



CITY OF MIDDLETON

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

Planning & Zoning Department Master Land Use Application

Fee Paid: \$ 6250.00
Application Accepted by: RLS
Date Application Accepted: 6/9/2023

OWNER/APPLICANT:

J and A Johnson LLC	(801) 309-6485	amy@infiniterealestategroup.com	
Name	Phone	Email	
719 Blue Ridge Circle	Alpine	Utah	84004
Mailing Address	City	State	Zip Code

REPRESENTATIVE:

AG Land & Development, LLC	208-954-7285	Connor@aglidaho.com	
Name	Phone	Email	
505 S. 7th Ave.	Caldwell	ID	83605
Mailing Address	City	State	Zip Code

PUBLIC HEARINGS*

- ☒ Annexation and Zoning
☐ Rezone
☒ Preliminary Plat
☐ Comprehensive Plan Map
or Text Amendment

PUBLIC HEARINGS*

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

MISC. APPLICATIONS

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

MISC. APPLICATIONS

- ☐ Lot Line Adjustment***
☐ Floodplain***
☐ Approach Permit***

* **Public Hearings:** a neighborhood meeting is required before filing an application, and individuals have a right to participate in the hearing by offering comments. Plats not designed to city code and standards require a neighborhood meeting and public hearing.

** **Public Meetings:** Individuals have a right to observe, but not comment, at an open meeting at which the application is being considered by decision makers. Preliminary Plats designed to city code and standards do not require a public hearing, but a neighborhood meeting is still required for the preliminary plat.

*** **Administratively:** reviewed and approved by the City Engineer and Zoning Official.

Subdivision or Project Name: Pheasant Heights Phase N/A

Site Address: Approximately 2800 Emmet Rd Total Acres: 54.06

Tax Parcel No(s): R34445012A2, R34445012A0, R34445012B, R34445012A1

Existing Zoning: County: RR Proposed Zoning: R-3

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

Connor Gray
Printed Name

6/7/2023
Date


Signature



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Planning & Zoning Department
**Development Agreement / Modified
Development Agreement Checklist**

Please submit all items listed below. Applications missing the following items will be deemed incomplete, **and the application will not be processed.**

Applicant	Description	Staff
X	Completed and signed Master Land Use Application (application can be submitted up to 90 days after neighborhood meeting)	
	Fee	
X	Narrative fully describing the following: <ul style="list-style-type: none">• Proposed project and project name.• Zoning requested.• How the request is consistent with the Middleton Comprehensive Plan.• Any variances or special use permits being requested.	
X	Scaled Vicinity Map of subject property	
X	Legal description of subject property. <ul style="list-style-type: none">• Legal description must be signed and stamped by a land surveyor registered in the State of Idaho• Include scaled exhibit map showing the boundaries of the legal description	
X	Recorded warranty deed showing proof of ownership	
X	If the representative is submitting the application, provide an Affidavit of Legal Interest signed by the owner of record.	
X	Two sets of adhesive mailing labels containing the names and addresses of property owners within 500 ft of the perimeter boundary of the subject property. Contact Canyon County Plat Room at (208) 455-6016 for a list of landowners.	
X	Neighborhood Meeting Notice, sign-in sheet, and minutes summarizing discussion	
X	Electronic copy of entire application via USB	



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Planning & Zoning Department **Annexation & Zoning Checklist**

Please submit all items listed below. Applications missing the following items will be deemed incomplete, **and the application will not be processed.**

Applicant	Description	Staff
×	Completed and signed Master Land Use Application (application can be submitted up to 90 days after neighborhood meeting).	
	Fee	
×	Narrative fully describing the proposed project and zoning requested. Describe how the request is consistent with the Middleton Comprehensive Plan.	
×	Scaled Vicinity Map	
×	Legal description of entire property to be annexed. Provide Word version and PDF version. Once approved, legal description must be stamped and signed by a land surveyor registered in the State of Idaho.	
×	Scaled Exhibit map showing boundaries of the legal description for the entire property to be annexed. The exhibit must be in compliance with Idaho State Tax Commission Property Tax Administrative Rules IDAPA 35.01.03.225.01.h. It is used by the Tax Commission to create the new parcel.	
×	Legal description for each zoning designation. <ul style="list-style-type: none"> Legal Description must be stamped and signed by land surveyor registered in the State of Idaho Include scaled exhibit map showing the boundaries of the legal description for each zone. 	
×	Recorded warranty deed showing proof of ownership	
×	If the representative is submitting the application, provide an Affidavit of Legal Interest signed by the owner of record.	
×	Two sets of adhesive mailing labels containing the names and addresses of property owners within 500 ft of the perimeter boundary of the subject property. Contact Canyon County Plat Room at (208) 455-6016 for a list of landowners.	
×	Copy of neighborhood meeting notice, sign-in sheet, and minutes summarizing the meeting discussion	
×	Electronic copy of entire application	
×	*A Development Agreement is required for all annexations. Please submit the Development Agreement checklist with this application.	
	**If the Land Use Map needs to be changed with the Annexation, please submit a Comprehensive Plan Map Amendment application with this application.	



