



AGENDA
City Council Meeting
City of Middleton, Idaho

Date: Wednesday January 6, 2021

Time: 5:30 p.m.

Location: **Trolley Station** 310 Cornell Street, Middleton, Idaho

The City is following the CDC/COVID-19 Social Distancing guidelines as directed by the Governor. Persons desiring to testify at the Public Hearings will be welcomed in a few people at a time. This Meeting will be streamed live via Facebook.

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

Action Item: Approve Agenda

Information Item

1. Equivalent Dwelling Unit power requirements to be able to charge electric vehicles. — Bruce Bayne
2. South Cemetery Road Construction Update — Rachel Speer
3. City Re-Use Farm Supplemental Irrigation Water — Bruce Bayne

Action Items

1. Consent Agenda (items of routine administrative business)
 - a. Consider approving minutes for Council's December 16, 2020 regular meeting. Consider ratifying December 18, 2020 payroll in the amount of \$116,709.34 and January 1, 2021 payroll in the amount of \$85,141.05 and accounts payable thru December 28, 2020 in the amount of \$89,996.10.
2. Consider approving West Highlands Subdivision Phase No. 10 Final Plat — Bruce Bayne
3. Public Hearing: Regarding the sale of real property located 0 Purple Sage Road, Middleton ID 83644, Canyon County parcel number R37581012B0. City Council at its December 16, 2020 council meeting declared the property as surplus and set a minimum price of \$150,000. — Mayor Rule
4. Consider approving Ordinance No. 646: AN ORDINANCE OF THE CITY OF MIDDLETON, CANYON COUNTY, IDAHO, AMENDING THE MIDDLETON CITY CODE TITLE 1, CHAPTER 3, SECTION 1 UPDATING DEFINITIONS FOR APARTMENT, DWELLING, MULTI-FAMILY, PARKING SPACE, AND LOCAL ROAD; DELETE DEFINITION FOR DWELLING, TWO-FAMILY; ADDING A DEFINITION FOR TOWNHOME ROAD; AMENDING TITLE 4, CHAPTER 5, SECTION 11 UPDATING PARKING REGULATIONS; AND PROVIDING AN EFFECTIVE DATE. — Bruce Bayne
5. Public Hearing: Ordinance No. 644: AN ORDINANCE OF THE CITY OF MIDDLETON, CANYON COUNTY, IDAHO, AMENDING TITLE 5, CHAPTER 1, SECTION 5 UPDATING DEFINITION OF M-F ZONE; AMENDING TITLE 5, CHAPTER 4, SECTION 1,

TABLE 1 TO DELETE DUPLEX AND TRI-PLEX AND UPDATE LAND USE STANDARDS FOR MULTI-FAMILY DWELLING; UPDATING TITLE 5, CHAPTER 4, SECTION 1, TABLE 2, UPDATING M-F ZONE STANDARDS, UPDATING NOTE 8 AND ADDING A NEW NOTE 11; AND PROVIDING AN EFFECTIVE DATE. – Bruce Bayne

6. Consider approving quote from Idaho Power to install 3 phase service for future lift station on Highway 44 in an amount of \$13,929.00 – Becky Crofts
7. Consider approving Memorandum of Understanding between City of Middleton and Challenger Development, Inc for bridge extension on Duff Lane over the Middleton Mill Ditch. – Bruce Bayne
8. Consider approving proposed Public Meeting 2021 schedule. – Becky Crofts

Public Comments, Mayor and Council Comments, Adjourn

Posted by:


Jennica Reynolds, Deputy Clerk

Date: January 4, 2020, 4:00 p.m.

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

**MIDDLETON CITY COUNCIL
DECEMBER 16, 2020**

The Middleton City Council meeting on December 16, 2020 was called-to-order at 5:33 p.m. by Mayor Rule.

The City is following the CDC/COVID-19 Social Distancing guidelines as directed by the Governor. This Meeting was streamed live via Facebook.

Roll Call: Mayor Rule, Council President Kiser, Council Member Huggins and Garner were present. Council Member O'Meara was en-route and arrived at 5:38 p.m.

Pledge of Allegiance, Invocation: Amber Woods

Action Items

A. Approve Amended Agenda

Mayor Rule explained that there was a change from the original agenda posted and asked for a motion to approve the amended agenda.

Council President Kiser discussed with Public Works Superintendent Bruce Bayne questions regarding the change orders with Irminger Construction in the accounts payable.

Motion: Motion by Council President Kiser to approve the Amended Agenda. Motion seconded by Council Member Garner and approved unanimously.

Information Item

1. Equivalent Dwelling Unit power requirements to be able to charge electric vehicles. – Bruce Bayne

Planning and Zoning Official Bruce Bayne gave information on City of Boise's recently approved code changes for additional power requirements in equivalent dwelling units for the purpose of charging electric vehicles.

2. Economic and Commercial Growth needs – Tyler Hess

Tyler was not present, so the Mayor reviewed this item. There are some restaurants that would potentially look at coming to Middleton, however because Middleton does not allow serving liquor by the drink some businesses are going elsewhere. Discussion ensued and the council agreed they would like to address this as soon as possible.

Action Items

1. **Consent Agenda (items of routine administrative business)**
 - a. **Consider approving minutes for Council's December 2, 2020 regular meeting. Consider ratifying December 4, 2020 payroll in the amount of \$83,762.38 and accounts payable thru December 9, 2020 in the amount of \$445,770.95.**

Mayor Rule called the items. Council President Kiser explained the larger ticket items were payments to Republic Services, and the last payment on the police Tahoe. He also

discussed the change orders from Irrminger and asked that future projects not be under designed at time of bid so that they do require change orders. Mayor Rule said his request is noted and City staff will make a better effort to do so.

Motion: Motion by Council President Kiser to approve the consent agenda item a. Seconded by Council Member Garner. Approved unanimously.

2. Consider approving Final Plat – West Highlands No. 10 – Bruce Bayne

Planning and Zoning Official Bruce Bayne said this item needs to be tabled to a date yet to be determined, the developer and city are waiting on information needed from the Bureau of Reclamation. They mentioned they could possibly hold a special council meeting if needed to approve the final plat.

Motion: Motion by Council President Kiser to table consider approving Final Plat – West Highlands No. 10 to a future date yet to be determined. Motion seconded by Council Member O'Meara and approved unanimously.

3. Consider approving Final Plat – McKinley Meadows No. 2 – Bruce Bayne

Mayor Rule called the item. Planning and Zoning Official Bruce Bayne explained the final plat and the recommendations from Civil Dynamics Engineer Amy Woodruff. Bruce explained the 2 items that need to be completed before the first Certificate of Occupancy is allowed. Council Member Huggins asked if there is a difference between the March 16th date on the recommendation and the first Certificate of Occupancy is issued? Bruce said he doesn't see that coming into play because this is a four-unit complex and will not be able to be built in 3 months. He doesn't think the buildings will be ready for a TCofO before that date. Council Member Huggins confirmed that both items need to be done before a CofO can be issued.

Motion: Motion by Council President Kiser to approve Final Plat – McKinley Meadows No. 2 provided they completed with the following conditions set forth by the engineer:

1. Prior to the first Certificate of Occupancy being issued, the developer is to install and demonstrate to the City a fully functional irrigation system. The irrigation system to be installed is to provide irrigation water for the complete McKinley Meadows 2 project and is to be independent of the system installed for McKinley Meadows No. 1.
2. On or before March 16, 2021, a fully executed license agreement shall be provided to City for the installation of a 10 ft public pathway in the Mill Slough easement/right of way.

All of this will be done prior to the first Certificate of Occupancy being issued. Motion was seconded by Council Member Huggins and approved unanimously by Roll Call Vote.

