



SPECIAL MEETING AGENDA  
City Council Meeting  
City of Middleton, Idaho

Date: Friday, September 24, 2021

Time: 2:30 p.m.

Location: **City Hall Council Chambers – 1103 W Main Street**

Call-to-order, Roll Call, Pledge of Allegiance:

**Action Items:**

1. Second reading of ORDINANCE NO. 650 OF THE CITY OF MIDDLETON, CANYON COUNTY, IDAHO AMENDING MIDDLETON CITY CODE § 1-16-14(A) TO CLARIFY THE CURRENTLY APPLICABLE PARKS IMPACT FEE; PROVIDING FOR SEVERABILITY; REPEALING CONFLICTING ORDINANCES; AND PROVIDING AN EFFECTIVE DATE. THE CITY SHALL MAKE AVAILABLE TO THE PUBLIC, UPON REQUEST, THE FOLLOWING: PROPOSED LAND USE ASSUMPTIONS AND A COPY OF THE PROPOSED AMENDMENT TO THE CITY CODE.
2. Consider approving an application from Middleton High School for a Special Event Permit and fee waiver for 2021 Homecoming Parade on October 7, 2021. – Brooke Webb

**Public Comments, Mayor and Council Comments, Adjourn**

Posted by:

  
Jennica Reynolds, Deputy Clerk

Date: September 22, 2021, 11:30 p.m.

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



**AMENDED AND RESTATED ORDINANCE NO. 591**

**AN ORDINANCE ENACTED BY THE MIDDLETON CITY COUNCIL AMENDING TITLE 1 OF THE MIDDLETON CITY CODE BY THE ADDITION OF A NEW CHAPTER, CHAPTER 20, SECTIONS 1-20-1 THROUGH 1-20-12, ADOPTING A TRANSPORTATION IMPACT FEE FOR THE CITY OF MIDDLETON; PROVIDING FOR AN EFFECTIVE DATE; PROVIDING FOR SEVERABILITY; AND REPEALING ALL ORDINANCES, RESOLUTIONS, ORDERS AND PARTS THEREOF, IN CONFLICT HEREWITH.**

**BE IT ORDAINED BY THE MAYOR AND COUNCIL OF THE CITY OF CALDWELL, COUNTY OF CANYON, STATE OF IDAHO:**

**Section 1.** That Middleton City Code, Title 1, is hereby amended by the addition of a new Chapter, Chapter 1, Sections 1-20-01 through 1-20-12, as follows:

**1-20-1: FINDINGS:**

The City Council of the City of Middleton, Idaho, finds that:

A. Based on the City of Middleton comprehensive plan adopted by the City pursuant to title 67, chapter 65, Idaho Code, including, but not limited to, the capital improvements element of the comprehensive plan, and the general governmental goal of protecting the health, safety, and general welfare of the citizens of the City, and its area of City impact, it is necessary that the City's public facilities for City transportation accommodate new growth and development within the City.

B. New residential, commercial, and industrial growth and development imposes and will impose increasing and excessive demands upon the transportation facilities.

C. The revenues generated from new residential, commercial, and industrial growth and development often do not generate sufficient funds to provide the necessary improvements to these transportation facilities to accommodate new growth and development.

D. New growth and development are expected to continue and will place ever increasing demands on the City to provide and expand the transportation facilities to serve new growth and development.

E. The City has planned for the improvement of the transportation facilities in the capital improvements plan, duly made part of the City of Middleton's Comprehensive Plan.

F. The creation of an equitable impact fee system for transportation impact fees would enable the City to impose a proportionate share of the costs of needed improvements to the public transportation facilities to accommodate new growth and development, and would assist the City in implementing the capital improvements element of the comprehensive plan.

G. In order to implement an equitable impact fee system for the public facilities, the City retained Kittelson & Associates, Inc. to prepare an impact fee study for these types of transportation facilities. The resulting document (the "impact fee study") is on file in the Office of the City Clerk of the City of Middleton.

H. The impact fee study is consistent with the City of Middleton comprehensive plan and the levels of service set forth in the impact fee study are hereby adopted.

I. The impact fee study sets forth reasonable methodologies and analyses for determining the impacts of new residential, commercial, and industrial growth and development on the public

transportation facilities and determines the cost of acquiring or constructing the improvements necessary to meet the demands for such public facilities created by new growth and development.

J. The impact fee study uses a calculation methodology that is a net of credits for the present value of revenues that will be generated by new growth and development based on historical funding patterns and that are reasonably anticipated to be available to pay for system improvements including user fees, debt service payments, taxes, assessments, intergovernmental transfers, and all other available sources of funding such system, and included consideration of the following factors:

1. The cost of existing system improvements within the service area or areas;
2. The means by which existing system improvements have been financed;
3. The extent to which the new development will contribute to the cost of system improvements through taxation, assessment, or developer or landowner contributions, or has previously contributed to the cost of system improvements through developer or landowner contributions;
4. The extent to which the new development is required to contribute to the cost of existing system improvements in the future;
5. The extent to which the new development should be credited for providing system improvements, without charge to other properties within the service area or areas;
6. Extraordinary costs, if any, incurred in serving the new development;
7. The time and price differential inherent in a fair comparison of fees paid at different times; and
8. The availability of other sources of funding system improvements including, but not limited to, user charges, general tax levies, intergovernmental transfers, and special taxation.

K. The impact fees are based on the impact fee study, and do not exceed the costs of system improvements for the public facilities to serve new development that will pay the impact fees.

L. The City transportation infrastructure included in the calculation of impact fees in the impact fee study will benefit all new growth and development throughout the City, and it is therefore appropriate to treat all areas of the City as a single service area for purposes of calculating, collecting and spending the impact fees collected.

M. There is both a rational nexus and a rough proportionality between the development impacts created by each type of development covered by this chapter and the impact fees that such development will be required to pay.

N. This chapter creates a system by which impact fees paid by new growth and development will be used to finance, defray or to provide capital improvements for the public facilities in ways that benefit the development for which impact fees were paid.

O. This chapter creates a system under which impact fees shall not be used to correct existing deficiencies in public facilities, or to replace or rehabilitate existing public facilities, or to pay for routine operation or maintenance of those public facilities.

P. This chapter creates a system under which there shall be no double payment of impact fees, in accordance with Idaho Code section 67-8204(19).

Q. This chapter is consistent with all applicable provisions of title 67, chapter 82, Idaho Code, concerning impact fee ordinances.

R. This chapter shall not be deemed invalid because payment of an impact fee may result in an incidental benefit to others within the service area other than the fee payer.

**1-20-2: AUTHORITY, APPLICABILITY, AND EFFECTIVE DATE:**

A. This chapter is enacted pursuant to the City's general police powers pursuant to the authority granted to the City by title 50, Idaho Code, and pursuant to the authority granted to the City by section 67-8201 et seq., Idaho Code.

B. The provisions of this chapter shall apply to all territory within the limits of the City.

**1-20-3: INTENT:**

A. The intent of this chapter is to promote the health, safety and general welfare of the residents of the City and its area of City impact.

B. The intent of this chapter is to be consistent with those principles for allocating a fair and proportionate share of the cost of capital improvements to public facilities to serve new development in compliance with the provisions set forth in section 67-8201 et seq., Idaho Code. The provisions of this chapter shall be interpreted, construed and enforced in accordance with the provisions set forth in section 67-8201 et seq., Idaho Code.

C. The intent of this chapter is that impact fees should be charged, collected, and expended for City transportation capital improvements to increase the service capacity of those public facilities, which capital improvements are included in approved capital improvements plans that list the capital improvements that may be funded with impact fees.

