Use Permit Supplemental Letter**

Dear Randall,

This letter is intended to provide additional information for the City's consideration in the review of the submitted Special Use Permit (Conditional Use Permit) for the Middleton Industrial Park to remove the requirement for internal sidewalks.

Industrial developments are not pedestrian oriented developments due to the nature of the activity and uses within them. The need to accommodate large trucks requires wide roads and approaches into the lots. The City Code and Supplementals to the ISPWC do not have guidelines or requirements that are specifically developed for Industrial Developments. In particular, none of City standard road sections appear appropriate for an industrial development. The proposed internal roads are 38-feet from back of vertical curb to back of vertical curb with roadside swales and no sidewalk.

Sidewalks are not needed because there will be little to no pedestrian traffic on the internal roadways. The 8-ft wide pathway along Bass Lane and future improvements to Middleton Road will provide pedestrians a safe route around the industrial park to any future development to the south or west. By not providing internal sidewalks we are discouraging pedestrians from entering the industrial park and reducing potential conflicts with large trucks.

If there is any additional information or clarification that would be helpful in the review of our application, please do not hesitate to call me at (208) 323-2288 or email me at [dsterling@to-engineers.com](mailto:dsterling@to-engineers.com)

Sincerely,

David N. Sterling, P.E.  
Project Manager

Enclosures:

Cc: Project File 180092  
Middleton Industrial Park, LLC



CITY OF MIDDLETON

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

Planning Department

Master Planning and Zoning Application

Rev: 9/13/2017

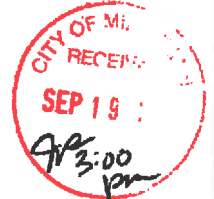
Date of acceptance: 9/2/18
Accepted by: [Signature]
Fee paid: \$ Rec 1.23410 \$375.00

SEP 19

Property Owner:

Middleton Industrial Park, LLC

Table with 3 columns: Name, Phone, Email. Row 1: 111299 Bass Lane, Caldwell, ID 83605.



Representative:

David Sterling 208-323-2288 dsterling@to-engineers.com

Table with 3 columns: Name, Phone, Email. Row 1: 2471 S. Titanium Place, Meridian, ID 83642.

Application Type:

- Annexation and Zoning, Preliminary Plat, Conditional Use Permit, Comprehensive Plan Map or Text Amendment, Amend or Terminate a Recorded Development Agreement, Rezone, Final Plat, Variance, Development Agreement, Vacate Right-of-Way, Ordinance Amendment, Design Review, Waiver.

Site Information:

Address: 0 Middleton Road

Crossroads: Middleton Road and Bass Lane

Assessor's Tax Parcel No(s): R34075014A0

Total Acres: 30.26 Next to City limits? Yes

Existing Zoning: M1 Proposed Zoning: M1

Floodplain Zone: none Hillside (grades exceeding 10%): N/A

Property Owner's Printed Name: STEVE A. PEEL Date: 9/19/18

Property Owner's Signature: [Signature] City Official Accepting Application: [Signature]





**T·O ENGINEERS**

September 19, 2018

City of Middleton  
1103 W. Main Street  
Middleton, ID 83644

**Re. Middleton Industrial Park – Special Use Permit**

Dear Mayor Taylor,

T-O Engineers is pleased to submit the attached application for consideration of a Special Use Permit for the Middleton Industrial Park. The submittal includes the completed application for the Special Use Permit (Conditional Use Permit), application fee, warranty deeds, property boundary description, vicinity map, and mailing list. This letter is intended to serve as the narrative for the application.

The proposed Middleton Industrial Park is comprised of (1) parcel owned by Middleton Industrial Park, LLC, located West of Middleton Road and south of Bass Lane. The total acreage of the subdivision is approximately 30.26 acres. The preliminary plat has been approved and we are submitting construction plans for the first phase consisting of 6 lots. This Special Use Permit application is to remove the requirements to install a Pressure Irrigation System as permit Section 6-4-2.A.13 of the City of Middleton Code “Irrigation Improvements: A pressure irrigation system shall be provided.” and the requirement to install sidewalks.

The City Code and Supplementals to the ISPWC do not have guidelines or requirements that are specifically developed for Industrial Developments. Therefore some standard requirements in the code and supplementals do not apply to the proposed development.

Inparticular, the requirement to install a Pressure Irrigation system is not needed. The industrial lots will have limited if any landscaping matching the existing industrial lots to the north, west, and east. Therefore the cost to install a pressure irrigation system is unwarranted. In addition landscaping along roadways will match the existing landscaping along Bass Lane infront of Rule Steel using rock and not grass. Also the city standard roadway sections only include Local, Collector and Arterial. None of these road sections appear appropriate for an industrial development. The proposed roads are 38-feet from back of curb to back of curb with roadside swales and no sidewalk. Sidewalks are not needed because of the industrial nature of the site with no connection to residential lots.

We have been as thorough as possible in preparation of this application. However, if there is any additional information or clarification that would be helpful in the timely review of our





**T.O ENGINEERS**

application, please do not hesitate to call me at (208) 323-2288 or email me at [dsterling@to-engineers.com](mailto:dsterling@to-engineers.com)

Sincerely,

David N. Sterling, P.E.  
Project Manager

Enclosures: Special use Permit (Conditional Use Permit)  
Application Fee's  
Proof of Ownership - Deeds  
Property Boundary Descriptions and Exhibits  
Vicinity Map  
Mailing Labels of property owners within 300-feet

Cc: Project File 180092  
Middleton Industrial Park, LLC



**CITY OF MIDDLETON**  
P O Box 487 AVENUE, MIDDLETON, ID 83644  
208-585-3133, FAX: 208-585-9601  
WWW.MIDDLETON.ID.GOV

Planning Department  
**Conditional Use Permit Checklist**  
Rev: 09/13/2017

**Property Owner(s):** Middleton Industrial Park, LLC

**Please answer the following questions:**

1. **Property Size:** 3026 acres
2. **Crossroads:** Middleton Road and Bass Lane
3. **Future Land Use Designation:** M1
4. **Surrounding Land Uses:** M1
5. **If approved, what is the expected effect on roadways and traffic?** None

6. **Will the proposed use generate a nuisance of light, glare, noise, vibration, smoke, fumes, odor, dust, etc.?**  
No

**If applicable:**

**Days and hours of operation:** n/a

**Number of employees (full-time):** n/a **(part-time):** n/a

**Number of employees (living on-site):** n/a **(living off-site):** n/a

**Frequency of deliveries:** n/a **Location of deliveries:** n/a

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

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

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

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

THIS INSTRUMENT FILED FOR RECORD  
BY FIDELITY NATIONAL TITLE AS AN  
ACCOMMODATION ONLY. IT HAS NOT  
BEEN EXAMINED AS TO ITS EXECUTION  
OR AS TO ITS EFFECT UPON THE TITLE.

**2018-009391**  
RECORDED  
**03/06/2018 03:16 PM**  
CHRIS YAMAMOTO  
CANYON COUNTY RECORDER  
Pg#3 MBROWN \$15.00  
TYPE: DEED  
FIDELITY NATIONAL TITLE - BOISE  
ELECTRONICALLY RECORDED

### SPECIAL WARRANTY DEED

#### FOR VALUE RECEIVED

Premier Industrial, LLC, and Idaho limited liability company AND Greg T Burkhart and Terri A Burkart, husband and wife

the grantor(s), do(es) hereby grant, bargain, sell and convey unto

Middleton Industrial Park, LLC, an Idaho limited liability company

whose address is 11299 Bass Lane, Caldwell, ID 83805, the Grantee(s), the following described premises, in Canyon County, Idaho, TO WIT:

See attached Land Description -- Parcel C

TO HAVE AND TO HOLD the said premises, with their appurtenances unto the said Grantee, heirs and assigns forever. And the said Grantor does hereby covenant to and with the said Grantee(s), that (s)he is/are the owner(s) in fee simple of said premises; that no encumbrances were initiated during the ownership of the undersigned nor is the undersigned aware of any such.

And that (s)he will warrant and defend the same from all lawful claims whatsoever.

IN WITNESS WHEREOF, the undersigned have executed this document on the date(s) set forth below.

Dated: 3/05/2018

Premier Industrial, LLC

  
By Steve A Peel, Member

  
Greg T Burkhart

  
Terri A Burkhart

State of Idaho

County of Canyon

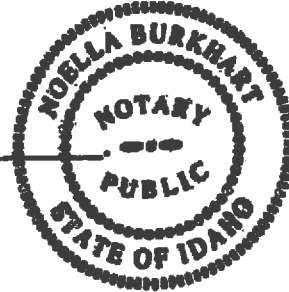
On this 5th day of March, <sup>2018</sup> 2017, before me the undersigned, a Notary Public in and for said state, personally appeared Greg T Burkart and Terri A Burkart known or identified to me to be the person(s) whose name(s) is/are subscribed to the within instrument and acknowledged to me that he/she/they executed the same.