4. Consider approving West Highlands revised parks dedication agreement and remove lien. – Chris Yorgason

Mayor Rule called the item and introduced City Attorney Chris Yorgason who gave a brief explanation of the history of the original agreement of 2011 whereby they would waive West Highlands park impact fees in exchange for West Highlands making available for public use 12.8 acres of park property within their development. All the parks must be at least an acre in size under the existing agreement and they are required to do one major and one minor

amenity, and as those parks are provided to the city they would be identified and the legal description will be added to the agreement. Several years ago, the City got in a lawsuit with West Highlands over the effectiveness of this agreement which the City won. The court determined that the agreement was valid, and that West Highlands was required to put up 12.8 acres of park ground to be made available for city use and the City won attorney's fees. That judgement was recorded as a lien over all of the West Highlands property. Those fees have been paid. There is no more money owed to the City, and that is the lien this item is referring to. The City was approached by Toll Brothers who now owns West Highlands proposing that the City amend the parks dedication agreement and basically update it. This agreement only applies to the property north of Willis Rd. West Highlands has already provided 5.8 acres of land south of Willis to the City and this agreement contemplates another 7 acres in the north part which gets to the 12.8. They have agreed to 1 major and 3 minor amenities per park as part of this agreement. There were a few suggested changes sent to Toll Brothers attorney and he was in agreement to all but one of the proposed changes, but he had not had a chance to talk to Toll Brothers yet, but he didn't see any issues. From the City side, we can work through that one item pretty easily. The recommendation tonight is to approve the revised agreement. It cleans up what we have been looking for in the past and it provides the plat map that identifies exactly what parks will be available to the City. As part of the approval he recommends that we release the Judgement Lien that continues to sit on the property. The judgement remains valid even if the lien is removed, and they have paid all the fees. In addition, if the lien remains on the property every time a lot, or parcel sells on the property north of Willis the title company shows this lien on the property. Potentially the City is looking at having to do lien releases/partial lien releases on all the lots north of Willis which will be several hundred lots. This is an administrative headache but can also be a deterrent for potential buyers. It is appropriate to approve the agreement subject to final approval from Toll Brothers, and agree to release the Judgement Lien. Borton Lakey (the attorney who handled the Judgement Lien) said they are comfortable releasing the lien with the map Toll Brothers has provided.

Motion: Motion by Council President Kiser to approve the West Highlands revised park dedication agreement subject to final approval by Toll Brothers and removal of the Judgement Lien. Motion seconded by Council Member Garner and approved unanimously.

5. Consider approving Blue Meadows Late Comer Agreement. – Chris Yorgason

Mayor Rule called the item and City Attorney Chris Yorgason explained this is a Late Comer Agreement between the City and Blue Meadows Subdivision. We have been working with the developer of Blue Meadows – Spencer Kofoed who has been very patient. This started being drafted before Mayor Taylor left office. This agreement allows Mr. Kofoed to be reimbursed for money he expended to construct offsite water facilities and oversizing onsite water facilities. The City gets 10% of the fee as an administrative cost and Blue Meadows gets the rest. This agreement is a 10 year agreement with 2, 5-year renewal terms, which is typical of agreements the City has done in the past.

Council President Kiser said we have known this agreement has been coming when Mr. Kofoed put in the water line a while ago.

Motion: Motion by Council President Kiser to approve the Blue Meadows Late Comer Agreement. Motion seconded by Council Member O'Meara and approved unanimously.

6. Consider declaring property located at 0 Purple Sage Road, Middleton ID 83644, Canyon County parcel number R37581012B0 as surplus property and set a minimum price per acre. – Mayor Rule

Mayor Rule called the item. He reminded the Council that he was asked to bring some proposals. He was able to get 4 different real estate professionals to give us an Opinion of Market or Market Analysis. The proposals range from \$150,000 to \$200,000. The Mayor suggests that we start at a \$145,000 to 150,000 value hoping to get bidding started. There is a lot of interest in this piece and he believes it will auction well.

Discussion ensued of where the money would be best spent. Council Member Garner liked the idea of starting off with a minimum bid of \$150,000.00. Council Member O'Meara asked that the money be used to develop one of the parks that is underdeveloped. Mayor Rule said he proposed the auctioning off of this surplus property in an effort to try to complete an intersection light at Hartley, that was committed by another administration and not funded particularly well. He is trying to gather up dollars to complete that. His desire to put it to the parks is not as great as Council Member O'Meara's as the Parks Director, He is the Mayor, trying to build lights and traffic intersections. Council Member Huggins said she likes developing/improving the parks, but she is not tied to that plan. Land when donated to the city can be used for various projects including intersection improvements. Wherever the money is spent is should be where it will best benefit city residents.

Motion: Motion by Council President Kiser to declare property located at 0 Purple Sage Road, Middleton ID 83644, Canyon County parcel number R37581012B0 as surplus property and set a minimum bid price for the total parcel to start at \$150,000.00.

Council President Kiser said he is in agreeance with the Council, as much as he would like to see the parks built out right away, we have dire needs within our City when it comes to traffic impact and intersections. If this money can move things to happen in a more rapid pace than they have been, he would say we use this money in the greatest concerns he sees are in the mornings and evenings at the intersections in the community. In his opinion intersection improvement gives the greatest impact to Middleton residents going forward.

Mayor Rule said this will go forward for a public hearing where additional public comment will be heard.

Motion seconded by Council Member Garner and approved unanimously.

7. Consider approving Request for Proposal for a water feature in River Park. – Mayor Rule

Mayor Rule called the item. This is a follow up from last City Council. He doesn't think it is wise for the City to invest in scales and labor and other things to sell gravel. Instead that we should look at management proposals submitted from companies that do that every day as their profession. The City Engineer Rachel Speer has put this request for proposal together. It is very simple and allows flexibility for these companies to tell the City, "here is what we can do for you". We are going to order a couple borings to find out how deep the gravel is.

We need to be able to tell the companies what the resource looks like. The ultimate goal is to have a large pond or small lake, a water amenity in our park.

Motion: Motion by Council President Kiser approve Request for Proposal for a water feature in River Park. Motion seconded by Council Member O'Meara and approved unanimously.

8. Consider approving Memorandum of Understanding between City of Middleton and Challenger Development, Inc for bridge extension on Duff Lane over the Middleton Mill Ditch. – Becky Crofts

Mayor Rule called the item and introduced Planning and Zoning Official Bruce Bayne who explained this has to do with Phase 7 of Falcon Valley Subdivision. Phase 7 fronts onto Duff Road and at the very northern portion of the property there is a bridge that spans the irrigation canal that is run by Middleton Mill ditch. The developer at the request of the City, CHD4 and the Irrigation District has chosen not to build their portion of the bridge, in order to avoid building the structure in phases. In lieu of building their portion of the bridge the City has chosen to receive money from the developer. Their portion is 40% of the whole bridge. In this agreement they are willing to pay the City for that 40%. Because they chose not to build it, as with any bond that the City would take on any infrastructure that is not built, we have upped that percentage so that it is 1.5 times the amount that they are willing to pay. If they were building it today we have an estimate for that number. The further in the future we look at the price is likely to increase, thus the reason for the developers 40% times by 1.5. However, once it is all built if the 40% is more than is needed the City will reimburse them the amount not needed. The other developer coming in on the other side of Duff will contribute to the additional and then the portion that is part of the road will be done by the City or CHD4.

Discussion ensued about how to collect money from the developer prior to the bridge being built as one complete structure and if the 1.5 times of the 40% enough to cover the monies needed in the future. Bruce believes that this agreement puts the City in the best position outside of having a crystal ball to tell the future. Council Member O'Meara agrees that building bridges in sections is not a good way to build a bridge. Council Member Garner suggested the developer build the bridge and then get a latecomer fee in the future. It is less expensive now than it will be in the future to build the bridge. Council President Kiser likes the idea of a latecomer agreement. He doesn't want to collect money and then in the future the City has to come up with additional funds because of construction costs going up. He doesn't want this to be put off 5 or 6 years. He has a hard time with the timeline, and not knowing. He does want the bridge built in the proper way. Bruce said this is the way other projects are also done, for example the traffic improvements on Duff and Highway 44 intersection the developer will pay a prorated share towards the improvement required by the City. ITD has said that today that light will cost 1.8 million dollars to put in today, however when the light is installed in the future the cost most likely will increase, but the developer will not be asked to pay additional money towards it. The City received the money and has it captured.