D. The intent of this chapter is to ensure that: public facilities are available to serve new development; new development bears a proportionate share of the cost of City transportation capital improvements to such public facilities; to ensure that such proportionate share does not exceed the cost of the capital improvements to such public facilities required to serve new development; and to ensure that the funds collected from new development are used for capital improvements for public facilities that benefit new development.

E. It is not the intent of this chapter to collect any monies from new development in excess of the actual amount necessary to offset new demands for capital improvements to public facilities created by such new development.

F. It is not the intent of this chapter that the impact fees be used to remedy any deficiency in existing City transportation facilities on the effective date hereof, or ever be used to replace, rehabilitate, maintain and/or operate any public facilities.

G. It is not the intent of this chapter that any monies collected from an impact fee deposited in an Impact Fee Fund ever be commingled with monies from a different fund, or ever be used for capital improvements that are different from those for which the impact fee was paid.

H. It is not the intent of this chapter that impact fees be used for:

1. Construction, acquisition or expansion of public facilities other than capital improvements identified in the capital improvements plan.

2. Repair, operation or maintenance of existing or new capital improvements.

3. Upgrading, updating, expanding or replacing existing capital improvements to serve existing development in order to meet stricter safety, efficiency, environmental or regulatory standards.

4. Upgrading, updating, expanding or replacing existing capital improvements to serve existing development to provide better service to existing development.

5. Administrative and operating costs of the City unless such costs are attributable to development of the capital improvements plan used to determine impact fees by a surcharge imposed by ordinance on the collection of an impact fee, which surcharge shall

not exceed a development's proportionate share of the cost of preparing the capital improvements plan.

6. Principal payments and interest or other finance charges on bonds or other indebtedness except financial obligations issued by or on behalf of the City to finance capital improvements identified in the capital improvements plan.

**1-20-4: IMPOSITION AND COMPUTATION OF IMPACT FEES:**

A. The development impact fee reflects the need for capital improvements to public transportation facilities created by new development. Any application for a building permit enabling the construction and, in the case of construction that does not require a building permit, any building that takes place on or after the effective date hereof shall be subject to the imposition of impact fees in the manner and amount set forth in this chapter. The methodology adopted for the purpose of determining City transportation impact fees shall be based upon the assumptions set forth in the impact fee study and pursuant to the following:

1. The development impact fee shall not exceed the proportionate share of the costs incurred or the costs that will be incurred by the City in the provision of system improvements to serve new development.
2. The proportionate share is the cost attributable to the new development after consideration by the City of the following factors:
  - a. Any appropriate credit, offset or contribution of money, dedication of land, or construction of system improvements;
  - b. Payments reasonably anticipated to be made by or as a result of a new development in the form of user fees and debt service payments;
  - c. That portion of general tax and other revenues allocated by the jurisdiction to system improvements; and
  - d. All other available sources of funding such system improvements.
3. In determining the proportionate share of the cost of system improvements to be paid by the developer, the following additional factors shall be considered:
  - a. The cost of existing system improvements within the service area or areas;
  - b. The means by which existing system improvements have been financed;
  - c. The extent to which the new development will contribute to the cost of system improvements through taxation, assessment, or developer or landowner contributions, or has previously contributed to the cost of system improvements through developer or landowner contributions;
  - d. The extent to which the new development is required to contribute to the cost of existing system improvements in the future;
  - e. The extent to which the new development should be credited for providing system improvements, without charge to other properties within the service area or areas;
  - f. Extraordinary costs, if any, incurred in serving the new development;
  - g. The time and price differential inherent in a fair comparison of fees paid at different times; and
  - h. The availability of other sources of funding system improvements including, but not limited to, user charges, general tax levies, intergovernmental

transfers, and special taxation. The governmental entity shall develop a plan for alternative sources of revenue.

4. The current transportation impact fees for the City of Middleton are set forth in Title 1, Chapter 20, Section 1-16-12, Middleton City Code.

B. Impact fees shall be required as a condition of approval of all residential, commercial, and industrial development in the service area for which a building permit is required and shall be payable prior to the issuance of any building permit (or installation permit in the case of a manufactured home) for a dwelling unit. Except as otherwise provided herein, after the effective date hereof, no building permit shall be issued until the impact fees described in this chapter have been paid, unless the development for which the permit is sought is exempted or approved credits are used to cover the impact fee. The City shall have the authority to withhold a building permit, stop construction, withhold utility services or impose liens as the case may be, until the appropriate impact fee has been collected.

C. After payment of the development impact fees or execution of an agreement for payment of development impact fees, additional development impact fees or increases in fees may not be assessed unless the number of service units increases or the scope or schedule of the development changes. In the event of an increase in the number of service units or schedule of the development changes, the additional development impact fees to be imposed are limited to the amount attributable to the additional service units or change in scope of the development.

D. A fee payer required to pay an impact fee may choose to have the amount of such impact fee determined pursuant to either the fee schedule (whereupon such payment shall be recognized as full and complete payment of the development's proportionate share of system improvement costs, except as provided in Idaho Code section 67-8214(3)) or subsections E through G of this section. If the fee payer chooses to have the amount of such impact fee determined pursuant to subsections E through G of this section, such impact fee shall be subject to the adjustment described in this section, if applicable. If the project is a mix of those uses listed on the fee schedule, then the impact fees shall be determined by adding up the impact fees that would be payable for each use as if it were a freestanding use pursuant to the fee schedule.

E. Individual assessment of impact fees is permitted in situations where the fee payer can demonstrate by clear and convincing evidence that the established impact fee is inappropriate for the project. Written application for individual assessment shall be made to the City at any time prior to receiving building permit(s). Late applications for individual assessment of impact fees may be considered for a period of sixty (60) days after the receipt of a building permit only if the fee payer makes a showing that the facts supporting such application were not known or discoverable prior to receipt of a building permit and that undue hardship would result if said application is not considered. Such independent impact fee calculation study for the fee payer's development shall be prepared at the fee payer's cost by a qualified professional and contain studies, data and other relevant information and be submitted to the City for review. Any such study shall be based on the same methodology and the same level of service standards, improvements and costs used in the impact fee study, and must document the methodologies and assumptions used. The City may hire a professional consultant to review any independent impact fee calculation study on behalf of the City, and may charge the reasonable costs of such review to the fee payer.

F. Any independent impact fee calculation study submitted by a fee payer may be accepted, rejected or accepted with modifications by the City as the basis for calculating impact fees. The City shall not be required to accept any study or documentation the City reasonably deems to be



inaccurate or unreliable, and shall have the authority to request that the fee payer submit additional or different documentation for consideration in connection with review of any independent impact fee calculation. If such additional or different documentation is accepted or accepted with modifications as a more accurate measure of the impact fees due in connection with fee payer's proposed development than the applicable impact fees set forth in the fee schedule, then the impact fee due under this chapter shall be calculated according to such documentation.

G. The City shall render a written decision establishing the impact fees in connection with the individual assessment within thirty (30) days of the date a complete application is submitted. The decision shall include an explanation of the calculation of the impact fees, shall specify the system improvement(s) for which the impact fees are intended to be used, and shall include an explanation of the factors considered pursuant to Idaho Code section 67-8207.

H. Certification of the impact fee for a project may be applied for in the following manner:

1. Written application may be made to the City not later than sixty (60) days after development approval by the City Council. Late applications for certification of the impact fee will not be considered unless the fee payer makes a showing that the facts supporting such application were not known or discoverable until after the time had run and that undue hardship would result if said application is not considered.

2. The City shall provide the fee payer with a written impact fee certification for the project within thirty (30) days of the date a complete application is submitted. The certification provided by the City shall establish the impact fee for the project in question so long as there is no material change to the project as identified in the certification application or the impact fee schedule. The certification shall include an explanation of the calculation of the impact fees, shall specify the system improvement(s) for which the impact fees are intended to be used, and shall include an explanation of the factors considered, which factors are identified in subsection G of this section.