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Planning & Zoning Department **Preliminary Plat Checklist**

Please submit all items listed below. Applications missing the following items will be deemed incomplete, **and the application will not be processed.**

Applicant	Description	Staff
×	Completed and signed Master Land Use Application (application can be submitted up to 90 days after neighborhood meeting)	
	Fee	
×	Narrative fully describing the proposed project. Additionally: <ul style="list-style-type: none"> • Please indicate whether a variance or special use permit is being requested along with the preliminary plat. • Describe requirements imposed by any Development Agreement, Covenants or other commitments. • Describe any anticipated adverse impacts on adjoining property. • Describe how the request is consistent with the Middleton Comprehensive Plan. 	
×	Vicinity Map	
×	Proposed Preliminary Plat (2 full size - minimum 24x36 inch - paper copies & 1 electronic full-size copy provided on a USB)	
×	Drainage Calculations - preliminary	
×	Title Report/Commitment (Schedule B)	
×	Landscape Plan	
×	Preliminary Plat must comply with Middleton City Code 5-4-4	
×	Warranty Deed showing proof of ownership	
×	If the representative is submitting the application, provide an Affidavit of Legal Interest signed by the owner of record.	
×	Two sets of adhesive mailing labels containing the names and addresses of property owners within 500 ft of the perimeter boundary of the subject property. Contact Canyon County Plat Room at (208) 455-6016 for a list of landowners.	
×	Copy of neighborhood meeting notice, sign-in sheet, and minutes summarizing discussion.	
×	Traffic Impact Study if residential subdivision with more than 25 dwelling units.	
×	Electronic copy of entire application on USB	

June 5, 2023

Ms. Roberta Stewart
Planning & Zoning Director
City of Middleton Planning and Zoning Department
1103 West Main Street Middleton, ID 83644

Re: Annexation, Rezoning, and Subdivision Application

Dear Ms. Stewart,

I. Introduction

On behalf of J and A Johnson LLC, AG Land & Development submits this application for the annexation and rezoning of approximately 54.06 acres of land into the City of Middleton, Idaho. This proposal seeks to bring the property into the city limits and rezone it from Canyon County's R-1 to R-3 for the purpose of developing a single-family residential community. The development will consist of 158 lots, with a density of 2.7 units per acre.

Our team has carefully considered the concerns previously raised by the City Council and has modified the project to align with the city's goals and vision for sustainable growth. We strongly believe that this development will provide significant benefits to the City of Middleton.

II. Site Description

The subject property consists of 4 separate parcels, totaling approximately 54.06 acres. It is currently zoned as R-1 under Canyon County's jurisdiction. Surrounding properties include single-family homes, agricultural land, and open spaces. The development site is strategically located opposite Middleton High School on Emmett Road.

III. Project Overview

The proposed development, known as Pheasant Heights, will consist of 158 single-family lots with an average density of 2.7 units per acre. The project has been thoughtfully designed to promote a sense of community and livability while preserving open spaces.

A key feature of the development is the inclusion of a 6.04-acre park, which will serve as a central gathering place for residents and contribute to the overall quality of life in the neighborhood. The park will include recreational amenities such as playgrounds, picnic areas, walking paths, and green spaces, providing ample opportunities for outdoor activities and fostering a connection to nature.

IV. Benefits to the City of Middleton

The proposed annexation and rezoning of this property will bring several important benefits to the City of Middleton, including:

1. **Economic Growth:** The development will generate additional property tax revenue and impact fees, which can be used to fund essential city services and infrastructure improvements.
2. **Housing Supply:** The project will help address the growing demand for housing in the Middleton area, providing high-quality homes for families and supporting the city's goals for sustainable growth.
3. **Park and Open Spaces:** The inclusion of a 6.04-acre park and preservation of open spaces within the development will enhance the quality of life for both existing and future residents, promoting a sense of community and encouraging healthy, active lifestyles.
4. **Infrastructure Improvements:** As part of the development, our team will invest in necessary infrastructure upgrades, including water, sewer, and stormwater management systems, ensuring that the project is in compliance with city standards and contributes to the long-term sustainability of the community.

V. Alignment with City's Comprehensive Plan and Future Land Use Goals

The proposed Pheasant Heights development has been designed to align with the City of Middleton's Comprehensive Plan and its Annexation Plan goals, objectives, and strategies. By adhering to these guidelines, the project will contribute to the city's vision of a united community that values safety, peace, health, space, and a small-city rural atmosphere.