Council President Kiser would like Bruce to talk to the developer and see if they are willing to build the bridge with the understanding of a latecomer fee being put into place. He would like to see what options the City has and what the timeline of the developer to the east is.

Also, it would be helpful to get a price estimate from CHD4 that will help to know what the cost of a bridge like this is, and when the maintenance for this bridge is scheduled.

Motion: Motion by Council President Kiser to table action item number 8: Considering approving Memorandum of Understanding between City of Middleton and Challenger Development, Inc for bridge extension on Duff Lane over the Middleton Mill Ditch to the next regularly scheduled meeting. Motion seconded by Council Member O'Meara and approved unanimously.

Public Comments, Mayor Comments, Council Comments:

Mayor said if the public would like to call in to comment they can. No one called in.

Staff Comment:

Bruce Bayne: Phase 2 of the South Cemetery Road has been brought up to subgrade. That project is complete. Lure came in and really did an awesome job. Their bills will be forthcoming.

Mayor Rule: The City authorized Lure to do some extra work not on the road but on the water plant maintenance while their trucks are there to build up the mill slough bank and place some of the ripwrap we have in a giant pile there. If you get down to the end of Sawtooth, walk out there and take a look, it is very impressive. Lure did a great job and Mother Nature cooperated this time of year which is a small miracle in and of itself.

Bruce Bayne: The roundabout was for Cornell and Middleton Rd was bid out. The engineers estimate was \$370 some thousand dollars it came in at just over \$300,000. So that is \$70,000 less than the estimate. That is great news.

The Hartley lane intersection – With these bid prices if the City can do it, Bruce thinks it well behooves us to try and move the traffic light ahead as fast as we possibly can to get a bid out. He talked with the Joel Grounds that does the intersection designs for the City. He said there was a similar intersection that just bid out and came in under \$180,000 under the engineers estimate. If we have an opportunity this spring, it would be a great time for the City.

Becky Crofts said we have 100% design on this so if we want to put it out for bid there is nothing stopping us from doing that right now other than shoring up some funding which we are getting very close.

Mayor and Council Comments:

Mayor Rule: Huge pile of topsoil is being leveled out and being distributed, removing some old gravel road at the old Gabica homesite and bringing that topsoil so that perhaps in a future date and time should our subsurface wastewater project work and become approved that that could be turned into wastewater treatment ground as well.

Mayor Rule: Council Member O'Meara had asked for property values on the park in Falcon Valley, he is still working on getting property values.

Council Member O'Meara would like the City to enter into an agreement with the Parks and Rec District to improve that park.

Mayor Rule: In spare time City employees have been working to remodel the old police station into a state where we can consider using it for council chambers so that the public can again use the Trolley Station as an event center.

In a meeting last week ITD conveyed to the City (for the first time as far as he knows since he has been mayor for 11 months now) that if the alternative route goes around Middleton, Highway 44 will be blocked off at each end. There will not be access off the expressway or alternative route onto what at that point would be our main street – Old Highway 44. This has caused great concern to the City of Middleton and we are in the middle of trying to work through what is best for Middleton. He personally doesn't think blocking off 44 is good at all. But there will be discussions. ITD says they have been talking about this all along. Bruce has maps that shows that's not what they showed us earlier. That's a problem and we are working on it and see how it plays out.

It is Christmas, the City of Middleton is very appreciative to our community and wishes everyone a very Merry Christmas and can only hope that 2021 is much better in lots of ways. He expressed his appreciation for everyone here and how hard everyone works.

Adjourn: Mayor Rule adjourned the meeting at 7:24 p.m.

ATTEST:

Steven J. Rule, Mayor

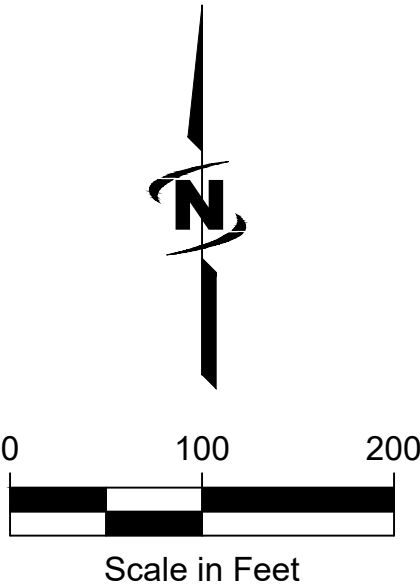
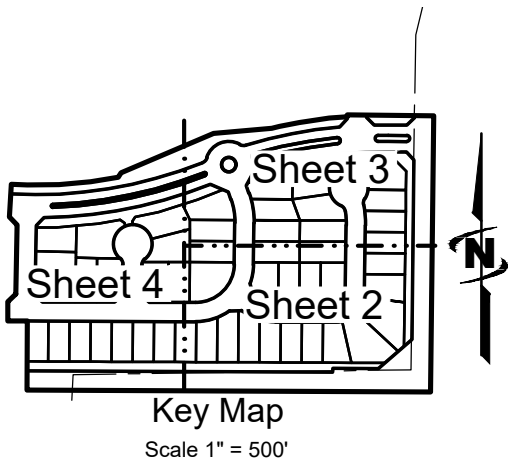
Jennica Reynolds, Deputy Clerk
Minutes Approved: January 6, 2021

PLAT SHOWING
West Highlands Ranch Subdivision No. 10

PLAT BOOK _____ PAGE _____

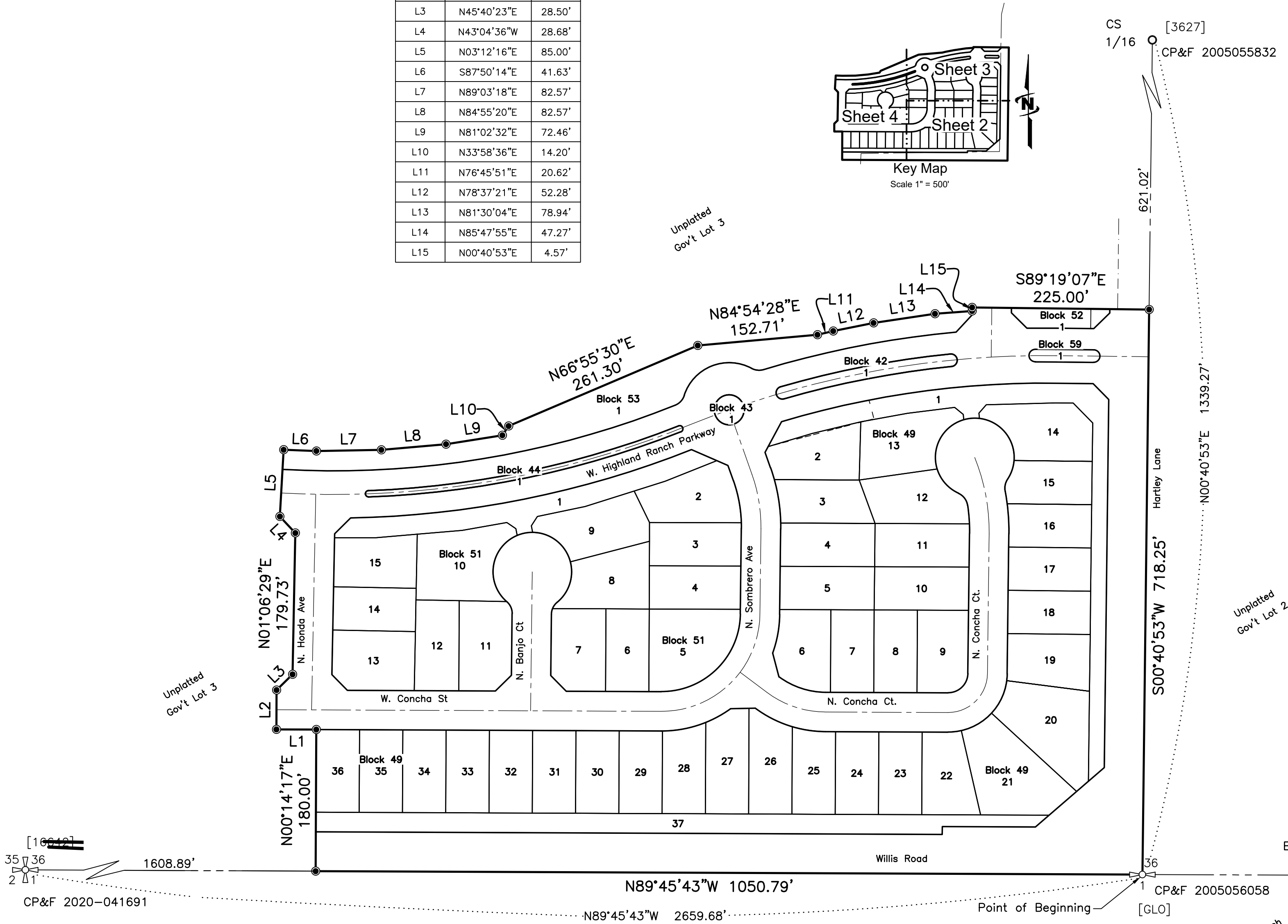
Situated in Government Lot 3 of
Section 36, Township 5 North, Range 3 West, Boise Meridian
City of Middleton, Canyon County, Idaho.
2020