I. Appeals of the City's determination of an individual assessment or certification shall be made to the City as provided further in this chapter.

J. There may be circumstances where the anticipated fiscal impacts of a proposed development are of such magnitude that the City may be unable to accommodate the development without excessive or unscheduled public expenditures that exceed the amount of the anticipated impact fees from such development. If the City determines that a proposed development would create such an extraordinary impact on the City's transportation infrastructure and facilities, the City may refuse to approve the proposed development and/or may recommend to the other affected government agencies that the project not be approved. In the alternative, the City may calculate a pro rata share per dwelling unit, or square feet of nonresidential buildings, of the extraordinary impact and charge a reasonable extraordinary impact fee that is greater than would ordinarily be charged pursuant to the fee schedule.

K. If the City discovers an error in its impact fee formula that results in assessment or payment of more than a proportionate share, City shall, at the time of assessment on a case by case basis, adjust the impact fee to collect no more than a proportionate share or discontinue the collection of any impact fees until the error is corrected by ordinance.

#### **1-20-5: PAYMENT OF IMPACT FEES:**

A. After the effective date hereof all fee payers shall pay the impact fees as provided by this chapter to the City following application for a building permit and prior to the issuance of any building permit for a dwelling unit.



B. All impact fees paid by a fee payer pursuant to this chapter shall be promptly deposited in the Impact Fee Fund.

**1-20-6: IMPACT FEE FUNDS; REFUNDS OF IMPACT FEES PAID:**

A. There is hereby established a City Transportation Impact Fee Fund into which shall be deposited all transportation impact fees for the purpose of ensuring City transportation impact fees collected pursuant hereto are designated for the accommodation of City transportation capital improvements reasonably necessary to serve new development that paid the impact fee.

B. Each fund shall be an interest bearing account which shall be accounted for separately from other impact fee funds and from other City funds. Any interest or other income earned on monies deposited in a fund shall be credited to such fund. Expenditures of impact fees shall be made only for the category of system improvements for which the impact fees were collected and as identified in the capital improvements plan.

C. Except as otherwise provided herein, monies from the fund, including any accrued interest, shall be limited to the financing of acquisition, expansion, and/or improvement of capital improvements, or for principal and interest payments on bonds or other borrowed revenues used to acquire, expand or improve such capital improvements, necessary to serve new development. Impact fees in each fund shall be spent within eight (8) years from the date such impact fees were collected on a first in/first out (FIFO) basis. The City may hold the impact fees longer than the prescribed time period if the City identifies, in writing: 1) a reasonable cause why the impact fees should be held longer; and 2) an anticipated date by which the impact fees will be expended but in no event longer than eleven (11) years from the date the impact fees were collected.

D. The City shall prepare annual reports to be provided to the Advisory Committee and the City Council, which reports shall: 1) describe the amount of all impact fees collected, appropriated or spent for system improvements during the preceding year, as applicable, by category of public facility and service area; and 2) describe the percentage of tax and revenues other than impact fees collected, appropriated or spent for system improvements during the preceding year, as applicable, by category of public facility and service area.

E. Funds shall be deemed expended when payment of such funds has been approved by the City. The fee payer or successor in interest shall be entitled to a refund of the impact fee if:

1. Service is available but never provided;
2. A building permit or permit for installation of a manufactured home is revoked or abandoned;
3. The City, after collecting the impact fee when service is not available, has failed to appropriate and expend the collected impact fees; or
4. The fee payer pays an impact fee under protest and a subsequent review of the impact fee paid or the completion of an individual assessment determines that the impact fee paid exceeded the proportionate share to which the City was entitled to receive.

F. When the right to a refund exists, within ninety (90) days after the City determines that a refund is due, the City shall provide written notice of entitlement to a refund, to the owner of record and the fee payer who paid the impact fees at the address shown on the application for development approval, or to a successor in interest who has notified the City of a transfer of the right or entitlement to a refund and who has provided to the City a mailing address. When the right to a refund exists, the City shall also publish the notice of entitlement to a refund within thirty (30) days after the expiration of the eight (8) year period after the date that the impact fees were collected. Such published notice shall contain the heading "Notice Of Entitlement To Impact Fee Refund".

G. A refund shall include interest at one-half (1/2) the legal rate provided for in section 28-22-104, Idaho Code, from the date on which the impact fee was originally paid.

H. In order to be eligible for a refund, a fee payer, successor in interest or owner of record shall file a written application for a refund with the City within six (6) months of the time such refund becomes payable under subsection C of this section, or within six (6) months of publication of the notice of entitlement to a refund, whichever is later. If a successor in interest claims a refund of impact fees, the City may require written documentation that such rights have been transferred to the claimant prior to issuing the requested refund. Refunds shall be paid within sixty (60) days after the date on which the City determines that a sufficient proof of claim for a refund has been made.

I. Any person entitled to a refund shall have standing to sue for a refund under the provisions of this chapter if there has not been a timely payment of a refund as provided herein.

#### **1-20-7: EXEMPTIONS FROM IMPACT FEES:**

A. The following types of land development shall be exempted from payment of the impact fees imposed by this chapter:

1. Rebuilding the same amount of square feet of a dwelling unit or nonresidential structure that was destroyed by fire or other catastrophe, provided that the structure is rebuilt and ready for occupancy within two (2) years of its destruction.

2. Construction of an unoccupied, detached accessory structure, or addition of uses related to a dwelling unit unless it can be clearly demonstrated that the use creates a significant impact on the capacity of system improvements.

3. Remodeling or repairing a dwelling unit or a nonresidential structure in a manner that does not increase the number of service units.

4. Replacing a dwelling unit with another dwelling unit on the same lot, provided that the number of service units does not increase.

5. Placing a temporary construction trailer or office on a lot.

6. Constructing an addition on a residential structure which does not increase the number of service units.

7. Adding uses that are typically accessory to residential uses, such as tennis courts or clubhouse, unless it can be clearly demonstrated that the use creates a significant impact on the capacity of system improvements.

B. An impact fee will be assessed for installation of a modular building, manufactured home or recreational vehicle unless the fee payer can demonstrate by documentation such as utility bills and tax records, either: 1) that a modular building, manufactured home or recreational vehicle was legally in place on the lot or space prior to the effective date hereof; or 2) that an impact fee has been paid previously for the installation of a modular building, manufactured home or recreational vehicle on that same lot or space. Lawful storage of a recreational vehicle shall not be deemed installation for purposes of this chapter. (Ord. 541, 8-6-2014; amd. Ord. 609, 7-3-2018)

#### **1-20-8: CREDITS; REIMBURSEMENTS:**

A. No fee payer shall be required to construct, fund or contribute any capital improvement to meet the same need for City transportation for which an impact fee is imposed. All system improvements constructed, funded or contributed over and above the proportionate share of system improvement costs, including such system improvements paid for pursuant to a local improvement district, shall result in either a credit on future impact fees or reimbursement (at the fee payer's

option) for such excess construction, funding or contribution to be paid from impact fees paid by future development that benefits from such system improvements constructed, funded or contributed by the fee payer. However, no credit or reimbursement shall be provided for: 1) project improvements; 2) any construction, funding or contribution not agreed to in writing by the City prior to commencement of such construction, funding or contribution; 3) any construction, funding or contribution of a type of capital improvements not included in the calculation of the applicable impact fee; and 4) any improvement required by an agency other than the City for that agency's development approval.

B. In the calculation of an individual assessment of impact fees for a project, credit shall be given for the present value of all tax and user fee revenue generated by the fee payer within the service area and used by the City for system improvements of the category for which the impact fee is being collected. If the amount of such credit exceeds the impact fee for a project, the fee payer shall receive a credit on future impact fees. The credit may be applied by the fee payer as an offset against future impact fees only in the service area where the credit was generated.