Noella Burkhart

Notary Public Name: Noella Burkhart

Residing at Middleton Idaho

My Commission Expires: 1-11-22



State of Idaho

County of Canyon

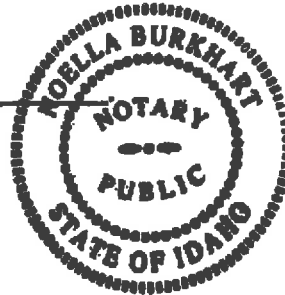
On this 5th day of March 2018, before me the undersigned, a Notary Public in and for said state, personally appeared Steve A Peel known or identified to me to be the person(s) whose name is/are subscribed to the within instrument as the Member of Premier Industrial, LLC and acknowledged to me that he executed the same as such Member.

Noella Burkhart

Notary Public Name: Noella Burkhart

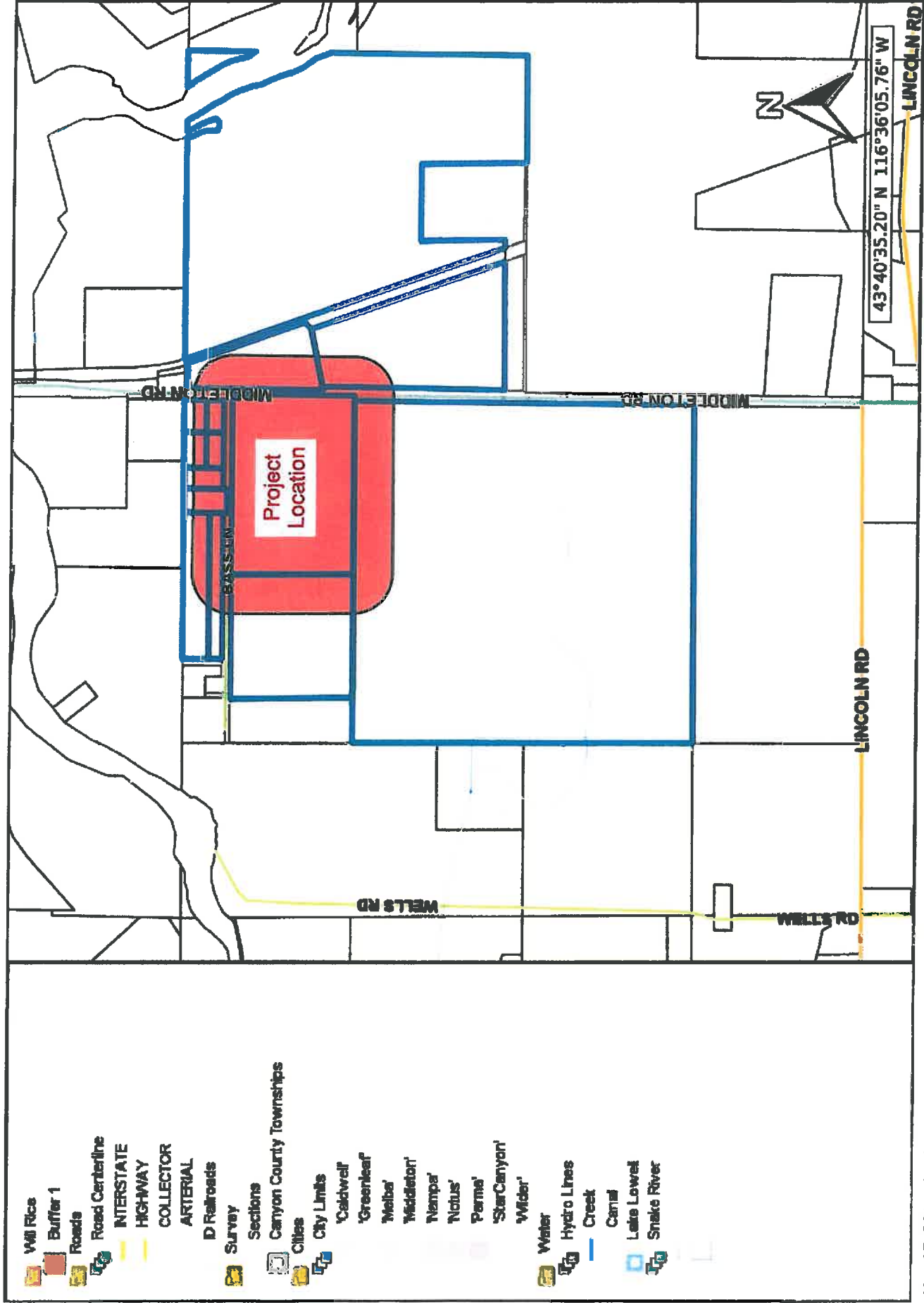
Residing at Middleton Idaho

My Commission Expires: 1-11-22

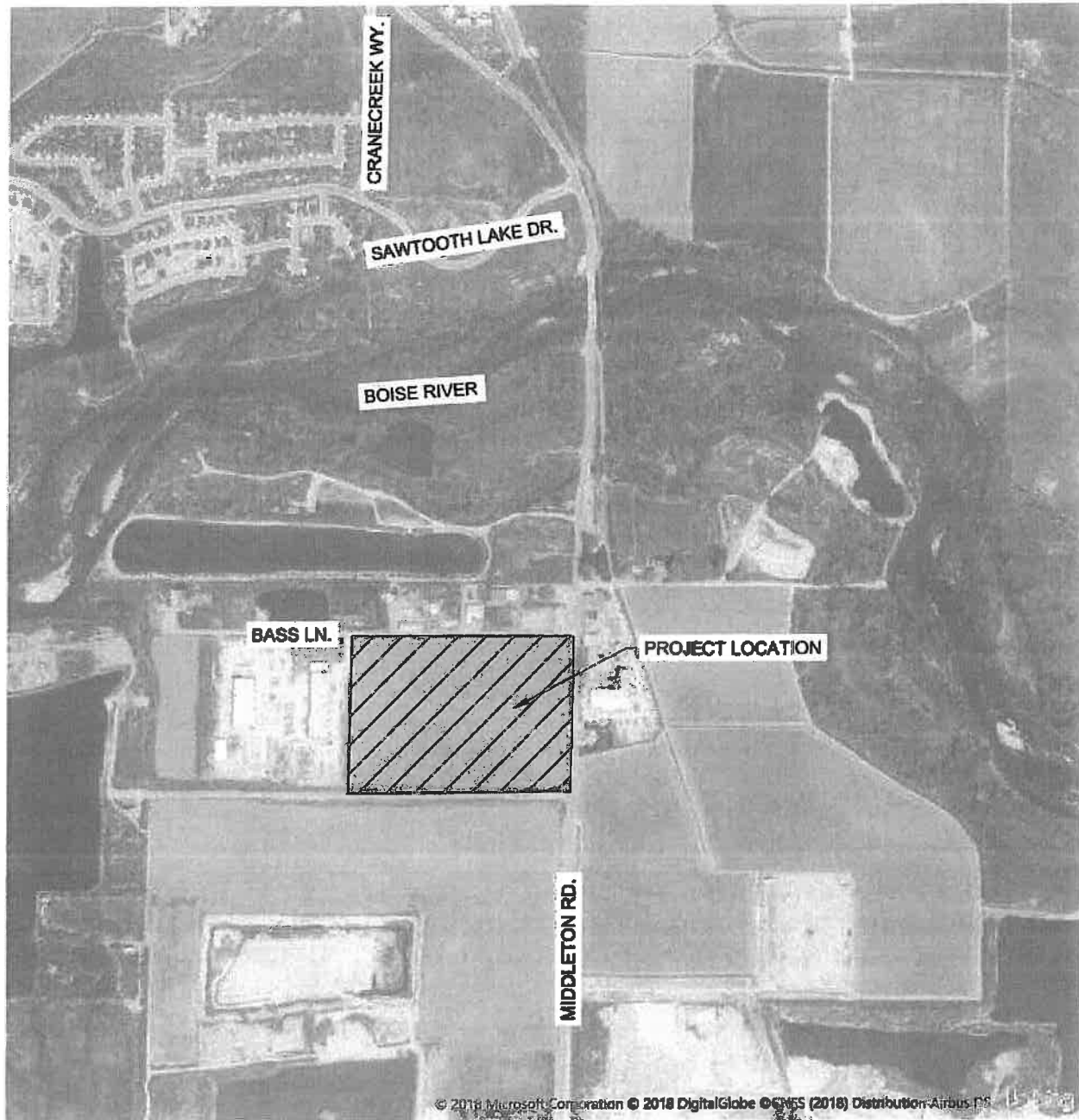


# Middleton Industrial Park

## Mailing List 300-ft



# VICINITY MAP



**T-O ENGINEERS**

2471 S. TITANIUM PLACE  
MERIDIAN, IDAHO 83642-6703

PHONE: (208) 323-2288

FAX: (208) 323-2399

E-FILE: 170201-VICINITY MAP

DATE: MAY 2018

JOB: 18082



## T-O ENGINEERS

CONSULTING ENGINEERS, SURVEYORS AND PLANNERS  
2471 S. TITANIUM PLACE  
MERIDIAN, IDAHO 83642-6708  
208-822-2288 • FAX 208-822-2288

Project: 150143  
Date: July 5, 2016  
Page 1 of 1

### Burkhart Land Description Parcel C

Located in the N1/2 of the NE1/4 of Section 18, Township 4 North, Range 2 West, Boise Meridian, City of Middleton, Canyon County, Idaho, more particularly described as follows:

**COMMENCING** at the northeast corner of said Section 18; thence, along the east boundary of said NE1/4,

A) S.01°21'47"W., 364.93 feet to the south right-of-way line of Bass Lane, and the **POINT OF BEGINNING**; thence, continuing along the east boundary of said NE1/4,

- 1) S.01°21'47"W., 947.39 feet to the southeast corner of NE1/4 NE1/4 of Section 18, Township 4 North, Range 2 West, Boise Meridian; thence, along the south boundary of said NE1/4 NE1/4,
- 2) N.89°30'25"W., 1383.31 feet; thence,
- 3) N.00°29'36"E., 949.04 feet to the south right-of-way line of Bass Lane; thence, along said line,
- 4) S.89°26'05"E., 1397.70 feet to the **POINT OF BEGINNING**.