Goal 1: Building a United Community

Pheasant Heights has been designed with the community's values in mind. The development will foster a sense of unity among residents through the inclusion of a 6.04-acre park, promoting social interaction and providing a safe, peaceful environment for families to enjoy. The project's lower density of 2.7 units per acre further contributes to preserving Middleton's small-city rural atmosphere.

Objective A: Proactive Planning and Service Delivery

Our team is committed to working closely with the City of Middleton in a proactive manner to ensure that the project is well-planned, prepared, and delivered to meet the community's needs now and in the future. We understand that our development is part of a larger community and will coordinate with city officials to ensure that our project aligns with the city's overall vision.

Strategy 1: Keeping Options Open for Future Elected Officials

The Pheasant Heights development is designed to be adaptable to future needs, allowing for flexibility in providing city services as the community evolves. Our team will collaborate with

city officials to ensure that the project remains responsive to changing needs while maintaining the city's values and vision.

Strategy 2: Ensuring New Development Pays for Its Impact

We recognize that new development must pay for its impact on infrastructure and city services. As such, our team will work closely with the City of Middleton to determine appropriate impact fees and financial contributions to ensure that the project does not place undue burdens on existing infrastructure or city services.

Strategy 3: Fair Share for City Services

Pheasant Heights is committed to ensuring that all properties within the development pay a fair share for city services. Through appropriate fees and assessments, the project will contribute to the overall financial health of the City of Middleton and support the delivery of essential services to all residents.

Strategy 4: Environmentally and Fiscally-Responsible Extension of City Services

Our team is dedicated to extending city services in an environmentally and fiscally-responsible manner. The Pheasant Heights development will include necessary infrastructure upgrades, such as water, sewer, and stormwater management systems, in compliance with city standards. We will also incorporate sustainable design elements and practices to minimize the project's environmental impact and promote long-term sustainability.

VI. Additional Project Details and Enhancements

A. Infrastructure Improvements and Access Points

The Pheasant Heights development will incorporate significant infrastructure improvements to benefit both the project and the surrounding community. These enhancements include upgrading the Emmett Road frontage, extending 9th Street with additional features, and extending all necessary public utilities.

Two access points will be established within Pheasant Heights to facilitate ease of movement for residents. A right-in, right-out access from Pheasant Heights to Emmett Road will be implemented, subject to approval from the County Highway District, which maintains jurisdiction over the roadway.

B. Public Utilities and Services

To ensure a high quality of life for Pheasant Heights residents, the development will provide a reliable water supply and wastewater services by connecting to the City's existing water and sewer systems. In addition, the project will extend essential public utilities, including electricity, gas, and telecommunications, to meet the community's needs.

C. Recreational Opportunities and Community Amenities

Pheasant Heights is designed to promote healthy living and social interaction among residents by offering an array of outdoor recreational opportunities. With 6.04 acres of open space, the

development will feature facilities such as a park, playground, seating areas, picnic spots, a pickleball court, a dog park, and micro-paths, encouraging a vibrant sense of community.

VII. Changing Circumstances and Precedent for Approval

It is important to note that since the previous denial of the application of the project, there have been significant changes in the circumstances surrounding the annexation and rezoning of similar developments in Middleton. Specifically, the City has approved the annexation of comparably sized projects with the same density, such as the Black Powder annexation and other R-3 density projects in the surrounding Middleton area. This approval sets a precedent for the consideration of Pheasant Heights' application, demonstrating the City's willingness to accommodate developments that align with its Comprehensive Plan and future land use goals.

Moreover, several R-3 subdivisions currently surround Middleton High School, highlighting the compatibility of our proposed project with the existing neighborhood context. While Pheasant Heights is located on the west side of Emmett Road, unlike the majority of other R-3 subdivisions with higher densities, the City's future land use plan has already taken this into consideration. This further supports our argument that Pheasant Heights is consistent with the City's vision for sustainable growth and responsible land use.

VIII. Collaborative Traffic Mitigation Efforts

To address the City Council's concerns regarding traffic congestion and safety, Pheasant Heights is proactively collaborating with neighboring developers to contribute to the funding and construction of an interim traffic light at the intersection of Emmett and Highway 44. This joint effort will help alleviate traffic concerns in the area and ensure the safe and efficient flow of vehicles, further demonstrating Pheasant Heights' commitment to responsible development and community engagement.

By working together with other developers in the area to address traffic concerns, Pheasant Heights showcases its dedication to being a responsible and collaborative partner in the growth and development of Middleton. This collaborative approach to traffic mitigation further supports our case for the consideration of Pheasant Heights' annexation and rezoning application, as it demonstrates our willingness to work with the City and other stakeholders to address potential issues and contribute to the overall wellbeing of the community.