Line Table - This Sheet		
Line #	Direction	Length
L1	N89°45'43"W	50.68'
L2	N00°14'17"E	50.00'
L3	N45°40'23"E	28.50'
L4	N43°04'36"W	28.68'
L5	N03°12'16"E	85.00'
L6	S87°50'14"E	41.63'
L7	N89°03'18"E	82.57'
L8	N84°55'20"E	82.57'
L9	N81°02'32"E	72.46'
L10	N33°58'36"E	14.20'
L11	N76°45'51"E	20.62'
L12	N78°37'21"E	52.28'
L13	N81°30'04"E	78.94'
L14	N85°47'55"E	47.27'
L15	N00°40'53"E	4.57'



Legend

- Subdivision Boundary Line
- Lot Line
- Section Line
- Center Line
- Right-of-way Line
- Adjacent Property Line
- Match Line
- Utility Easement Line
- Sidewalk & Utility Easement Line
- Gravity Irrigation Easement Line
- Storm Drain Easement Line
- Roadway Buffer Line
- Sewer & Water Easement Line
- Water Easement Line
- Building Envelope Line, per Development Agreement Instrument No. 2009015525, See Note 14, Sheet 5.
- Idaho Power Company (IPCo.) Easement
- Section Corner, Found Aluminum Cap
- Quarter-Section Corner, Found Brass Cap
- Found 5/8" Rebar
- Set 1/2"x24" Rebar, with Plastic Cap Marked "J-U-B 16642"
- Set 5/8"x24" Rebar, with Plastic Cap Marked "J-U-B 16642"
- Set 1-3/16" Bernt'sen BP Cap, with Magnet, Marked "J-U-B 16642"
- Set 1/2"x24" Rebar, with Plastic Cap Marked "EASEMENT JUB 16642"
- Curve Number (Typical)
- Course Number (Typical)
- Lot Number (Typical)
- PLS Number Found on Monument
- Square Foot
- Record Basis of Bearing Highlands Ranch Subdivision No. 1



West Highlands Ranch
Subdivision No. 2



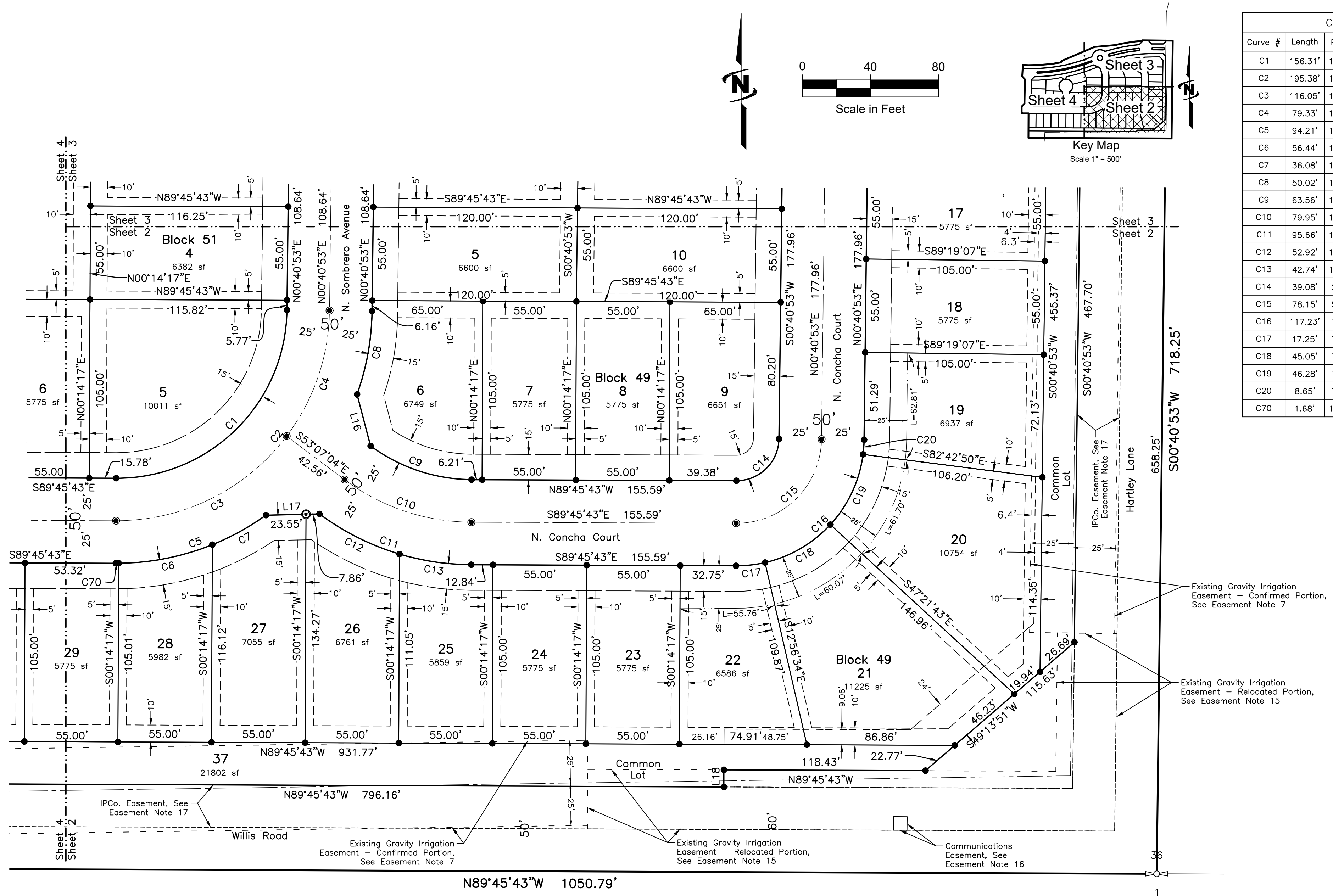
10 DEC 2020

J-U-B ENGINEERS, INC.