C. In the calculation of impact fees for a project, credit or reimbursement (at the fee payer's option) shall be given for the present value of any construction of system improvements or contribution of land or money required by the City from the developer for system improvements of the category for which the impact fee is being collected, including system improvements paid for through local improvement district assessments. Credit or reimbursement shall not be given for project improvement.

D. If credit or reimbursement is due to the fee payer, the City and fee payer shall enter into a written agreement, negotiated in good faith, prior to the construction, funding or contribution. The written agreement shall include, without limitation: a description of the construction, funding or contribution of system improvements including, in the case of real property, a legal description of the real property; description as to how the system improvements are to be valued; the amount of the credit or the amount, time and form of reimbursement; instructions as to how the capital improvements should be provided to the City to ensure full transfer of ownership; and the circumstances under which the credit or reimbursement is deemed effective. To assist in such reimbursement, the City shall continue to collect impact fees from other developers whose proposed developments will benefit from such construction, funding or contribution, and will promptly transfer such funds to the fee payer. If a successor in interest claims a reimbursement or credit, the City may require written documentation that such rights have been conveyed to the claimant prior to issuing the requested reimbursement or credit.

E. Approved credits may be used to reduce the amount of impact fees in connection with any new development until the amount of the credit is exhausted. Each time a request to use approved credits is presented to the City, the City shall reduce the amount of the applicable impact fee otherwise due from the fee payer and shall note in the City records the amount of credit remaining, if any. Upon request of the fee payer, the City shall issue a letter stating the amount of credit available. If the credit has not been exhausted within eight (8) years of the date of issuance of the first building permit for which an impact fee was due and payable, or within such other time period as may be designated in writing by the City, such credit shall lapse, unless a refund of the remaining credit is applied for.

F. Approved credits or reimbursement shall only be used to reduce the amount of the impact fee of the category for which the impact fee is otherwise due, and shall not be paid to the fee payer in cash or in credits against any other monies due from the fee payer to the City.

G. Credit for land dedications shall, at the fee payer's option, be valued at: 1) one hundred percent (100%) of the most recent assessed value for such land as shown in the records of the Canyon County Assessor; or 2) that fair market value established by a private appraiser reasonably acceptable to the City in an appraisal paid for by the fee payer. Credit for contribution or construction of system improvements shall be valued by the City based on complete engineering drawings, specifications, and construction cost estimates submitted by the fee payer to the City, which estimates shall be revised as actual costs become available. The City shall determine the amount of credit due based on the information submitted, or, if the City determines that such information is inaccurate or unreliable, then on alternative engineering or construction costs reasonably acceptable to the City as a more accurate measure of the value of the offered system improvements to the City.

H. Approved credits for land dedications shall become effective when the land has been conveyed to the City in a form reasonably acceptable to the City at no cost to the City, and has been accepted by the City. Approved credits for contribution or construction of system improvements shall generally become effective when: 1) all required construction has been completed and has been accepted by the City; and 2) all design, construction, inspection, testing, bonding, and acceptance procedures have been completed in compliance with all applicable requirements of the City. Approved credits for the construction of system improvements may become effective at an earlier date if the fee payer posts security in the form of a performance bond, irrevocable letter of credit or escrow agreement in the amount and under terms reasonably acceptable to the City.

I. Credit may only be transferred by a fee payer that has received credit to such fee payer's successor in interest. The credit may be used only to offset impact fees for the same category for which the credit was issued. Credits shall be transferred by any written instrument clearly identifying which credits are being transferred, the dollar amount of the credit being transferred, and the system improvements for which the credit was issued. The instrument of transfer shall be signed by both the transferor and transferee, and a copy of the document shall be delivered to the City for documentation of the transfer before the transfer shall be deemed effective.

J. In the event that a developer intends to contribute or dedicate an interest in land in lieu of paying impact fees or a portion thereof, the following procedures and criteria shall be applied:

1. The City with the advice of the appropriate department head and the City Attorney will determine whether the land proposed for dedication is acceptable based upon the following considerations:

a. Size: The size of the parcel is expressed as a net amount and is exclusive of road right-of-way, existing and proposed easements, borrow pits, lakes, and other manmade or natural conditions which restrict or impede the intended use of such areas.

b. Unity: The land to be dedicated shall form a single parcel of land except where aforesaid review determines that two (2) or more parcels would be in the best public interest.

c. Shape: The configuration of the parcel of land is such as to be usable for public facilities purposes as determined by the City.

d. Location: The land to be dedicated is so located as to serve the needs of the development, by being within the service area public facilities.

e. Access: Appropriate access to the land to be dedicated is provided by improved public road frontage.

f. Utility: Dedicated land should be usable for public facilities purposes and meet the following criteria prior to its final acceptance by the City:

- 1) The property is platted and ready to be developed.
- 2) All utilities are in place and are at the perimeter of the site and include roads, walks, curbs, water lines, sewer lines, electric service lines, and telephone service lines.
- 3) All utilities are of sufficient quality and quantity to adequately service the site.
- 4) The property is filled and compacted to comply with all appropriate Subdivision Codes, Building and Zoning Codes, and flood insurance laws and regulations. The fill and compaction are of sufficient quality to accept the contemplated improvements.

g. Plans: City, regional, and State plans shall be taken into consideration when evaluating land proposals for dedication.

2. Appeals of the City's determination of land suitability shall be made to the City Council by the filing of an appeal with the City Clerk no later than ten (10) days following the date of the decision of the City.

#### **1-20-9: APPEALS:**

The decisions of the City may be appealed as provided below:

A. Any fee payer who is or may be obligated to pay an impact fee may appeal a decision made by the City in applying this chapter to the City Council's designee. Such decisions that may be appealed include:

1. The applicability of an impact fee to the development.
2. The amount of an impact fee to be paid for the development.
3. The availability, amount or application of any credit.
4. The amount of any refund, reimbursement or credit.
5. Any discretionary action or inaction by or on behalf of the City.

A fee payer may pay an impact fee under protest in order to obtain a development approval or building permit(s) and, by paying such impact fee, shall not be estopped from exercising the right of appeal provided herein, nor shall the fee payer be estopped from receiving a refund of any amount deemed to have been illegally collected. Upon final disposition of an appeal, the impact fee shall be adjusted in accordance with the decision rendered and, if necessary, a refund paid.

B. In order to pursue an appeal, the fee payer shall file a written notice of appeal with the City Council's designee within fifteen (15) days after the date of the decision being appealed, or the date on which the fee payer submitted a payment of impact fees under protest, whichever is later. Such written application shall include a statement describing why the appellant believes that the decision was in error; together with copies of any documents that the appellant believes supports the claim.

C. The City Council's designee shall notify the fee payer of the hearing date on the appeal, which notice shall be given no less than fifteen (15) days prior to the date of the hearing, and shall hear the appeal within thirty (30) days after receipt of a written notice of appeal. The appellant shall have a right to be present and to present evidence in support of the appeal. The City who made the decision under appeal shall likewise have the right to be present and to present evidence in support of the decision. The burden of proof in any such hearing shall be on the fee payer to

demonstrate that the amount of the impact fee, credit, reimbursement or refund was not properly calculated by the City.

D. The criteria to be used by the City Council's designee shall be whether: 1) the decision or interpretation made by the City; or 2) the alternative decision or interpretation offered by the appellant, more accurately reflects the intent of this chapter that new development in the City pay its proportionate share of the costs of system improvements for public facilities necessary to serve new growth and development. The City Council's designee may affirm, reject or revise the decision of the City, providing written findings of fact and conclusions, within fifteen (15) days after hearing the appeal. The City Council's designee shall modify the amount of the impact fee, credit, refund or reimbursement only if there is substantial evidence in the record that the City erred, based upon the methodologies contained in the impact fee study, this chapter and/or the capital improvements plan. The decision of the City Council's designee shall be final.