**CONTAINING** 30.266 acres, more or less.

**SUBJECT TO:** Record documents.





County	Parcel	Primary Owner	Property City	Owner Address	Owner City
Canyon	R3407300000	GALVIN MARTIN C	CALDWELL, ID	PO BOX 115	MIDDLETON ID 83644
Canyon	R34075010A0	DEUTSCHE BANK NATIONAL TRUST COMPANY TRUSTEE	CALDWELL, ID	1661 WORTHINGTON RD STE 100	WEST PALM BEACH FL 33409
Canyon	R3407501200	NICHOLLS TONY L	CALDWELL, ID	21991 MIDDLETON RD	CALDWELL ID 83605
Canyon	R3407501100	TYSON INC	CALDWELL, ID 83605	PO BOX 1237	CALDWELL ID 83606
Canyon	R3407501500	RIJLE DANIEL P	CALDWELL, ID	PO BOX 1237	CALDWELL ID 83606
Canyon	R3407501400	BURKHART GREG T	CALDWELL, ID 83605	11299 BASS LN	CALDWELL ID 83605
Canyon	R34075011A0	DIDERICKSEN ROCK D	CALDWELL, ID 83605	1343 E BEACON LIGHT RD	EAGLE ID 83616
Canyon	R3407600000	WOODLAND PROPERTIES LP	CALDWELL, ID	444 W KARCHER RD	NAMPA ID 83687



**T-O ENGINEERS**

**To:** Interested Neighbor

**Date:** April 30, 2018

**Re:** **Neighborhood Meeting for Preliminary Plat Application**

Dear Neighbor:

We are in the process of submitting an application for a Preliminary Plat of 30.26 acres in to the City of Middleton. As part of this application we will be holding a neighborhood meeting to present the proposed Layout, answer questions, and receive comments from the sounding neighbors (City Code Section 5-3-1).

This meeting is for informal purposes and to receive feedback from you as we move through the application process. This is not a Public Meeting or Hearing before a governing body of the City. Once our application has been submitted and processed, a public hearing date will be scheduled. Prior to the scheduled date you will receive an official notification from the City of Middleton regarding the Public Hearing via postal mail, newspaper publication, and/or a display on the property for which the Preliminary Plat is applied.

**The neighborhood meeting is scheduled as follows:**

**Date:** Thursday, May 10, 2018  
**Time:** 6:00 p.m.  
**Location:** On Site along Bass Lane, just west of the Base Lane and Middleton Road intersection.

**The Project summary:**

**Site Location:** Southwest of Middleton Road and Bass Lane intersection south of the Boise River. See attached vicinity map.

**Proposed Access:** Bass Lane.

**Total Acreage:** approximately 30.26 acres

We look forward to the neighborhood meeting and encourage you to attend.

Please do not call City of Middleton regarding this meeting. This is a PRE-APPLICATION requirement and we have not submitted the application for consideration at this time. The City currently has no information on this project.



**T-O ENGINEERS**

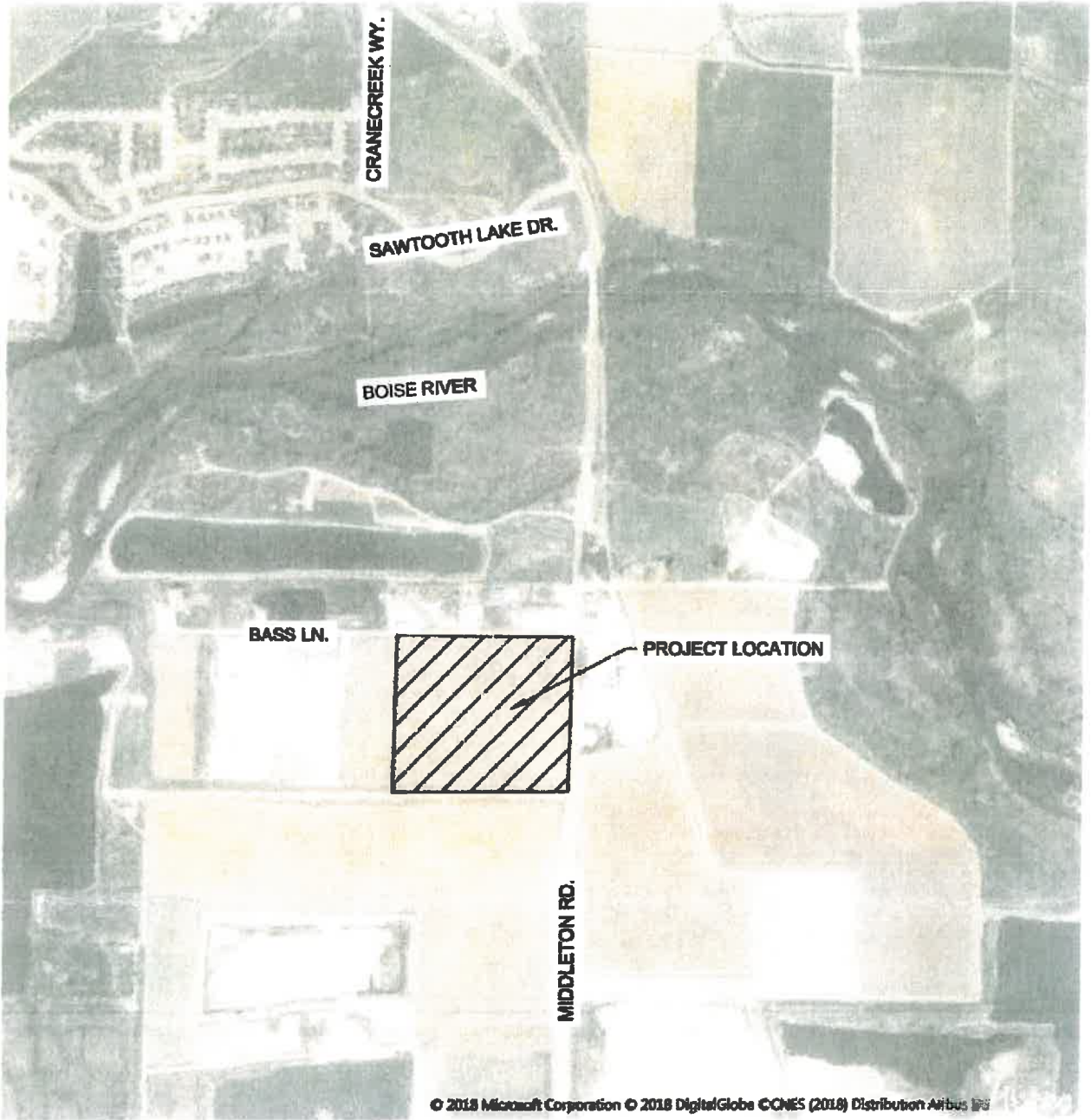
If you have any questions prior to the meeting, please contact me at (208) 323-2288 or you may e-mail me at [dsterling@to-engineers.com](mailto:dsterling@to-engineers.com).

Respectfully,

David N. Sterling, P.E.  
Project Manager

Enc. Vicinity Map

# VICINITY MAP



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**T-O ENGINEERS**

2471 S. TITANIUM PLACE  
MERIDIAN, IDAHO 83642-6703

PHONE: (208) 323-2288

FAX: (208) 323-2399

E-FILE: 170201-VICINITY MAP

DATE: OCT. 2017

JOB: 170201





## **ADMINISTRATIVE REVIEW AND REPORT**

### **Middleton Planning and Zoning Commission**

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**Consider recommending that city council approve a request by Elizabeth Robles to: (1) rezone 0.12 acres from R-3 (Single Family Residential) to M-F (Multiple-Family Residential), and (2) approve a special use permit to except from Middleton City Code front and rear setback requirements in 5-2-3. The subject property is located just west of 202 S. Middleton Rd., Middleton, Idaho, commonly referred to as Canyon County Parcel No. 18104010.**

**Applicant:** Elizabeth Robles  
P.O. Box 446  
Middleton, ID 83644

1. **APPLICATION:** The application was received and accepted by the City on October 18, 2018.
  