250 South Beechwood Avenue, Suite 201, Boise, ID 83709-0944
p 208 376 7330 f 208 323 9336 w www.jub.com

PLAT SHOWING

PLAT BOOK _____ PAGE _____



Curve Table – This Sheet					
Curve #	Length	Radius	Delta	Chord Bearing	Chord Length
C1	156.31'	100.00'	89°33'24"	N45°27'35"E	140.87'
C2	195.38'	125.00'	89°33'24"	N45°27'35"E	176.09'
C3	116.05'	125.00'	53°11'34"	N63°38'30"E	111.93'
C4	79.33'	125.00'	36°21'50"	N18°51'48"E	78.01'
C5	94.21'	150.00'	35°59'04"	N72°14'45"E	92.67'
C6	56.44'	150.00'	21°33'35"	S78°49'00"W	56.11'
C7	36.08'	150.00'	13°47'00"	N61°08'42"E	36.00'
C8	50.02'	150.00'	19°06'18"	N10°14'02"E	49.79'
C9	63.56'	100.00'	36°25'01"	S71°33'13"E	62.49'
C10	79.95'	125.00'	36°38'39"	S71°26'24"E	78.59'
C11	95.66'	150.00'	36°32'17"	S71°29'35"E	94.04'
C12	52.92'	150.00'	20°12'51"	N63°19'52"W	52.65'
C13	42.74'	150.00'	16°19'26"	N81°36°00"W	42.59'
C14	39.08'	25.00'	89°33'24"	N45°27'35"E	35.22'
C15	78.15'	50.00'	89°33'24"	N45°27'35"E	70.44'
C16	117.23'	75.00'	89°33'24"	N45°27'35"E	105.65'
C17	17.25'	75.00'	13°10'51"	S83°38'51"W	17.22'
C18	45.05'	75.00'	34°25'09"	S59°50'51"W	44.38'
C19	46.28'	75.00'	35°21'07"	S24°57'43"W	45.54'
C20	8.65'	75.00'	6°36'17"	S03°59'01"W	8.64'
C70	1.68'	150.00'	0°38'29"	N89°55'02"E	1.68'

Line Table – This Sheet		
Line #	Direction	Length
L16	S14°46'22"E	31.35'
L17	N88°40'29"E	31.41'
L18	S00°14'17"W	10.06'
L19	N89°10'46"E	14.28'
L20	N01°38'19"E	12.47'



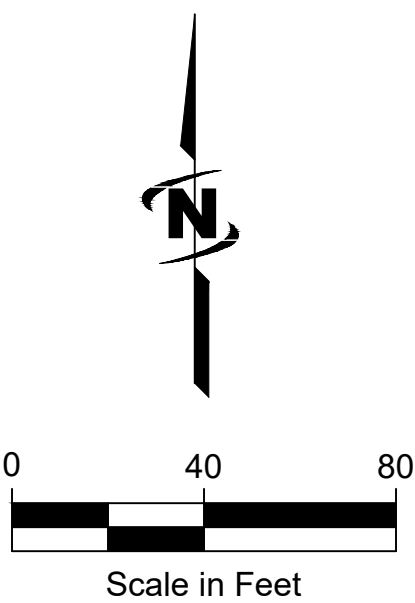
10 DEC 2020



J-U-B ENGINEERS, INC.

250 South Beechwood Avenue, Suite 201, Boise, ID 83709-0944
p 208 376 7330 f 208 323 9336 w www.jub.com

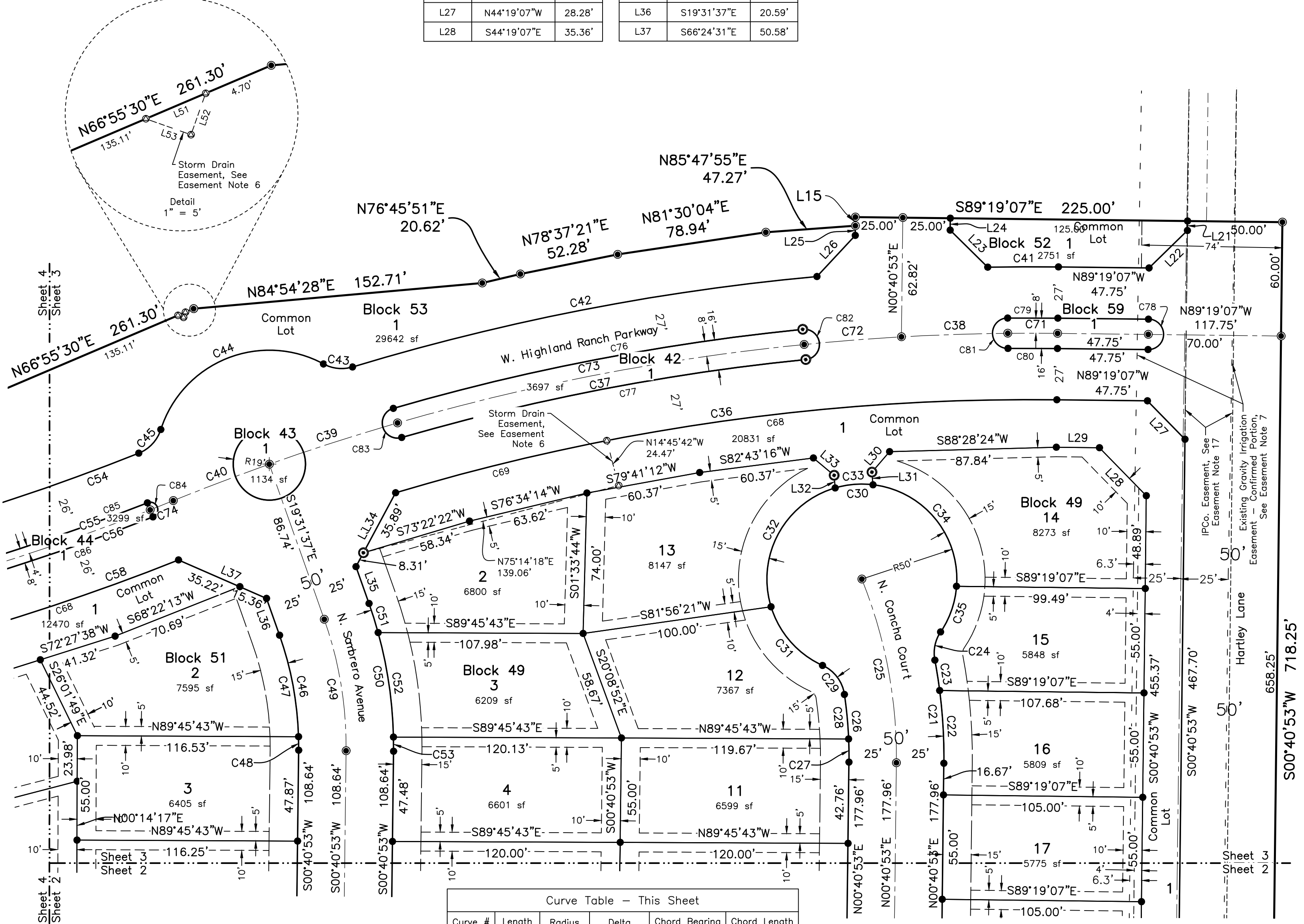
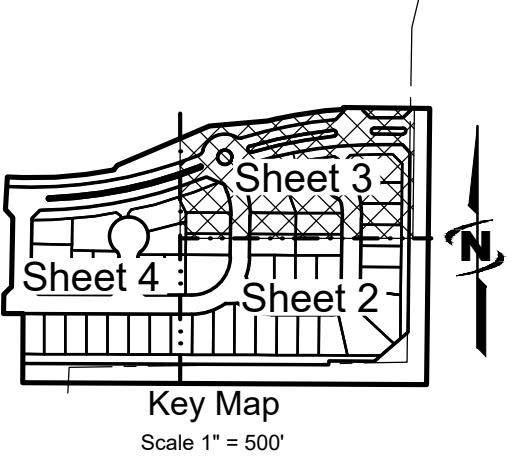
PLAT SHOWING
West Highlands Ranch Subdivision No. 10



Line Table - This Sheet		
Line #	Direction	Length
L15	N00°40'53"E	4.57'
L21	N00°40'53"E	5.00'
L22	N45°40'53"E	28.28'
L23	S45°24'54"E	27.74'
L24	S00°40'53"W	6.33'
L25	N00°40'53"E	5.09'
L26	N42°57'31"E	29.60'
L27	N44°19'07"W	28.28'
L28	S44°19'07"E	35.36'