E. Upon voluntary agreement by the fee payer and the City, the fee payer and the City may enter into mediation with a qualified independent party to address a disagreement related to the impact fee for proposed development. Costs for the independent mediation service shall be shared equally by the fee payer and the City. Mediation may take place at any time during an appeals process and participation in mediation does not preclude the fee payer from pursuing other remedies.

#### **1-20-10: IMPACT FEE ADVISORY COMMITTEE:**

A. The City has established an Advisory Committee. The Advisory Committee shall continue to be composed of not fewer than five (5) members appointed by the City Council. Two (2) or more members of the Advisory Committee shall be active in the business of development, building or real estate. The Advisory Committee shall serve in an advisory capacity to the City Council and is established to:

1. Assist the City in adopting land use assumptions;
2. Review the capital improvements plan, and proposed amendments, and file written comments;
3. Monitor and evaluate implementation of the capital improvements plan;
4. File periodic reports, at least annually, with respect to the capital improvements plan and report to the City any perceived inequities in implementing the capital improvements plan or imposing the impact fees; and
5. Advise the City of the need to update or revise land use assumptions, the capital improvements plan, and impact fees.

B. The City shall make available to the Advisory Committee, upon request, all financial and accounting information, professional reports in relation to other development and implementation of land use assumptions, the capital improvements plan and periodic updates of the capital improvements plan.

#### **1-20-11: MISCELLANEOUS PROVISIONS:**

A. As used in this chapter, masculine, feminine or neuter gender and the singular or plural number shall each be deemed to include the others wherever and whenever the context so dictates; the word shall, will or must is always mandatory; the word may is permissive; and the word should indicates that which is recommended, but not required.

B. Nothing in this chapter shall be construed to create any additional right to develop real property or diminish the power of the City in regulating the orderly development of real property.

C. Nothing in this chapter shall limit or modify the rights of any person to complete any development for which a lawful building permit was issued prior to the effective date hereof.

D. Nothing in this chapter shall prevent the City from requiring a developer to construct reasonable project improvements in conjunction with a project.

E. Nothing in this chapter shall limit the ability of the City to enter into intergovernmental agreements as provided in section 67-8204A, Idaho Code.

F. Nothing in this chapter shall obligate the City to approve any development request that may reasonably be expected to reduce levels of service below minimum acceptable levels established in the development impact fee study.

G. Nothing in this chapter shall obligate the City to approve development which results in extraordinary impact.

H. Notwithstanding any agreement by the fee payer to pay the proportionate share of system improvement costs documented by the supplemental study, nothing in this chapter shall obligate the City to approve development that results in an extraordinary impact.

I. Nothing in this chapter shall work to limit the use by the City of the power of eminent domain or supersede or conflict with requirements or procedures authorized in the Idaho Code for local improvement districts or general obligation bond issues.

J. A development impact fee shall not exceed a proportionate share of the cost of system improvements determined in accordance with section 67-8207, Idaho Code. Development impact fees shall be based on actual system improvement costs or reasonable estimates of such costs.

K. Nothing in this chapter shall be construed to prevent or prohibit private agreements between developers, the City, the Idaho Transportation Department, and/or other governmental entities in regard to the construction or installation of system improvements or providing for credits or reimbursements for system improvement costs incurred by a developer or fee payer, including interproject transfers of credits, or providing for reimbursement for project improvements that are used or shared by more than one development project. If it can be shown that a proposed development has a direct impact on a public facility under the jurisdiction of the Idaho Transportation Department, then the agreement shall include a provision for the allocation of development impact fees collected from the developer or fee payer for the improvement of the public facility by the Idaho Transportation Department.

L. Nothing in this chapter shall restrict or diminish the power of the City: 1) to impose reasonable conditions on the annexation of any property to the City in accordance with Idaho Code, including conditions for recovery of project or system improvement costs required as a result of such voluntary annexation, or 2) to negotiate and execute development agreements that may impose additional conditions on development, including the recovery of project or system improvement costs, either in connection with a proposed annexation or in connection with any other development within the City.

M. The impact fees described in this chapter, and the administrative procedures of this chapter shall be reviewed at least once every five (5) years to ensure that: 1) the demand and cost assumptions and other assumptions underlying such impact fees are still valid; 2) the resulting impact fees do not exceed the actual costs of providing City transportation infrastructure required to serve new development; 3) the monies collected in any Impact Fee Fund have been and are expected to be spent for system improvements of the type for which such impact fees were paid; and 4) such system improvements will benefit those developments for which the impact fees were paid.



N. Violation of this chapter shall be subject to those remedies provided in this Code. Knowingly furnishing false information to any official of the City charged with the administration of this chapter on any matter relating to the administration of this chapter including, without limitation, the furnishing of false information regarding the expected size or use of a proposed development, shall be a violation of this chapter.

O. The captions used in this chapter are for convenience only and shall not affect the interpretation of any portion of the text of this chapter.