2. **NOTICE OF PUBLIC HEARING:**  
Published notice Idaho Press Tribune: October 23, 2018  
Letters to 300' Property Owners: October 24, 2018  
Letters to Agencies: October 24, 2018  
Property Posted: November 5, 2018
  
3. **APPLICABLE CODES AND STANDARDS:**  
Idaho Code Title 67, Chapter 65  
Middleton City Code (MCC) 1-14-1, 2, 4, and 1-15-7  
Middleton Comprehensive Plan, Dec. 20, 2017 version
  
4. **PLANNING AND ZONING OFFICIAL REVIEW COMMENTS:**  
The property is currently zoned R-3 (Single Family Residential) and is vacant. The purpose of the R-3 zone is to accommodate single-family lots. The applicant proposes rezoning the property to M-F (Multiple – Family Residential). The purpose of the M-F zone is to accommodate multi-family residential development. This type of zoning is intended to provide transition or buffer areas between residential zones and commercial/industrial uses. Properties to the north and east are zoned M-U (Mixed Use), to the south is R-3 and to the west is M-F. Consequently, much of the surrounding area is already zoned for a variety of housing, including multi-family residential.

**Written Agency Responses to Date:** No agency responses received.

**Written Property Owners Responses to Date:** No property owner responses received.

**Compliance with Comprehensive Plan and Future Land Use Map**

City staff examined the request with the Future Land Use Map and policies contained in the Comprehensive Plan.

**Future Land Use Map**

The request complies with Middleton's Future Land Use Map, which shows the project located in a Mixed Use and/or Residential – Special Area. This Residential Special Area is subject to mandatory public-record disclosure, "Cost of development and flood hazard insurance may be higher because land is now, or in the future may be, in flood areas and/or high ground water areas."

**Comprehensive Plan**

**Housing**

The request complies with the following policies in the Comprehensive Plan:

- Goal 10: Allow dwelling types that match residents' lifestyles.
  - Objective A: Provide a variety of housing types and lot sizes for residents.
    - Strategy 1: Provide opportunities for multi-family housing units to be located in areas where higher density is acceptable and designed in a manner that would not be disruptive to surrounding neighborhoods.
    - Strategy 2: Encourage multifamily and higher density housing near schools, transit stations and commercial areas.
  - Objective B: Promote in-fill housing improvements.
- Goal 11: Prevent homeless in Middleton.
  - Objective A: Promote affordable housing for residents with a range of income levels.

The request would help to provide a variety of housing types and lot sizes for residents, provide opportunities for multi-family housing units to be located in an area that already contains zoning for higher density housing, encourage multifamily housing near transit stations and commercial areas, and promote in-fill housing improvements and affordable housing for residents with a range of income levels. The subject site is located close to commercial areas and downtown with a variety of shopping and service options, and is just north of a future transit oriented development and transit station.

The request to be excepted from Middleton City Code from and rear setback requirements in 5-2-3 would allow the applicant to have a duplex building with 7 foot setbacks in the front and rear instead of the 20 foot front and rear setbacks required in



the M-F zone. This exception would allow for a quality duplex at the subject site and help to further the comprehensive plan policies as described above.

#### **5. CONCLUSION**

The rezone from R-3 (Single Family Residential) to M-F (Multiple-Family Residential) and the requested special use permit to except from Middleton City Code requirements in 5-2-3 is in harmony with the city's comprehensive plan and complies with city standards because it is an infill project, provides opportunities for multi-family housing, and promotes affordable housing.

Reviewed and Reported by Randall Falkner, October 31, 2018

October 18, 2018

City of Middleton  
Planning and Zoning Department

Letter of request change zoning in 330 Idaho St. from R3 to MF

We are Marco and Elizabeth Robles. Owners of a lot located at 330 Idaho St. Middleton, Id 83644. Currently our lot is zoning R3.

We respectfully request to change zoning to Multi Family (MF) and special use permit to this particular lot. The reason to change the zoning is because the size and shape does not meet the setbacks to build single residence house, which is why we request to change zoning to MF and special use permit to build a two story duplex.

At the present our lot is surrounding with MU, MF and R3 zoning, in other words our lot is around duplexes, rental mobile homes, market and residential. Our lot is parcel 2 and 5,361 sq ft. We also requesting special use permit to except the requirement to side setbacks because the size and shape of our lot does not meet the city request.

We think that our request is reasonable considering the type of premises that are around our lot. The change of zoning will not affect or compromise in anyway to the community or the city future development. In the other hand will create new living spaces considering the shortage availability of housing for rent in our city.

We thank you for your attention to this matter.

Sincerely

Marco & Elizabeth Robles

# the PINES

- Great Room Concept
- Second Story Utilities
- Optional Covered Patio
- Optional Shake Exterior

## EXTERIOR ELEVATION OPTIONS

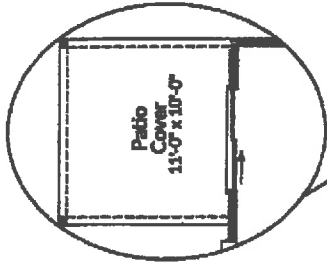


View all elevation options at  
[www.AdmirHomes.com](http://www.AdmirHomes.com)

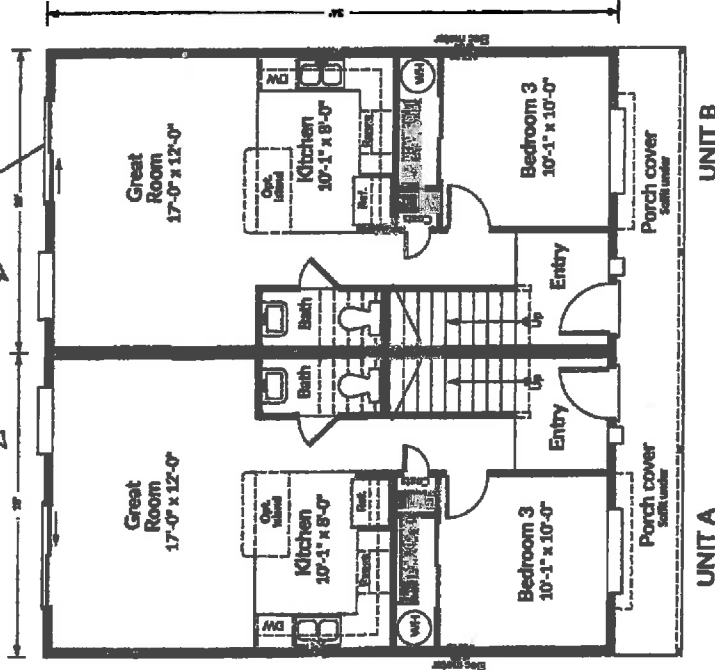
2,424 SF | 3 BED | 1.5 BATH

1,717 SF

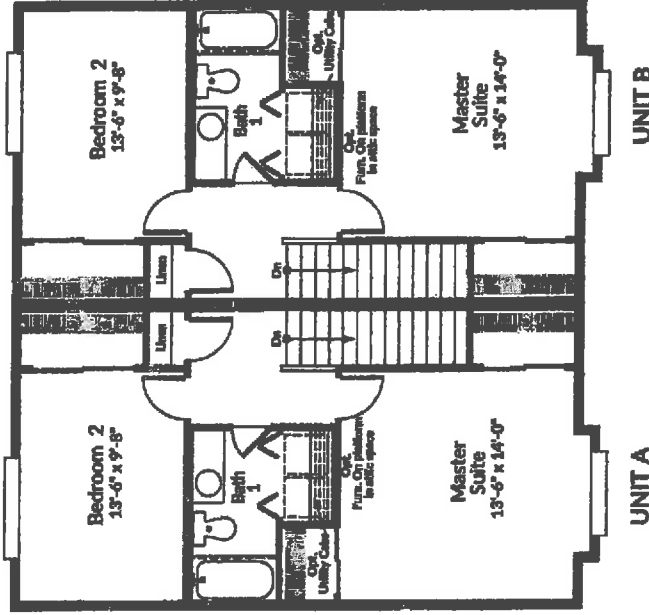
1,212 SF



Optional Patio Cover



FIRST FLOOR



SECOND FLOOR

[WWW.ADMIRHOMES.COM](http://WWW.ADMIRHOMES.COM)



All rights reserved. ©2017 Admir Homes. OR CCCB #583, WA CCCB ADMIR#2622Z ID CCCB # 091530