Line Table - This Sheet		
Line #	Direction	Length
L29	S89°19'07"E	22.75'
L30	N40°45'26"E	14.25'
L31	N04°45'00"W	6.72'
L32	S04°45'00"E	6.72'
L33	S50°15'25"E	14.25'
L34	N28°13'54"E	44.20'
L35	N19°31'37"W	20.59'
L36	S19°31'37"E	20.59'
L37	S66°24'31"E	50.58'

Line Table - This Sheet		
Line #	Direction	Length
L51	N66°55'30"E	4.28'
L52	S19°29'07"W	2.89'
L53	N70°30'53"W	3.15'



Curve Table - This Sheet					
Curve #	Length	Radius	Delta	Chord Bearing	Chord Length
C84	12.57'	4.00'	180°00'00"	N21°28'54"W	8.00'
C85	404.76'	1196.00'	19°23'26"	N78°12'49"E	402.83'
C86	407.47'	1204.00'	19°23'26"	N78°12'49"E	405.53'

Curve Table - This Sheet					
Curve #	Length	Radius	Delta	Chord Bearing	Chord Length
C21	54.62'	275.00'	11°22'50"	N05°00'32"W	54.53'
C22	38.46'	275.00'	8°00'44"	S03°19'29"E	38.42'
C23	16.17'	275.00'	3°22'06"	S09°00'54"E	16.16'
C24	15.56'	20.00'	44°33'50"	S11°34'58"W	15.17'
C25	99.10'	250.00'	22°42'42"	N10°40'28"W	98.45'
C26	35.77'	225.00'	9°06'33"	N03°52'24"W	35.73'
C27	12.25'	225.00'	3°07'06"	N00°52'40"W	12.24'
C28	23.53'	225.00'	5°59'27"	N05°25'57"W	23.52'
C29	19.94'	20.00'	57°08'01"	N36°59'41"W	19.13'
C30	243.85'	50.00'	279°25'33"	S74°09'06"W	64.66'
C31	42.39'	50.00'	48°34'49"	N41°16'17"W	41.14'
C32	79.15'	50.00'	90°41'39"	N28°21'57"E	71.14'
C33	20.14'	50.00'	23°04'26"	N85°15'00"E	20.00'
C34	76.41'	50.00'	87°33'18"	S39°26'08"E	69.19'
C35	25.76'	50.00'	29°31'22"	S19°06'11"W	25.48'
C36	353.15'	1165.00'	17°22'05"	S81°59'50"W	351.80'
C37	477.32'	1200.00'	22°47'25"	S79°17'10"W	474.18'
C38	56.05'	1200.00'	2°40'34"	S88°05'22"W	56.04'
C39	71.01'	1200.00'	3°23'25"	S72°10'06"W	71.00'
C40	54.08'	1200.00'	2°34'55"	S69°10'56"W	54.07'
C41	37.27'	1235.00'	1°43'44"	N89°49'01"E	37.26'
C42	249.73'	1235.00'	11°35'09"	N78°58'43"E	249.31'
C43	15.79'	20.00'	45°13'35"	S84°12'04"E	15.38'
C44	105.44'	60.00'	100°41'24"	N68°04'02"E	92.39'
C45	17.64'	20.00'	50°32'11"	N42°59'25"E	17.07'
C46	61.72'	175.00'	20°12'29"	N09°25'22"W	61.40'
C47	54.59'	175.00'	17°52'20"	N10°35'27"W	54.37'
C48	7.13'	175.00'	2°20'10"	N00°29'12"W	7.13'
C49	70.54'	200.00'	20°12'29"	N09°25'22"W	70.17'
C50	79.36'	225.00'	20°12'29"	N09°25'22"W	78.95'
C51	16.07'	225.00'	4°05'34"	S17°28'50"E	16.07'
C52	55.76'	225.00'	14°12'01"	S08°20'03"E	55.62'
C53	7.52'	225.00'	1°54'55"	S00°16'35"E	7.52'
C54	509.40'	1170.00'	24°56'45"	N80°43'53"E	505.39'
C55	530.16'	1200.00'	25°18'48"	N80°32'52"E	525.86'
C56	406.12'	1200.00'	19°23'26"	N78°12'49"E	404.18'
C58	444.19'	1230.00'	20°41'28"	S78°39'59"W	441.78'
C68	238.51'	1165.00'	11°43'48"	S84°48'59"W	238.09'
C69	114.64'	1165.00'	5°38'17"	S76°07'56"W	114.59'
C71	26.26'	1200.00'	1°15'14"	N89°56'44"W	26.26'
C72	51.41'	1200.00'	2°27'17"	S85°31'26"W	51.41'
C73	218.51'	1200.00'	10°25'59"	S79°04'48"W	218.21'
C74	13.14'	1200.00'	0°37'38"	N68°12'17"E	13.14'
C76	220.00'	1208.00'	10°26'05"	S79°04'48"W	219.70'
C77	217.09'	1192.00'	10°26'05"	S79°04'48"W	216.79'
C78	25.13'	8.00'	180°00'00"	N00°40'53"E	16.00'
C79	26.43'	1208.00'	1°15'13"	N89°56'44"W	26.43'
C80	26.08'	1192.02'	1°15'13"	N89°56'44"W	26.08'
C81	25.13'	8.00'	180°00'38"	S00°34'40"E	16.00'
C82	25.10'	8.00'	179°43'59"	N05°42'13"W	16.00'
C83	25.10'	8.00'	179°43'59"	S16°08'11"E	16.00'

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Curve Table - This Sheet					
Curve #	Length	Radius	Delta	Chord Bearing	Chord Length
C54	509.40'	1170.00'	24°56'45"	N80°43'53"E	505.39'
C55	530.16'	1200.00'	25°18'48"	N80°32'52"E	525.86'
C56	406.12'	1200.00'	19°23'26"	N78°12'49"E	404.18'
C57	43.90'	1200.00'	2°05'47"	S87°50'37"E	43.90'
C58	444.19'	1230.00'	20°41'28"	S78°39'59"W	441.78'
C59	244.34'	50.00'	279°59'23"	N89°19'07"W	64.29'
C60	101.90'	50.00'	116°46'27"	N09°04'25"E	85.16'

Temporary Storm Drain
Easement No. 1 per
2020-057019, See
Easement Note 11

Curve Table - This Sheet					
Curve #	Length	Radius	Delta	Chord Bearing	Chord Length
C61	20.14'	50.00'	23°04'26"	N78°59'52"E	20.00'
C62	65.36'	50.00'	74°54'01"	S52°00'55"E	60.81'
C63	56.93'	50.00'	65°14'28"	S18°03'20"W	53.91'
C64	17.45'	20.00'	49°59'41"	S25°40'43"W	16.90'
C65	10.16'	20.00'	29°07'04"	S36°07'02"W	10.05'
C66	7.29'	20.00'	20°52'38"	S11°07'12"W	7.25'
C67	17.45'	20.00'	49°59'41"	N24°18'58"W	16.90'

Curve Table - This Sheet					
Curve #	Length	Radius	Delta	Chord Bearing	Chord Length
C75	67.01'	1200.00'	3°11'58"	N89°30'31"E	67.00'

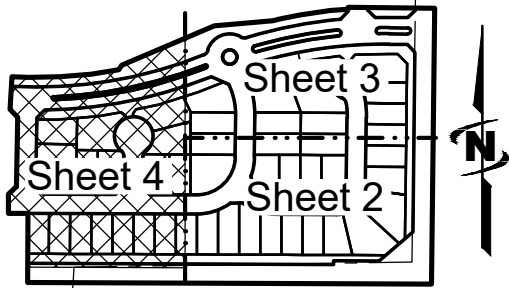
Temporary Sewer &
Water Easement per
2020-057021, See
Easement Note 13