**1-20-12: IMPACT FEE SCHEDULE:**

| Land Use Type                                        | ITE Land Use Code | Peak Hour Trip Gen Rate | Trip Gen Unit-Type      | Network Adjustment Factor | New Trip Factor (Pass-By) | Average Trip Length (miles) (See Note 2) | VMT Cost (per mile) | Traffic Impact Fee per Unit |
|------------------------------------------------------|-------------------|-------------------------|-------------------------|---------------------------|---------------------------|------------------------------------------|---------------------|-----------------------------|
| Single Family Housing                                | 210               | 0.495                   | Per dwelling unit (PDU) | 0.317                     | 1.00                      | 11.2                                     | \$2,883             | \$5050                      |
| Multifamily Housing, Low-Rise                        | 220               | 0.28                    | PDU                     | 0.317                     | 1.00                      | 11.2                                     | \$2,883             | \$2857                      |
| Multifamily Housing, Mid-Rise                        | 221               | 0.22                    | PDU                     | 0.317                     | 1.00                      | 11.2                                     | \$2,883             | \$2245                      |
| Mobile Home                                          | 240               | 0.23                    | PDU                     | 0.317                     | 1.00                      | 11.2                                     | \$2,883             | \$2347                      |
| Accessory Dwelling Unit                              | See Note 1        | 0.155                   | PDU                     | 0.317                     | 1.00                      | 11.2                                     | \$2,883             | \$1581                      |
| Senior Adult Housing-Attached                        | 252               | 0.13                    | PDU                     | 0.317                     | 1.00                      | 11.2                                     | \$2,883             | \$1326                      |
| Senior Adult Housing-Detached                        | 251               | 0.15                    | PDU                     | 0.317                     | 1.00                      | 11.2                                     | \$2,883             | \$1530                      |
| Assisted Living                                      | 254               | 0.13                    | Per bed                 | 0.317                     | 1.00                      | 11.2                                     | \$2,883             | \$1326                      |
| Hotel                                                | 310               | 0.3                     | Per room                | 0.317                     | 1.00                      | 11.2                                     | \$2,883             | \$3061                      |
| Motel                                                | 320               | 0.19                    | Per room                | 0.317                     | 1.00                      | 11.2                                     | \$2,883             | \$1939                      |
| Automobile Car Center/Repair                         | 942               | 1.555                   | Per 1000 SF             | 0.317                     | 0.72                      | 2.8                                      | \$2,883             | \$2856                      |
| Automobile Parts Sales                               | 843               | 2.455                   | Per 1000 SF             | 0.317                     | 0.57                      | 2.8                                      | \$2,883             | \$3569                      |
| Bank (No Drive-Thru)                                 | 911               | 6.065                   | Per 1000 SF             | 0.317                     | 0.65                      | 2.8                                      | \$2,883             | \$10056                     |
| Bank (With Drive-Thru)                               | 912               | 10.225                  | Per 1000 SF             | 0.317                     | 0.65                      | 2.8                                      | \$2,883             | \$16953                     |
| Building Materials and Lumber                        | 812               | 1.03                    | Per 1000 SF             | 0.317                     | 1.00                      | 11.2                                     | \$2,883             | \$10509                     |
| Church                                               | 560               | 0.245                   | Per 1000 SF             | 0.317                     | 1.00                      | 5.6                                      | \$2,883             | \$1250                      |
| Coffee/Donut Shop No Drive-Thru                      | 936               | 18.155                  | Per 1000 SF             | 0.317                     | 0.50                      | 2.8                                      | \$2,883             | \$23154                     |
| Coffee/Donut Shop with Drive-Thru                    | 937               | 21.69                   | Per 1000 SF             | 0.317                     | 0.50                      | 2.8                                      | \$2,883             | \$27663                     |
| Coffee shop with Drive-Thru No Indoor Seats          | 938               | 41.665                  | Per 1000 SF             | 0.317                     | 0.11                      | 2.8                                      | \$2,883             | \$11690                     |
| Convenience Market (24hrs, No Gas)                   | 851               | 24.555                  | Per 1000 SF             | 0.317                     | 0.49                      | 2.8                                      | \$2,883             | \$30690                     |
| Day Care                                             | 565               | 5.56                    | Per 1000 SF             | 0.317                     | 1.00                      | 2.8                                      | \$2,883             | \$14182                     |
| Discount Club                                        | 857               | 2.09                    | Per 1000 SF             | 0.317                     | 0.63                      | 8.4                                      | \$2,883             | \$10076                     |
| High-Cube Transload and Short-Term Storage Warehouse | 154               | 0.05                    | Per 1000 SF             | 0.317                     | 1.00                      | 11.2                                     | \$2,883             | \$510                       |
| Drinking Place/Bar                                   | 925               | 5.68                    | Per 1000 SF             | 0.317                     | 0.57                      | 2.8                                      | \$2,883             | \$8258                      |
| Free-standing Discount Store                         | 815               | 2.415                   | Per 1000 SF             | 0.317                     | 0.83                      | 8.4                                      | \$2,883             | \$15339                     |
| Free Standing Discount Superstore                    | 813               | 2.165                   | Per 1000 SF             | 0.317                     | 0.83                      | 8.4                                      | \$2,883             | \$13751                     |
| Furniture Store                                      | 890               | 0.26                    | Per 1000 SF             | 0.317                     | 0.47                      | 8.4                                      | \$2,883             | \$935                       |
| Hardware/Paint Store                                 | 816               | 1.34                    | Per 1000 SF             | 0.317                     | 0.74                      | 8.4                                      | \$2,883             | \$7588                      |
| Home Improvement Superstore                          | 862               | 1.165                   | Per 1000 SF             | 0.317                     | 0.58                      | 8.4                                      | \$2,883             | \$5171                      |
| Hospital                                             | 610               | 0.485                   | Per 1000 SF             | 0.317                     | 1.00                      | 8.4                                      | \$2,883             | \$3711                      |
| Light Industrial                                     | 110               | 0.315                   | Per 1000 SF             | 0.317                     | 1.00                      | 11.2                                     | \$2,883             | \$3214                      |
| Manufacturing                                        | 140               | 0.335                   | Per 1000 SF             | 0.317                     | 1.00                      | 11.2                                     | \$2,883             | \$3418                      |

|                                              |            |        |                         |       |      |      |         |         |
|----------------------------------------------|------------|--------|-------------------------|-------|------|------|---------|---------|
| Mini-Warehouse (Self Storage)                | See Note 1 | 0.052  | Per 1000 SF             | 0.317 | 1.00 | 5.6  | \$2,883 | \$265   |
| Automobile Sales, New                        | 840        | 1.215  | Per 1000 SF             | 0.317 | 1.00 | 8.4  | \$2,883 | \$9297  |
| Automobile Sales, Used                       | 841        | 1.875  | Per 1000 SF             | 0.317 | 1.00 | 8.4  | \$2,883 | \$14348 |
| Pharmacy/Drug Store (No Drive-Thru)          | 880        | 4.255  | Per 1000 SF             | 0.317 | 0.47 | 2.8  | \$2,883 | \$5101  |
| Pharmacy/Drug Store (With Drive-Thru)        | 881        | 5.145  | Per 1000 SF             | 0.317 | 0.51 | 2.8  | \$2,883 | \$6693  |
| Restaurant-Fast Food (No Drive-Thru)         | 933        | 14.17  | Per 1000 SF             | 0.317 | 0.57 | 2.8  | \$2,883 | \$20602 |
| Restaurant – Fast Food (With Drive-Thru)     | 934        | 16.335 | Per 1000 SF             | 0.317 | 0.50 | 2.8  | \$2,883 | \$20883 |
| Restaurant- High Turnover                    | 932        | 4.885  | Per 1000 SF             | 0.317 | 0.57 | 2.8  | \$2,883 | \$7102  |
| Shopping Center                              | 820        | 1.905  | Per 1000 SF             | 0.317 | 0.66 | 5.6  | \$2,883 | \$6414  |
| Supermarket (Free Standing)                  | 850        | 4.62   | Per 1000 SF             | 0.317 | 0.64 | 2.8  | \$2,883 | \$7542  |
| Tire Store                                   | 848        | 1.99   | Per 1000 SF             | 0.317 | 0.72 | 8.4  | \$2,883 | \$10964 |
| Variety Store (Dollars Store)                | 814        | 3.42   | Per 1000 SF             | 0.317 | 0.66 | 8.4  | \$2,883 | \$17273 |
| Warehousing                                  | 150        | 0.095  | Per 1000 SF             | 0.317 | 1.00 | 11.2 | \$2,883 | \$969   |
| Gas Station with Conv Mkt (Fueling position) | 945        | 6.995  | Per fueling position    | 0.317 | 0.44 | 2.8  | \$2,883 | \$7851  |
| Gas station (fueling Position)               | 944        | 7.015  | Per fueling position    | 0.317 | 0.58 | 2.8  | \$2,883 | \$10378 |
| Golf Course (Hole)                           | 430        | 1.455  | Per hole                | 0.317 | 1.00 | 11.2 | \$2,883 | \$14845 |
| Movie Theater                                | 444        | 0.045  | Per seat                | 0.317 | 1.00 | 8.4  | \$2,883 | \$344   |
| Public Park                                  | 411        | 0.055  | Per acre                | 0.317 | 1.00 | 5.6  | \$2,883 | \$281   |
| Quick Lubrication                            | 941        | 2.425  | Per servicing positions | 0.317 | 0.58 | 2.8  | \$2,883 | \$3588  |
| Self-Service Car Wash                        | 947        | 2.77   | Per stall               | 0.317 | 0.58 | 2.8  | \$2,883 | \$6098  |
| Sup Conv Mkt/Gas Station >3000 sf and >10 FP | 960        | 11.48  | Per fueling position    | 0.317 | 0.44 | 2.8  | \$2,883 | \$12884 |
| Dental/Vision                                | See Note 1 | 1.315  | Per 1000 SF             | 0.317 | 1.00 | 8.4  | \$2,883 | \$10063 |
| General Office                               | 710        | 0.575  | Per 1000 SF             | 0.317 | 1.00 | 8.4  | \$2,883 | \$4400  |
| Medical                                      | 720        | 1.73   | Per 1000 SF             | 0.317 | 1.00 | 8.4  | \$2,883 | \$13238 |

\*Trip generation data based on local data. Collected by Ada County Highway District (ACHD) through individual assessment process. 2 Vehicle trips generated by commercial land uses typically have lower lengths than trips generated by residential or office land-uses. The U.S. Department of Transportation's Summary of Travel Trends: 2017 National Household Travel Survey states that the average trip length of shopping trips and other family/personal errands are approximately 32% shorter than the average trip lengths for all trips. The COMPASS 2012 Regional Household Travel Survey states that Home-Based-Shop trips are approximately 59% shorter than Home-Based-Work trips. Trip reduction factors of 75% (correlates with 25% decrease), 50%, and 25% were applied to land uses that are expected to have average trip lengths lower than 11.2 miles. These reduction factors were applied based on the guidance in the travel surveys and expected development patterns in the Mid-Star service area. Commercial and office-related development is expected to be centered on the SH 44 corridor and will result in trip lengths significantly shorter than trips that require travel external to the Mid-Star service area.