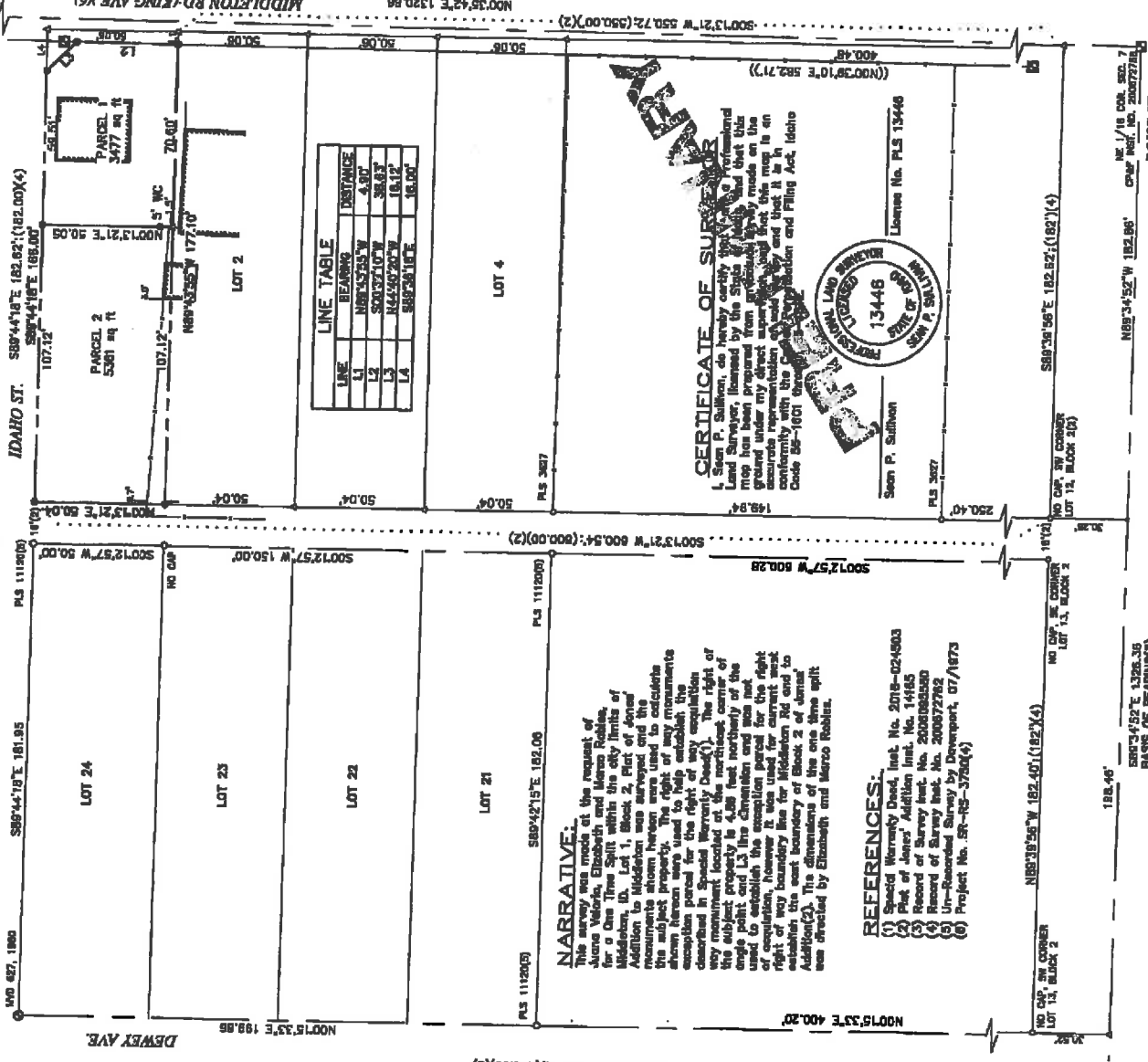
**CANYON COUNTY LISTINGS - R18104010 - 900 ft.**  
 October 2, 2018

Account	Address	City	State	Zip Code	Owner One	Owner Two	In Care Of
R18117010	4337 W SUGARBERRY CT	EAGLE	ID	83616	ASBURY JOHN C	ASBURY KATE	
R18117011	1914 N SPRINGS HOLLOW PL	STAR	ID	83669	AUS WILLIAM	AUS USA S	
R18423	220 S DEWEY AVE	MIDDLETON	ID	83644	BECKWITH JESSE	BECKWITH ASHLEY	
R38887102	4050 W SILVER TERRACE RD	MERIDIAN	ID	83642	BIRD ROGER N	BIRD ANN ALEEN	
R181106	PO BOX 704	MIDDLETON	ID	83644	BUTLER LULA F		
R181013	621 WASHINGTON ST S	TWIN FALLS	ID	83301-5519	CIM LLP		
R18111	PO BOX 364	MIDDLETON	ID	83644	EELLS MERLD AND ELYONDA RAE REVOCABLE LIVING TRUST		
R18108	PO BOX 98	MIDDLETON	ID	83644	GUNICS FAMILY TRUST	GUNICS MARY C TRUSTEE	
R181109	PO BOX 98	MIDDLETON	ID	83644	GUNICS FAMILY TRUST	GUNICS MARY C TRUSTEE	
R18110	PO BOX 98	MIDDLETON	ID	83644	GUNICS FAMILY TRUST	GUNICS MARY C TRUSTEE	
R18099	PO BOX 1578	NAMPA	ID	83653-1578	KINGS CREEK LLC		
R18101	PO BOX 1578	NAMPA	ID	83653-1578	KINGS CREEK LLC		
R18101	PO BOX 1578	NAMPA	ID	83653-1578	KINGS CREEK LLC		
R18107	502 N HAWTHORNE AVE	MIDDLETON	ID	83644	LEPEL PATTI JO		
R18087	320 E MAIN ST	MIDDLETON	ID	83644	LINDBLOOM JOHN C	LINDBLOOM PATSY T	CENTURY 21 LINDBLOOM REALTY =
R18102	320 STAR BLVD	MIDDLETON	ID	83644	LINDBLOOM JOHN C	LINDBLOOM PATSY H/W	
R18098	PO BOX 487	MIDDLETON	ID	83644-0487	MIDDLETON CITY OF		
R17996102	PO BOX 9925	BOISE	ID	83707	MIDDLETON VILLAGE PARTNERS		
R18117012	10096 W FAIRVIEW AVE NO 160	BOISE	ID	83704	MOUNTAIN WEST IRA INC FBO WILLIAM AUS IRA		
R18117	10096 W FAIRVIEW AVE NO 160	BOISE	ID	83704	MOUNTAIN WEST IRA INC FBO WILLIAM AUS IRA		
R18104010	202 S MIDDLETON RD	MIDDLETON	ID	83644	ROBLES ELIZABETH A		
R18104	PO BOX 445	MIDDLETON	ID	83644	ROBLES ELIZABETH A		
R18422	515 S ST #221	JACKSONVILLE	OR	97580	TOLEDO ENTERPRISES LLC		
R18100	8925 SAGE RUN LN	MIDDLETON	ID	83644	TRIMMER SHAWN	TRIMMER BRITTNEY	
R18116	5570 N SUN SHIMMER AVE	MERIDIAN	ID	83646	VANZANDT DANNY R SR	VANZANDT PATRICIA MORSE H/W	
R18105	208 S MIDDLETON RD	MIDDLETON	ID	83644	WARREN DANCY JAY	WARREN HOLLY ANN	
R18115	227 S DEWEY AVE	MIDDLETON	ID	83644	WOODLING KEVIN H		

**PROPERTY LISTING DISCLAIMER**

This information should be used for informational use only and does not constitute a legal document for the description of these properties. Every effort has been made to insure the accuracy of these data & is subject to change without notice. However, the Assessor's Office assumes no liability and we imply no particular level of accuracy. The Canyon County Assessor's Office disclaims any responsibility or liability for any direct or indirect damages resulting from the use of these property listings.

PLS 1112000  
S89°44'18"E 181.95  
NO 07'15" COR. SEC. 7  
CRP INST. NO. 20067278



SCALE: 1" = 30'

- LEGEND**
- Boundary Line
  - Section Line
  - Lot/Parcel Line
  - Easement Line
  - Existing Fence
  - Existing Right-of-Way
  - Found Brass Cap (As Noted)
  - Found Aluminum Cap (As Noted)
  - Found Brass Cap
  - Right-of-Way Monument(s)
  - Found 5/8" Iron Pin (As Noted)
  - Found 1/2" Iron Pin (As Noted)
  - Set 5/8"x24" Iron Pin, PLS 13448
  - Calculated Point
  - Witness Corner
  - Date of Record
  - Dimension Between Found Right of Way Monuments

WEST 182.00'  
(N00°35'10"E 582.71')

**CERTIFICATE OF SURVEY**

I, Sean P. Sullivan, do hereby certify that I am a Licensed Professional Land Surveyor in the State of Idaho and that this map has been prepared from personal survey made on the ground under my direct supervision and that it is in conformity with the laws of Idaho and that it is in accordance with the provisions of the Idaho Statutes and Filing Act, Idaho Code 55-1001 through 55-1003 and 55-1004.

Sean P. Sullivan  
License No. PLS 13448

**NARRATIVE:**

This survey was made at the request of Mrs. Elizabeth and Marco Robles, for a one (1) acre split within the city limits of Middleton, in the Lot 1, Block 2, Plat of Jones Addition to Middleton, as shown on the plat of monuments shown between surveyed and the subject property. The right of way monuments shown herein were used to help establish the exception parcel for the right of way acquisition described in Special Warranty Deed(1). The right of way monument located at the northeast corner of the subject property is 4.08 feet northwesterly of the established line. The dimensions and area used to establish the exception parcel for the right of way acquisition, however, the current area of the right of way boundary line for Middleton Addition(2) to establish the east boundary of Block 2 of Jones Addition(2). This dimensions of the one (1) acre split was directed by Elizabeth and Marco Robles.