IX. Supporting the Middleton School District

Pheasant Heights acknowledges the concerns regarding the capacity of the local school system in Idaho, particularly in light of the proposed development. In order to address this issue and contribute to the wellbeing of the community, we have been working with the Middleton School District to provide funding that can be used at their discretion to support the needs of the school system.

This collaborative effort demonstrates Pheasant Heights' commitment to not only developing a successful residential project but also being a responsible and engaged partner in the community. By providing financial support to the Middleton School District, we aim to help alleviate the

potential impact of new students on the school system and contribute to maintaining the high quality of education that the community of Middleton values.

X. Conclusion

In summary, the Pheasant Heights development has been carefully designed to align with the City of Middleton's Comprehensive Plan and Annexation Plan goals, objectives, and strategies. By adhering to these guidelines, we believe that the project will bring significant benefits to the City of Middleton and contribute to the creation of a vibrant, sustainable, and united community. We respectfully request that the City Council approve the annexation and rezoning of the subject property for the development of Pheasant Heights.

Our team is committed to working collaboratively with the City of Middleton and its residents throughout the planning and development process. We believe that through open communication and a shared commitment to the city's vision, the Pheasant Heights development can become an integral part of the Middleton community, enhancing the quality of life for existing and future residents while preserving the city's cherished small-town atmosphere.

Thank you for your consideration of this proposal. We look forward to engaging in further discussions with the City Council and the community to address any concerns or questions that may arise during the review process.

Sincerely,

A handwritten signature in black ink, appearing to read 'CG' with a stylized flourish at the end.

Connor Gray

AG Land & Development, LLC

Principal



Date: 10 January 2022
Client: Kimley-Horn
Job No.: 13221

EXHIBIT "A"

ANNEXATION BOUNDARY
PROPERTY DESCRIPTION

A parcel of land being a portion of the East one-half of the Northeast one-quarter of Section 02, Township 4 North, Range 3 West, Boise Meridian, Canyon County, Idaho, more particularly described as follows:

BEGINNING at the Southeast corner of Government Lot 1 on the East line of said East one-half of said Northeast one-quarter of said Section 02, said Southeast corner being a found 5/8 inch diameter iron pin with plastic cap inscribed "PLS 14216" from whence the East one-quarter corner of said Section 02 bears South 01° 53' 40" West a distance of 1322.18 feet;

THENCE South 89° 34' 44" West along the South line of said Government Lot 1 a distance of 244.37 feet to a tangent point of curvature;

THENCE leaving said South line a distance of 36.98 feet along the arc of a curve to the left having a radius of 39.25 feet, a central angle of 53° 59' 21", and a long chord which bears South 62° 35' 03" West a distance of 35.63 feet;

THENCE tangent to said curve South 35° 35' 23" West a distance of 407.19 feet;

THENCE South 58° 11' 32" West a distance of 385.33 feet;

THENCE South 01° 35' 06" West a distance of 771.60 feet to the South line of said East one-half;

THENCE South 89° 50' 28" West along said South line a distance of 504.14 feet to the Southwest corner of said East one-half (the East 1/16th corner);

THENCE leaving said South line North 01° 35' 41" East along the West line of said East one-half of said Northeast one-quarter of said Section 02 a distance of 454.82 feet to point, said point being South 01° 33' 57" West a distance of 27.85 feet from a found 5/8 inch diameter iron pin with plastic cap inscribed "PLS 8960";

THENCE continuing along said West line North 01° 33' 57" East a distance of 861.03 feet to the Southwest corner of said Government Lot 1, said Southwest corner being a found bronze cap inscribed "GLO 1936";

THENCE continuing along said West line North 01° 53' 00" East a distance of 1151.94 feet to the Southwest corner of that certain tract of land conveyed by Kenneth H. Mortensen and Cheyenne C. Mortensen, husband and wife, per Deed Instrument 2011016366, records of Canyon County;

THENCE leaving said West line North 89° 55' 39" East along the South line of said Mortensen tract a distance of 150.00 feet to the Southwest corner of that certain tract of land conveyed to the Dan and Sherie Crossley Trust per Deed Instrument 2011016365, records of Canyon County;

THENCE North 89° 54' 55" East along the South line of said Crossley Trust tract a distance of 259.85 feet;

THENCE leaving said South line of said Crossley Trust tract North 89° 55' 39" East a distance of 669.98 feet;

THENCE North 01° 37' 21" West a distance of 15.01 feet;

THENCE North 89° 55' 39" East a distance of 250.73 feet to the East line of said Government Lot 1;

THENCE South 01° 53' 35" West along said East line of said Government Lot 1 a distance of 1158.91 feet to the POINT OF BEGINNING.

Containing 54.58 acres, more or less.