**Section 2.** This ordinance shall be in full force and effect after its passage, approval, and publication, according to applicable law.

**Section 3.** This ordinance is hereby declared to be severable. If any portion of this ordinance is declared invalid by a court of competent jurisdiction, the remaining provisions shall continue in full force and effect and shall be read to carry out the purposes of the ordinance before the declaration of partial invalidity.

**Section 4.** All ordinances, resolutions, orders and parts thereof in conflict herewith are repealed.





CITY OF MIDDLETON

P O Box 487, MIDDLETON, ID 83644
208-585-3133, 208-585-9601 FAX
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ADMINISTRATION

SPECIAL COMMUNITY EVENTS
APPLICATION/AGREEMENT/PERMIT
REV 8/17



Date: 9-22-2021

Middleton City Code Section 3-2 Special Events.

I. General Information:

Event Name: Middleton High School Homecoming Parade

Event Dates(s) / Time(s): 10-7-2021 2:30 - 4:30 pm

Event Location: See map attached

II. Applicant / Sponsoring Organization Information:

Applicant Name: Brian Rotne

Sponsoring organization Name: Middleton High School

Are you a non-profit corporation? Yes [checked] no [ ], if yes, 501c(3) [checked] or 501c(6) [ ]

Address: 1538 Emmett Rd

City: Middleton State: ID Zip: 83644

Phone: 208-585-6657 ; Cell Phone: n/a

Fax: 208-585-3362 ; Email: ~~brotne~~ brotne@msd134.org

On-Site/Emergency Contact Name: Brian Rotne OR Brooke Webb (208.989.2271)

Address: same

City: State: Zip:

Cell Phone: 208-880-8099 ; Email: brotne@msd134.org

III. Brief Description and Purpose of Event: To celebrate being a Viking during homecoming week.



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IV. Street Closure Request:

List any street(s) or lanes of streets requiring temporary street closure for the event. Include street name(s) indicating beginning and end points of the closing, date and time of closing and reopening:

- 1. Foot Park, Middleton Rd, Triumph Drive, Dewey, 3rd, Minor St, Hawthorne 2nd St.
2. Jasper, Concord, Cemetery, Willis, Hawthorne Park.
3. 10-7-2021, 2:30-4:30 pm

No permanent alteration to the street will be permitted.

Note: Permit from Idaho Transportation Department or Canyon County Highway District #4 may be required, depending on location.

V. Site Plan. A Site Plan must be attached that identifies the following, if applicable:

- 1. An outline of the entire event venue including the names of streets or areas that are part of the venue.
2. Location of any fencing, barriers and/or barricades.
3. Location and identification of all temporary structures, portable toilets, booths, trash containers/dumpsters, cooking areas, identification of location of all vendor cooking with flammable gases or barbeque grills, waste grease containers, gray water containers, hand washing stations, etc.
4. Location of first aid facilities and ambulances.
5. Parking, placement of vehicles and/or trailers.
6. Location of generators and/or sources of electricity.
7. Exit locations for OUTDOOR events within fencing, tents, other temporary structures.
8. Firework launch location.

Information:

I. Does the event involve the sale or use of alcoholic beverages? Yes \_\_\_ No [checked]

If yes, an Alcohol Beverage Permit may be required.

II. Does the event involve the sale or distribution of food? Yes \_\_\_ No [checked]

If yes, a Temporary Food Establishment Permit (South West District Health Department (208) 455-5300) and a vendor permit (City of Middleton) may be required, with copy to the City.

III. Does the event involve the sale of non-food items? Yes \_\_\_ No [checked]

IV. Will there be entertainment at the event? Yes [checked] No \_\_\_

If yes, please provide the following information:

Dance component/open floor: n/a

Live or recorded music: n/a

Amplification: Marching Band, music on parade floats

Start and end time of entertainment: 2:30pm - 4:30pm

Refer to Middleton City Code Section Noise.

V. ADDRESS: If the event is located within a building, name of building, address, owner name:

n/a

VI. TEMPORARY STRUCTURES.

Will there be any temporary structures on the event site? Yes \_\_\_ No [checked]



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Number of stages: 0 Size of stage(s): n/a

Number of Tents: 0 Size of tent(s) n/a

Inspection of temporary structures may be required and applicant is obligated to pay any inspection fee. Inspection / permit may be required for a tent by the Middleton Rural Fire District.

VII. Does the event involve use of fireworks, rockets, pyrotechnics? Yes \_\_\_ No

Where and when?

n/a

Inspection / permit by Middleton Rural Fire District may be required.

VIII. Will portable toilets for the public be provided? Yes \_\_\_ No

IX. Will electrical hookup for the event be required? Yes \_\_\_ No

Electrical inspection / permit may be required.

X. Will a generator(s) be used? Yes \_\_\_ No

XI. Will access to water be required for the event? Yes \_\_\_ No

XII. Will signs and/or banners be displayed as part of the event? Yes \_\_\_ No

A sign permit may be needed from the City of Middleton.

XIII. Will this event be marketed, promoted, or advertised? Yes \_\_\_ No

XIV. Will there be live media coverage of the event? Yes \_\_\_ No

XV. PARKING:

How will parking be accommodated for this event for all patrons, vendors, service providers, and event staff? Parking for students/staff will be limited at Footc Park.

XVI. REFUSE / GARBAGE:

How will garbage be contained and removed during and after the event?

Middleton High School students and staff will collect any garbage during the event.

Applicant will be responsible for the costs (time and material) any any rubbish or garbage removal by Public Works or City staff.

XVII. NOTIFICATION. Applicant may be required to notify property owners affected by the event before a special events permit will be issued.

XVIII. SECURITY. Applicant may be responsible for hiring and paying off-duty law enforcement officers, or reimbursing the City for costs of providing on-duty law enforcement officers, for necessary policing.



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XIX. INSURANCE, FEE.

Pursuant to Middleton City Code Section 3-2-2 (E), all applicants shall submit, with the application, and maintain, at least until the conclusion of the special event, a comprehensive general liability insurance policy in the amount of one million dollars (\$1,000,000.00), with the city of Middleton names as an additional insured, and written by a company authorized to write insurance policies within the state of Idaho, and filed with the Middleton city clerk's office. Applicants must also execute indemnification and hold harmless provisions contained within the application to address potential liabilities and damages to persons and/or property.

FEE: \$160.00 Pursuant to Resolution No. 334-13 Fee Schedule, except as otherwise provided in this chapter, special event applicants, promoters and sponsors whose special events require the use of municipal resources as a result of their anticipated attendance or heightened security concerns shall be required to reimburse the city for expended resources at the hourly rate or salary of city of other personnel involved in the permit processing, event traffic control, or other facility or event support and for the use of city equipment and other non-personnel expense. The city clerk shall require payment of fees and services or a reasonable estimate thereof at the time the completed application is approved, unless the city clerk for good cause extends time for payment. In any event, full cost recovery for resources shall be required no later than ten (10) days following the conclusion of the special event. Any extraordinary resources for which there are additional costs shall be solely dedicated to the special event.