**REFERENCES:**

- (1) Special Warranty Deed, Inst. No. 2016-024503
- (2) Plat of Jones Addition Inst. No. 14165
- (3) Record of Survey Inst. No. 2006805380
- (4) Record of Survey Inst. No. 200672782
- (5) Un-Recorded Survey by Developer, 07/1873
- (6) Project No. SR-16-3760(4)

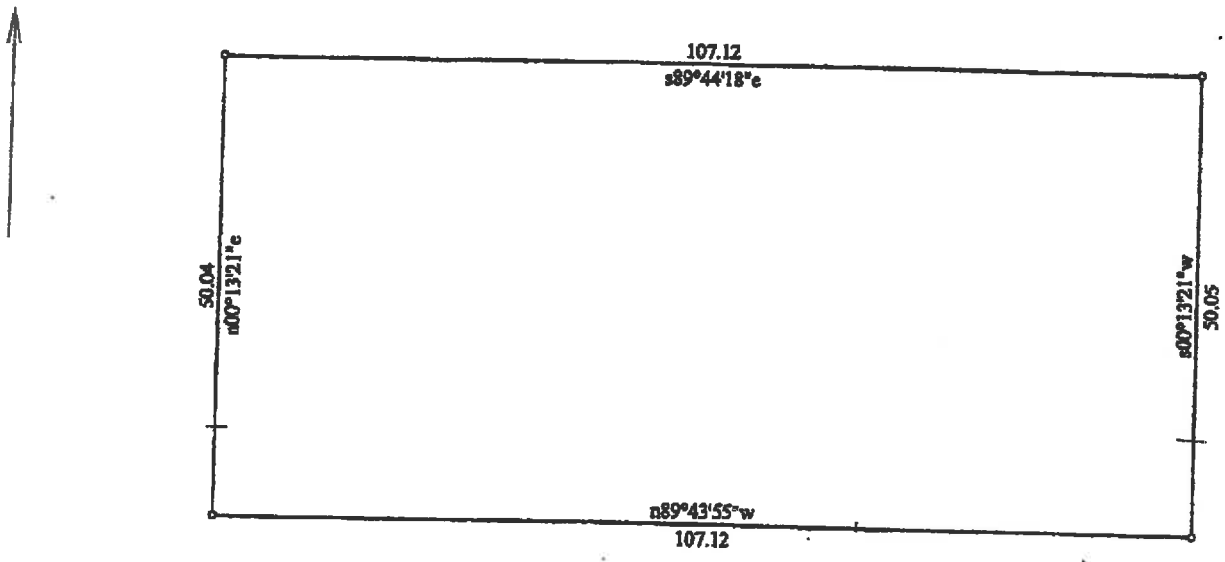
NO 07'15" COR. SEC. 7  
CRP INST. NO. 20067278

INDEX No. 494-07-2-4-0-05-31  
RECORD OF SURVEY  
ONE TIME SPLIT FOR  
**JUANA VELORIO**  
LOT 1 BLOCK 2 JONES ADDITION TO MIDDLETON  
LYING IN THE NW 1/4 OF NE 1/4 SECTION 7,  
T14N, R14E, S14E, BLK 2, BLDK 2  
CAYUSE COUNTY, IDAHO

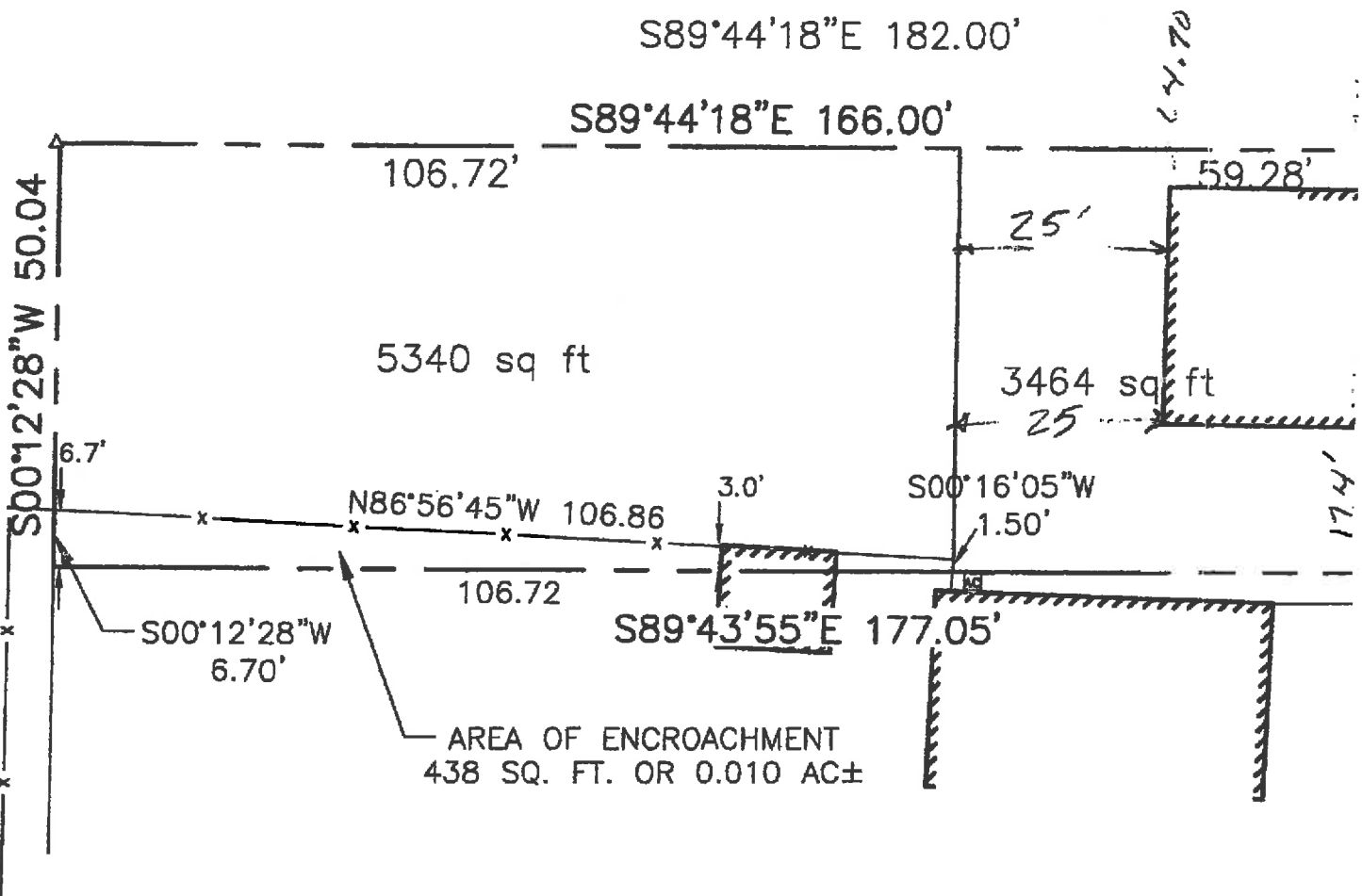
SCALE: 1" = 30'  
DATE: July 13, 2016

FILE: 9222-01 003.009

AL S  
Surveyors • Planners  
1103 West Main Street  
Middleton, Idaho  
208-856-5838



Title:		Date: 07-12-2016
Scale: 1 inch = 20 feet	File: PARCEL 2.des	
Tract 1: 0.123 Acres: 5361 Sq Feet: Closure = s00.2858w 0.00 Feet: Precision = 1/161637: Perimeter = 314 Feet		
001=n89.4355w 107.12	003=s89.4418e 107.12	
002=n00.1321e 50.04	004=s00.1321w 50.05	









October 5, 2018

City of Middleton  
Planning and Zoning Department  
Neighbors

We are Marco & Elizabeth Robles. My address is 202 S. Middleton Rd. Middleton ID, 83644.

The reason of this letter is inform them I am request change zoning from R3 (Residential) to MF (Multifamily).

We own a vacant lot in 330 Idaho St in Middleton ID 83644. This lot is 0.123 Acres. (5,361 SQF). Our intention is build a duplex house with 3 bedrooms, 2 bathrooms with two parking spaces each unit. We asking for this change, because is better that a big space for weeds, and build. Around our lot we found R3 (residential), and MU (multi uses) properties.

Our intention with this change is to create a better view of the block and the same time an opportunity a better house living for people who do not have house or start a new life.

I invite to the meeting

**Date: Saturday October 13, 2018**

**Time: 11:00 am**


**Place: Library of Middleton.**

Thank you

Marco & Elizabeth Robles.

10-11-18

On behalf of Gunics Family Trust, I have no objection to Mr. and Mrs. Robles' request to change the zoning described in the above letter.

  
Joe Gunics  
222 So. Middleton Rd.  
Middleton, ID 83644

18160<sup>SMC</sup>

**John Asbury**  
4337 W Sugarberry Ct  
Eagle, ID 83616

**Roger Bird**  
4050 W Silver Terrace Rd  
Meridian, ID 83642

**EELLS Merl D and Elvonda RAE Revocable  
Living Trust**  
P. O. Box 364  
Middleton, ID 83644

**Patti Lepel**  
502 N Hawthorne Ave  
Middleton, ID 83644

**City of Middleton**  
P. O. Box 487  
Middleton, ID 83644

**Toledo Enterprises LLC**  
515 G St # 221  
Jacksonville, OR 97530

**Jay Warren**  
208 S Middleton Rd.  
Middleton, ID 83644

Easy Peel<sup>®</sup> Address Labels  
Bend along line to expose Pop-up Edge<sup>®</sup>

**William Aus**  
1914 N Springs Hollow Pl  
Start, ID 83669

**Roger Bird**  
4050 W Silver Terrace Rd  
Meridian, ID 83642

**Gunics Family Trust**  
P.O. Box 98  
Middleton, ID 83644

**John Lindbloom**  
320 E Main St  
Middleton, ID 83644

**Middleton Villages Partners**  
P. O. Box 9325  
Boise, ID 83707

**Shawn Trimmer**  
8325 Sage Run Ln  
Middleton, ID 83644

**Kevin Woodling**  
227 S Dewey Ave  
Middleton, ID 83644

Go to [avery.com/templates](http://avery.com/templates)  
Use Avery Template 5160

**Jesse Beckwith**  
220 S Dewey Ave  
Middleton, ID 83644

**CJM LLLP**  
621 Washington ST S  
Twin Falls, ID 83301-5519

**Kings Creek LLC**  
P. O. Box 1573  
Nampa, ID 83653-1573

**John Lindbloom**  
320 Start BLVD  
Middleton, ID 83644

**Mountain West IRA INC FBO  
William Aus IRA**  
10096 W Fairview Ave # 160  
Boise, ID 83704

**Danny Vanzandt**  
5570 N Sun Shimmer Ave  
Meridian, ID 83646



18160™

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Repliez à la hachure afin de révéler le rebord Pop-up®Go to [avery.com/templates](http://avery.com/templates) |  
Use Avery Template 5160 |

**John Asbury**  
4337 W Sugarberry Ct  
Eagle, ID 83616

**William Aus**  
1914 N Springs Hollow Pl  
Start, ID 83669

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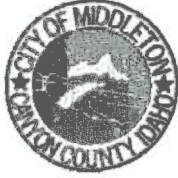
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**Jay Warren**  
208 S Middleton Rd.  
Middleton, ID 83644

**Kevin Woodling**  
227 S Dewey Ave  
Middleton, ID 83644



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



Planning Department

**Planning and Zoning Application**

Rev: 8/31/2016

Date of acceptance: 10/18/18  
 Accepted by: RF  
 Fee paid: \$ 1,231.672 ck 1030 + 950.00

**Property Owner:**

ELIZABETH A. ROBLES (925) 759-8603

Name	Phone	Email
<u>P.O. BOX 446</u>	<u>MIDDLETON, ID</u>	<u>83644</u>
Address	City, State	Zip

**Representative:**

N/A

Name	Phone	Email
Address	City, State	Zip

**Application Type:**

- |  |  |  |
|--|--|--|
| <input type="checkbox"/> Annexation and Zoning                               | <input checked="" type="checkbox"/> Rezone | <input type="checkbox"/> Development Agreement |
| <input type="checkbox"/> Preliminary Plat                                    | <input type="checkbox"/> Final Plat        | <input type="checkbox"/> Vacate Right-of-Way   |
| <input checked="" type="checkbox"/> Conditional Use Permit                   | <input type="checkbox"/> Variance          | <input type="checkbox"/> Ordinance Amendment   |
| <input type="checkbox"/> Comprehensive Plan Map or Text Amendment            | <input type="checkbox"/> Design Review     | <input type="checkbox"/> Waiver                |
| <input type="checkbox"/> Amend or Terminate a Recorded Development Agreement |  |  |

**Site Information:**

Address: 330 IDAHO ST

Crossroads: S. MIDDLETON RD.

Assessor's Tax Parcel No(s): 18104010

Total Acres: 0.12 Next to City limits? N/A

Existing Zoning: R3 Proposed Zoning: MF

Floodplain Zone: NO Hillside (grades exceeding 10%): N/A

ELIZABETH A. ROBLES  
 Property Owner's Printed Name

OCT 18, 2018  
 Date

[Signature]  
 Property Owner's Signature

RF  
 City Official Accepting Application



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

**Planning Department**  
**Planning and Zoning Application**

Rev: 8/31/2016

Date of acceptance: 10/15/18  
 Accepted by: [Signature]  
 Fee paid: \$ \_\_\_\_\_

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

- Planning and Zoning Application Form Notice** (incomplete applications will not be accepted).
- Application Fee** (see Fee Schedule). Note: Any city engineering and attorney expenses throughout the approval process that are related to an application are billed to the applicant in addition to the application fee.
- Proof of Ownership:** attach a copy of the recorded deed or purchase agreement.
- Property Boundary Description** including reference to adjoining road and waterway names that is signed and stamped by a land surveyor registered in the State of Idaho. If more than one zoning designation is being requested, separate legal descriptions are required for each zoning designation.
- **Vicinity Map:** attach an 8 ½" x 11" map showing the subject property in relation to land around it that includes the nearest public roads.
- Neighborhood Meeting:** If applicable, attach original sign-up sheet.
- Narrative:** attach a brief statement describing the reason for the application and desired outcome, including the following:
  - Existing and proposed zoning and land use(s)
  - How the proposal is harmonious with the city's comprehensive plan
  - Anticipated adverse impacts on neighbors
  - Proposed buffers types and locations, if any
  - Information helpful to decision-makers:
    - If a **Conditional Use Permit application**, see Middleton City Code 5-3-4
    - If a **Variance application**, see Middleton City Code 5-3-5
    - If a **Waiver application**, see Middleton City Code 6-7-1.
- If applicable, attach proposed **Development Agreement**.
- If applicable, attach proposed **Preliminary Plat**
- If applicable, attach proposed **Final Plat**
- If applicable, attach required "Materials and Information" for **Design Review** (see Middleton City Code 5-5-5)
- Mailing Labels:** Adhesive mailing labels containing the names and addresses of property owners within 300 feet of the external boundaries of the subject property (available at Canyon County Assessor's office).
- Complete Application (Staff check this box and initial when complete):** \_\_\_\_\_





**CITY OF MIDDLETON**  
 P O Box 487 AVENUE, MIDDLETON, ID 83644  
 208-585-3133, Fax: 208-585-9601  
 WWW.MIDDLETON.ID.GOV

Planning Department  
**Conditional Use Permit Checklist**  
 Rev: 09/13/2017

Property Owner(s): ELIZABETH A. ROBLES

Please answer the following questions:

1. Property Size: 5,361 SQ FT.
2. Crossroads: S. MIDDLETON RD.
3. Future Land Use Designation: RESIDENTIAL
4. Surrounding Land Uses: RESIDENTIAL, MULTI FAMILY. AND MULTI USE
5. If approved, what is the expected effect on roadways and traffic? NO EFFECT

6. Will the proposed use generate a nuisance of light, glare, noise, vibration, smoke, fumes, odor, dust, etc?  
NO

If applicable:

Days and hours of operation: N/A

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

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

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

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

How will the proposed use be harmonious with the goals, objectives, and strategies in the Comprehensive Plan?  
HOUSING GOAL 10, OBJECTIVE "A", STRATEGY 1 & 2, OBJECTIVE "B"

Will the proposed use be served adequately by essential public facilities and services (pathways, streets, police and fire protection, drainage structures, refuse disposal, water and sewer and schools or will the proposed use create excessive additional requirements at public cost for public facilities and services?  
NO CREATE ADDITIONAL COST

Will the proposed use be injurious to others by involving activities, processes, materials, equipment or conditions of operation that will be hazardous, or a nuisance to a person, or to existing or future neighboring uses? Nuisance means excessive traffic, vibration, noise, dust, fumes, glare, or odors or other similar nuisances.  
NO

**QUITCLAIM DEED**


FOR VALUE RECEIVED, JUANA E. VELORIO VALDIVIA, A SINGLE WOMAN  
does hereby convey, release, remise and forever quit claim unto ELIZABETH A. ROBLES  
202 SOUTH MIDDLETON RD. MIDDLETON, ID 83644

whose current address is:

the following described premises:

*SEE ATTACH*

[Legal Description]

**2018-040430**  
RECORDED  
09/11/2018 09:15 AM  
  
00392094201800404300020026  
CHRIS YAMAMOTO  
CANYON COUNTY RECORDER  
Pgs=2 PBRIDGES \$15.00  
DEED  
ELIZABETH ROBLES

TO HAVE AND TO HOLD the said premises, unto the said grantees, heirs and assigns forever.