XX. INDEMNIFICATION / HOLD HARMLESS AGREEMENT / AGREEMENT FOR LIABILITY AND COSTS.

Middleton High School (Applicant / Organization / Permittee) shall indemnify, defend and hold the City of Middleton, its officers, agents and employees harmless from any and all claims, suits, actions, damages and causes of action which the City of Middleton may incur arising out of any personal injury, bodily injury, loss of life or damage to any property, or violation of any relevant federal, state or local law or ordinance, or other cause resulting from the following services, operations, event or use of City property authorized pursuant to this Special Event Permit.

Acceptance of insurance certificates required under this application / permit does not relieve Middleton High School (Applicant / Organization / Permittee) from liability under this application / permit. This application / permit shall apply whether or not such insurance policies have been determined to be applicable to any of such damages or claims for damages.

Middleton High School (Applicant / Organization / Permittee) shall reimburse the City of Middleton for all costs and expenses that may be incurred by or on behalf of the Special Event (including but not limited to fees and charges of attorneys and other professionals and court costs incurred by the City of Middleton in enforcing the provisions of this permit.





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SPECIAL COMMUNITY EVENTS  
APPLICATION/AGREEMENT/PERMIT  
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Further, as to such damages or claims for damages which arise during the scope of the activities or the use of property covered under this Agreement, Middleton High School (Applicant / Organization / Permittee), at its sole cost and expense, shall defend any and all suits, actions or other legal proceedings that may be brought or instituted by third parties against the City of Middleton, its officers, agents or employees, or any such claim or demand, and shall pay and satisfy any judgment or decree that may be rendered against the City of Middleton, its officers, agents or employees in any such suit, action or other legal proceeding.

All insurance companies shall be required to add the City of Middleton, its officers, agents and employees as additional insured by endorsement under the insurance policy and shall stipulate that this insurance policy will operate as primary insurance under this Agreement and that no other insurance affected by the City of Middleton or other named insured will be called upon to contribute to a loss covered there under. The policy shall contain no special limitations on the scope of protection afforded to the City, its officers, employees or agents unless approved in writing by the City of Middleton.

IN WITNESS WHEREOF, Middleton High School (Applicant / Organization Representative/ Permittee) has made and entered into this Agreement with the City of Middleton as of this 22nd day of September, 2021.

\*See attached documents.

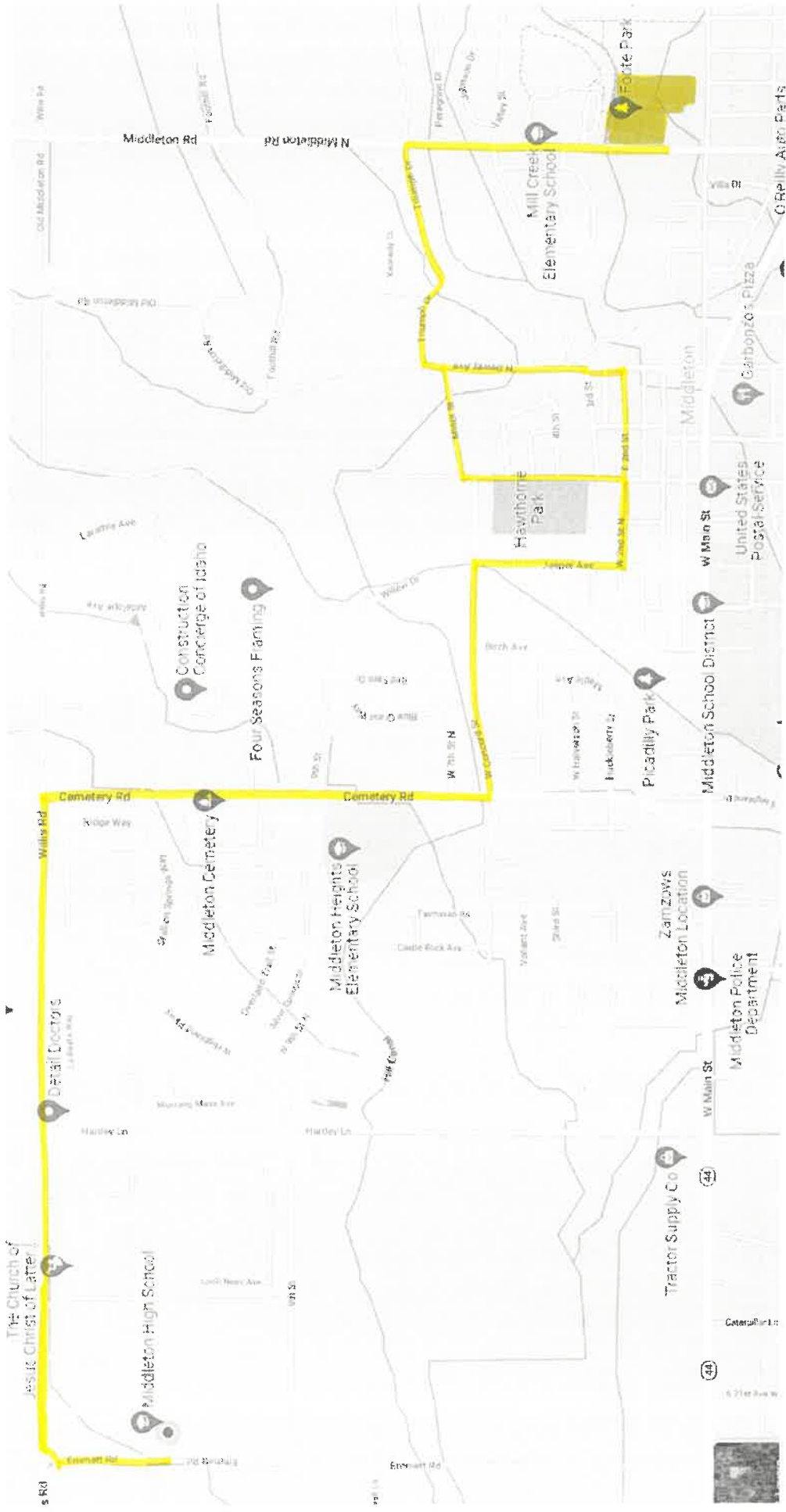
APPLICANT / ORGANIZATION REPRESENTATIVE

[Handwritten Signature]  
Signature

Date: 9/21/2021

BRIAN ROTHE  
Print name / Organization Name and Representative Title

|                                                          |
|----------------------------------------------------------|
| <b>OFFICE USE ONLY</b>                                   |
| Application Received: _____                              |
| Fee Received: _____                                      |
| Insurance Certificate Received: _____                    |
| Application Approved by City Council : _____             |
| Application Denied: _____                                |
| Permit is hereby issued this _____ day of _____, 20____. |
| _____<br>City Clerk                                      |
| Notes: _____                                             |



# Middleton School District #134



Brian Rothe, Principal  
Brooke Webb, Assistant Principal  
Mitchell Hill, Assistant Principal  
Leana Dwyre, Assistant Principal  
Andy Ankeny, Athletic Director

Nola Barningham, Counselor  
Alyssa Rogers, Counselor  
Vicky Shubert, Counselor

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September 22, 2021

To Whom It May Concern:

Middleton High School is celebrating Homecoming during the week of October 4, 2021. We hold a parade through town annually to allow for all schools in the Middleton School District to participate in and celebrate the Viking community. This year's parade is planned for Thursday, October 7, 2021 from 2:30pm to 4:30pm. We ask that the Special Community Events Permit be waived for this community event.

Thank you,

  
Brian Rothe

Principal