Date: 9/11/18

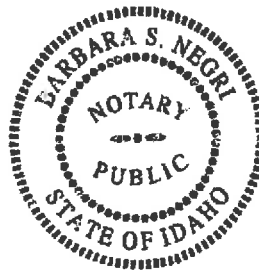
By: *[Signature]* JUANA E.  
[Grantor's Name]

State of id, County of Canyon

This record was acknowledged before me on 9-11-18 by Juana E. Velorio Valdivia

*[Signature]*  
Signature of notary public  
Commission Expires: 10/13/2022

*[Signature]*





*Unlimited Boundaries, Inc. dba ALS*  
**LAND SURVEYING & PLANNING**  
1103 W. Main St.  
Middleton, Idaho 83644  
208-585-5858 866-716-5253 fax

**DESCRIPTION FOR  
JUANA VELORIO  
PARCEL 2**

The following describes a parcel of real property lying within a portion of Lot 1, Block 2, Plat of Jones' Addition to Middleton, Idaho, also lying within a portion of the Northwest Quarter of the Northeast Quarter (NW1/4 NE1/4) of Section 7, Township 4 North, Range 2 West, Boise Meridian, City of Middleton, Canyon County, Idaho, more particularly described as follows:

Commencing at the southeast corner of said NW1/4 NE1/4; Thence, along the south boundary line of said NW1/4 NE1/4, North 89°34'52" West, 182.86 feet; Thence, departing said south boundary line, North 00°13'21" East, 30.25 feet to the southwest corner of Lot 12, Block 2, Plat of Jones' Addition to Middleton, Idaho; Thence, along the south boundary line of said Block 2, South 89°39'56" East, 182.62 feet to the southeast corner of said Lot 12; Thence, along the east boundary line of said Block 2, North 00°13'21" East, 550.72 feet to the southeast corner of said Lot 1; Thence, along the south boundary line of said Lot 1, North 89°43'55" West, 4.90 feet to the east right of way line of Middleton Rd; Thence, along said south boundary line of said Lot 1, North 89°43'55" West, 70.60 feet to the **POINT OF BEGINNING**;

Thence, along said south boundary line, North 89°43'55" West, 107.12 feet to the southwest corner of said Lot 1;

Thence along the west boundary line of said Lot 1, North 00°13'21" East, 50.04 feet to the northwest corner of said Lot 1 and the south right of way line of Idaho St;

Thence, along the north boundary line of said Lot 1 and said south right of way line, South 89°44'18" East, 107.12 feet;

Thence, departing said north boundary line, South 00°13'21" West, 50.05 feet to the **POINT OF BEGINNING**, containing 0.123 acres or 5,361 square feet more or less and is subject to any easements or reservations.



**CITY OF MIDDLETON**  
P O Box 487 AVENUE, MIDDLETON, ID 83644  
208-585-3133, FAX: 208-585-9601  
WWW.MIDDLETON.ID.GOV

**Planning Department**  
**Conditional Use Permit Checklist**  
Rev: 09/13/2017

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

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

# ADMINISTRATIVE REVIEW AND REPORT

## Middleton Planning and Zoning Commission

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### Valhalla County Estates Subdivision

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**A request by KCRJ LLC to except from the Idaho Standards for Public Works Construction and Middleton Supplement from 3/8" maximum pipe sag provisions to allow up to 1/2" pipe in the wastewater mainline in Valhalla St. and Nordic Ave.**

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

**Representative:** Mason and Associates  
924 3<sup>rd</sup> Street South, Suite B  
Nampa, ID 83651

- 1. APPLICATION:** The application was received and accepted by the City on October 18, 2018.
- 2. NOTICE OF PUBLIC HEARING:**  
Published notice Idaho Press Tribune: October 23, 2018  
Letters to 300' Property Owners: October 24, 2018  
Letters to Agencies: October 24, 2018  
Property Posted: November 5, 2018
- 3. APPLICABLE CODES AND STANDARDS:**  
Idaho Code Title 67, Chapter 65  
Middleton City Code (MCC) 1-14-2 and 1-15-2  
Middleton City Code 6-2-2  
Middleton Comprehensive Plan, Dec. 20, 2017 version
- 4. PLANNING AND ZONING OFFICIAL REVIEW COMMENTS:**

On September 19, 2018, the applicant received preliminary plat approval from City Council. Since that time the applicant has submitted a request to the city to except Valhalla Country Estates subdivision, from Idaho Standards for Public Works (ISPWC) requirement of 3/8" pipe and to allow 1/2" pipe in the places where the wastewater mainline in Valhalla St. and Nordic Ave. were repaired, cleaned and re-photographed using closed circuit television

(CCTV) that exceed tolerances allowed in the standards.

The sewer pipe was originally built to ISPWC standards, and process for exceptions was followed, but not completed in 2007. According to statements from the applicant from those involved, a considerable effort was made at the time to bring the sewer system into compliance. There is evidence in the asphalt showing the sewer line was dug up and repaired.

The ground in the proposed subdivision has surprisingly high ground level depths of approximately five to nine feet deep, while the existing sewer lines are approximately 11 to 14 feet deep. As a result, the existing empty sewer lines are floating underwater. The existing sewer lines have not been used for over 11 years.

The applicant has tried on multiple occasions to repair the sewer lines and has used CCTV to view the lines three different times. The CCTV shows various locations where the pipe sags exceed the standards. All of the leaks, cracks and big sags in the line have been repaired. The city is currently waiting for the last CCTV result to find out if there are still any sags and how many.

**Written Agency Responses to Date:** None

**Written Surrounding Property Owners Responses to Date:** None

## **5. CONCLUSION**

## Request for Exception to the Standard

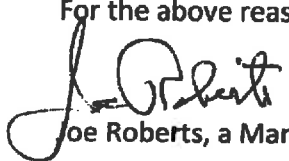
To accompany application for variance to the standards

KCRJ LLC hereby requests that the City of Middleton except from the Idaho Standards for Public Works and Middleton Supplement the sewer mainline under Valhalla Street and Nordic Avenue in the Valhalla Country Estates Sub-division. As constructed, there are many points along the line that exceed tolerances allowed in the standards. We CCTV filmed the system twice and we get different answers each time. The empty pipes are floating under water, and are like balloons floating in the air. When we start flowing water through them, it will be a different dynamic.

This sewer line was installed about 2006. According to statements to me from those involved, considerable effort was made to bring the system into standard at that time. There is evidence in the asphalt to back their statements that the sewer line was dug up and repaired. Had the line been placed in service at that time, it would still have the same issues today and will continue to have them until houses are built and the lines are used.

We have been told by the City Engineer that the system will work. To fix the all the bellies that the last report showed would result in the total destruction of the road, water mains, and swells, if the bellies can be "fixed" at all. It averaged 3 days of excavation on the 4 cracked service tees that we repaired. Those were on the shallower north end of the line. The ground water is at about 9' while the sewer lines are up to 17' deep. The soil is sandy and unstable in the water. A huge area has to be opened that consumes the road It is hard to believe that after doing all those repairs that there would not again be the same problem show up again just as it has now.

For the above reasons, please accept the line into the Middleton City system.

 10/27/18  
Joe Roberts, a Manager for KCRJ LLC



**CITY OF MIDDLETON**  
 P O Box 487, MIDDLETON, ID 83644  
 208-585-3133, FAX: 208-585-9601  
 WWW.MIDDLETON.ID.GOV

**Planning Department**  
**Master Planning and Zoning Application**  
 Rev: 9/13/2017

Date of acceptance: \_\_\_\_\_  
 Accepted by: \_\_\_\_\_  
 Fee paid: \$ \_\_\_\_\_

**Property Owner:**

KCRJ LLC (208) 995-5246  
 Name Phone Email  
10309 Colorful Drive Nampa ID 83687  
 Address City, State Zip

**Representative:**

Mason and Associates, cnc (208) 454-0256 wmason@masonandassociates.us  
 Name Phone Email  
924 3<sup>rd</sup> Street South Ste B Nampa, ID 83651  
 Address City, State Zip

**Application Type:**

- |  |  |  |
|--|--|--|
| <input type="checkbox"/> Annexation and Zoning                               | <input type="checkbox"/> Rezone        | <input type="checkbox"/> Development Agreement |
| <input type="checkbox"/> Preliminary Plat                                    | <input type="checkbox"/> Final Plat    | <input type="checkbox"/> Vacate Right-of-Way   |
| <input checked="" type="checkbox"/> Conditional Use Permit                   | <input type="checkbox"/> Variance      | <input type="checkbox"/> Ordinance Amendment   |
| <input type="checkbox"/> Comprehensive Plan Map or Text Amendment            | <input type="checkbox"/> Design Review | <input type="checkbox"/> Waiver                |
| <input type="checkbox"/> Amend or Terminate a Recorded Development Agreement |  |  |

**Site Information:**

Address: 0 North Middleton Rd and Purple sage rd  
 Crossroads: Purple sage rd and Middleton rd.  
 Assessor's Tax Parcel No(s): R37560012 R37563  
 Total Acres: 51.6 Next to City limits? in city limits  
 Existing Zoning: R-3 Proposed Zoning: NA  
 Floodplain Zone: A Hillside (grades exceeding 10%): NA

KCRJ LLC  
 Property Owner's Printed Name

10/18/2018  
 Date

Joseph W. Robert, Manager  
 Property Owner's Signature

\_\_\_\_\_  
 City Official Accepting Application