Temporary Water
Easement per
2020-064503, See
Easement Note 14

Temporary Storm Drain
Easement No. 2 per
2020-057020, See
Easement Note 12

IPCo. Easement, See
Easement Note 17

Existing Gravity Irrigation
Easement - Confirmed Portion,
See Easement Note 7



Key Map
Scale 1" = 500'



0 40 80
Scale in Feet

Line Table - This Sheet		
Line #	Direction	Length
L38	S44°32'25"E	28.17'
L39	N45°27'35"E	28.39'
L40	S44°19'37"E	28.07'
L41	S45°17'35"W	28.68'
L42	N55°31'50"W	14.03'
L43	N10°59'01"W	8.70'
L44	S10°59'01"E	8.69'
L45	S33°33'48"W	14.03'
L48	N66°55'30"E	19.62'
L49	N28°04'24"E	15.28'
L50	S61°55'36"E	12.31'



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Notes

1. Lot 1 of Block 42, Lot 1 of Block 43, Lot 1 of Block 44, Lot 1 of Block 49, Lot 1 of Block 51, Lot 1 of Block 52, Lot 1 of Block 53, and Lot 1 of Block 59 are common lots and will be owned and maintained by The Meadows at West Highlands Homeowners Association, Inc.
2. A pressurized irrigation system shall be owned and maintained by The Meadows at West Highlands Homeowners Association, Inc. in compliance with the Idaho Code Section 31–3805(1)(b) and subject to assessment of the Black Canyon Irrigation District.
3. Any re–subdivision of this plat shall comply with the applicable zoning regulations in effect at the time of the re–subdivision.
4. Minimum building setbacks and dimensional standards in this subdivision shall be in compliance with the applicable zoning regulations of the City of Middleton, Idaho.
5. This development recognizes Section 22–4503 of Idaho Code, Right to Farm Act, which states, “No agricultural operation, agricultural facility or expansion thereof shall be or become a nuisance, private or public, by any changed conditions in or about the surrounding nonagricultural activities after it has been in operation for more than one (1) year, when the operation, facility or expansion was not a nuisance at the time it began or was constructed. The provisions of this section shall not apply when a nuisance results from the improper or negligent operation of an agricultural operation, agricultural facility or expansion thereof.”
6. Per the City of Middleton, bottom elevation of structural footings shall be set a minimum of 12–inches above the highest established normal ground water elevation. In the September 23, 2020 Report by Materials Testing & Inspection, for West Highland Ranch Subdivision, show ground water to be 8’ to 14’ below existing ground.
7. Direct Lot Access to Willis Road, W. Highland Ranch Parkway and Hartley Lane is prohibited.
8. The areas depicted hereon are for convenience and are subordinate to the dimensions depicted hereon.
9. This subdivision is subject to covenants, conditions and restrictions, Instrument Number 2020–068919, and as may be amended.
10. This subdivision is subject to Coordinated Development Agreement for West Highlands, Inst. No. 2016046197.
11. This subdivision is subject to Municipal Water and Sewer Services Agreement, Inst. No. 2006089493.
12. This subdivision is subject to On–Site Extension of Municipal Water and Sewer Services Agreement, Inst. No. 2006097173.
13. This subdivision is subject to a Development Agreement, recorded under Inst. No. 2009015525.
14. This subdivision is subject to a Parks Dedication Agreement, recorded under Inst. No. 2011049721.
15. Lot 1 of Block 53 are City of Middleton Parks to be maintained by The Meadows at West Highlands Homeowners Association, Inc.

Surveyor's Narrative

SURVEY PURPOSE: To determine the boundary of a portion of that land as described in that Grant Deed recorded under Instrument Number 2019–039235, Canyon County Records, Idaho, and to include a portion of said land within this subdivision.

DOCUMENTS USED: See Reference Documents below.

BOUNDARY CONTROLLED BY: The south boundary and east boundary are controlled by the south and east lines, respectively, of Government Lot 3 of Section 36, Township 5 North, Range 3 West, Boise Meridian.
The west boundary and the north boundary are controlled by a boundary line created by the client reflecting how the land of the hereinabove described Grant Deed is desired to be subdivided.

Reference Documents

Subdivisions:
Flower Estates Subdivision No. 1
Crossfire Ranch Subdivision
Estates No. 1 at Meadow Park
West Highlands Ranch Subdivision No. 1
West Highlands Ranch Subdivision No. 2
West Highlands Ranch Subdivision No. 4

Surveys:
ROS’s 1993000593, 1995013272, 1997001066, 1997008028, 2000006411, 200010162, 20020921, 200249079, 200428075, 200501624, 200555091, 200556086, 2006016716, 2006059439, and 2012002618.

Deeds:
2014046465 & 2019–039235.

Easements: 953354, 2006–015547, 2020–057019, 2020–057020, 2020–057021, 2020–064503 & 2020–055777.

Release of Easements: 2020–058135 (Quitclaim)

Easement Notes

1. Lot 1 of Block 42, Lot 1 of Block 43, Lot 1 of Block 44, Lot 1 of Block 49, Lot 1 of Block 51, Lot 1 of Block 52, Lot 1 of Block 53, and Lot 1 of Block 59 are hereby designated as having a Utility Easement and a Sidewalk Easement co–situate with said lots.
2. Lot 1 of Block 52 is hereby designated as having a Storm Drain Easement co–situate with said lot.
3. All Utility Easements shown or designated hereon are non–exclusive, perpetual, shall run with the land, are appurtenant to the lots shown hereon, and are hereby reserved for the installation, maintenance, operation, and use of public and private utilities, pressurized irrigation, sewer service, cable television/data; and appurtenances thereto. Irrigation and lot drainage cannot co–locate in the front lot easement area.
4. All Irrigation Easements shown or designated hereon are non–exclusive, perpetual, shall run with the land, are appurtenant to the lots shown hereon, and are hereby reserved unto The Meadows at West Highlands Homeowners Association, Inc. for the installation, maintenance, operation, access to, and use of pressurized & gravity irrigation; transportation of water; and appurtenances thereto.
5. The Sidewalk Easements shown hereon are non–exclusive, perpetual, shall run with the land, is appurtenant to the public streets dedicated hereon and are hereby reserved for the installation, maintenance, operation, and use of a public sidewalks; appurtenances thereto; and ingress and egress.
6. The Drainage Easements shown hereon are non–exclusive, perpetual, shall run with the land, is appurtenant to the storm drain system dedicated hereon and are hereby reserved for the installation, operation, and maintenance of the storm water drainage system.
7. Location of Confirmed portion of Bureau of Reclamation Irrigation Easement, See Inst. No. 2020–055777 for Bureau of Reclamation Relocation Agreement and Confirmation Deed.
8. No Utility or Pressure Irrigation easement created hereon shall preclude the construction and maintenance of hard–surfaced driveways, landscaping, parking, side and rear property line fences, or other such nonpermanent improvements.
9. All easements are parallel (or concentric) to the lines (or arcs) that they are dimensioned from unless otherwise noted.
10. Any fences, landscaping, or any other structure installed in an easement area may be removed by the City of Middleton and Utility companies and replaced at the landowner’s Expense.
11. See Inst. No. 2020–057019 for Temporary Storm Drain Easement
12. See Inst. No. 2020–057020 for Temporary Storm Drain Easement
13. See Inst. No. 2020–057021 for Temporary Sewer & Water Easement
14. See Inst. No. 2020–064503 for Temporary Water Easement
15. Location of Relocated portion of Bureau of Reclamation Irrigation Easement, See Inst. No. 2020–055777 for Bureau of Reclamation Relocation Agreement and Confirmation Deed.
16. See Inst. No. 953354 for Communications Easement.
17. See Inst. No. 2006–015547 for Idaho Power Company Easement



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Certificate of Owners

Know all people by these presents: that Toll Southwest LLC, a Delaware limited liability company, does hereby certify that it is the owner of that real property to be known as West Highlands Ranch Subdivision No. 10, and that it intends to include said real property, as described below, in this plat:


A parcel of land situated in Government Lot 3 of Section 36, Township 5 North, Range 3 West, Boise Meridian, City of Middleton, Canyon County, Idaho, described as follows:

BEGINNING at the south quarter corner of Section 36, Township 5 North, Range 3 West, Boise Meridian, from which the southwest corner of said Section 36 bears North 89°45'43" West, 2,659.68 feet;
Thence N 89°45'43" W, 1,050.79 feet along the south line of said Government Lot 3;
Thence N 00°14'17" E, 180.00 feet departing from said south line;
Thence N 89°45'43" W, 50.68 feet;
Thence N 00°14'17" E, 50.00 feet;
Thence N 45°40'23" E, 28.50 feet;
Thence N 01°06'29" E, 179.73 feet;
Thence N 43°04'36" W, 28.68 feet;
Thence N 03°12'16" E, 85.00 feet;
Thence S 87°50'14" E, 41.63 feet;
Thence N 89°03'18" E, 82.57 feet;
Thence N 84°55'20" E, 82.57 feet;
Thence N 81°02'32" E, 72.46 feet;
Thence N 33°58'36" E, 14.20 feet;
Thence N 66°55'30" E, 261.30 feet;
Thence N 84°54'28" E, 152.71 feet;
Thence N 76°45'51" E, 20.62 feet;
Thence N 78°37'21" E, 52.28 feet;
Thence N 81°30'04" E, 78.94 feet;
Thence N 85°47'55" E, 47.27 feet;
Thence N 00°40'53" E, 4.57 feet;
Thence S 89°19'07" E, 225.00 feet to the east line of said Government Lot 3;
Thence S 00°40'53" W, 718.25 feet along said east line to the POINT OF BEGINNING.

The above-described parcel contains 15.93 acres, more or less.

The public streets shown on this plat are hereby dedicated to the public. The easements shown on this plat are not dedicated to the public, however the right to use said easements is hereby reserved for the uses specifically depicted on the plat, and for any other purposes designated hereon, and no permanent structures, other than for such uses and purposes, are to be erected within the lines of said easements. All of the lots within this subdivision are eligible to receive water service from the City of Middleton, and the City of Middleton has agreed in writing to serve all lots within the subdivision. Irrigation water has been provided from Black Canyon Irrigation District via the City of Middleton, in compliance with Idaho Code 31-3805(1)(b). Lots within this subdivision will be entitled to irrigation water rights, and will be obligated for assessments from Black Canyon Black Canyon Irrigation District via the City of Middleton.

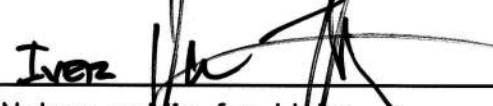
In witness whereof, I have hereunto set my hand:


Susan Stanley, Division President
Toll Southwest LLC, a Delaware limited liability company

Acknowledgment

State of Idaho }
County of Ada } ss.

On this 14 day of OCTOBER, in the year 2020, before me, a Notary Public in and for the State of Idaho, personally appeared Susan Stanley, known or identified to me to be a Division President of Toll Southwest LLC, that executed the within instrument and acknowledged to me that Toll Southwest LLC executed the same.


Notary public for Idaho
My commission expires 7.15.2024



Certificate of Surveyor

I, Robert L. Kazarinoff, do hereby certify that I am a Professional Land Surveyor, licensed by the State of Idaho, and that this plat of West Highlands Ranch Subdivision No. 10, as described in the Certificate of Owners and as shown on the attached plat is correct and was surveyed in accordance with Idaho Code relating to plats and surveys.

Robert L. Kazarinoff, PLS 16642



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SHEET 6 OF 7
OF

PLAT SHOWING
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Approval of Middleton City Council

I, the undersigned, City Clerk in and for the City of Middleton, Canyon County, Idaho, do hereby certify that at regular meeting of the City Council held on the _____ day of _____, this plat was duly accepted and approved.

Middleton City Clerk

Date

Approval of Southwest District Health Department

Sanitary restrictions as required by Idaho Code, Title 50, Chapter 13 have been satisfied based on a review by a Qualified Licensed Professional Engineer (QLPE) representing the City of Middleton and the QLPE approval of the design plans and specifications and the conditions imposed on the developer for continued satisfactions of the sanitary restrictions. Buyer is cautioned that at the time of this approval, no drinking water extensions or sewer extensions were constructed. Building construction can be allowed with appropriate building permits if drinking water extensions or sewer extensions have since been constructed, or if the developer is simultaneously constructing those facilities. If the developer fails to construct facilities, then the sanitary restrictions may be re-imposed, in accordance with Section 50-1326, Idaho Code, by the issuance of a certificate of disapproval, and no construction of any building or shelter requiring drinking water or sewer/septic facilities shall be allowed.

C. P. P. A.
Southwest District Health Department

8-7-2020
Date

Approval of Middleton City Engineer

I, the undersigned, City Engineer, in and for the City of Middleton, Canyon County, Idaho, do hereby approve this plat.

Middleton City Engineer

Date

Certificate of County Surveyor

I, the undersigned, Professional Land Surveyor for Canyon County, Idaho, do hereby certify that I have checked this plat and find that it complies with the State of Idaho Code relating to plats and vacations. ~~Surveys~~

David R. Kinzer
Canyon County Surveyor
Date 8/26/20
DAVID R. KINZER PE/PLS 2659

Certificate of County Treasurer

I, the undersigned, County Treasurer in and for the County of Canyon, State of Idaho, per requirements of Idaho Code 50-1308, do hereby certify that any and all current and/or delinquent county property taxes for the property included in this proposed subdivision have been paid in full. This certificate is valid for the next thirty (30) days only.

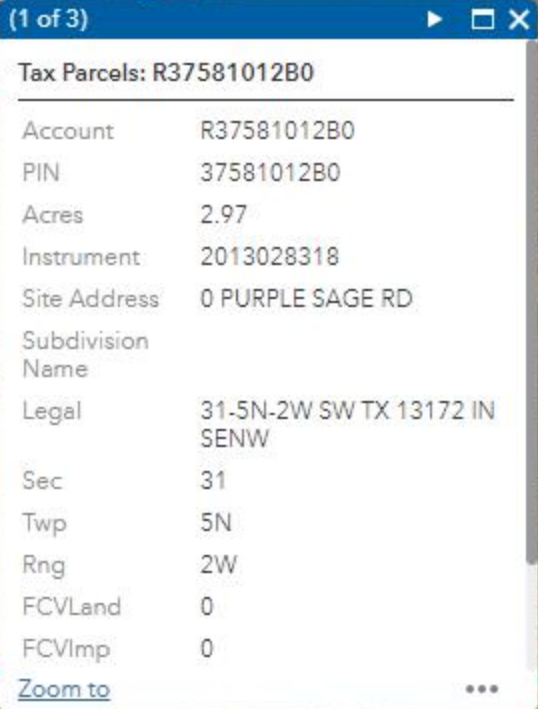
Canyon County Treasurer

Date



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Ordinance No. 646

AN ORDINANCE OF THE CITY OF MIDDLETON, CANYON COUNTY, IDAHO, AMENDING THE MIDDLETON CITY CODE TITLE 1, CHAPTER 3, SECTION 1 UPDATING DEFINITIONS FOR APARTMENT, DWELLING, MULTI-FAMILY, PARKING SPACE, AND LOCAL ROAD; DELETE DEFINITION FOR DWELLING, TWO-FAMILY; ADDING A DEFINITION FOR TOWNHOME ROAD; AMENDING TITLE 4, CHAPTER 5, SECTION 11 UPDATING PARKING REGULATIONS; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, the City of Middleton, Idaho, is a municipal corporation organized and operating under the laws of the State of Idaho, seeks to update the provisions of its city code to modify definitions and regulations; and

WHEREAS, the City held a public hearing, noticed and conducted in accordance with Idaho law, before the city council on January 6, 2021; and

NOW, THEREFORE, BE IT ORDAINED BY THE MAYOR AND CITY COUNCIL OF THE CITY OF MIDDLETON, IDAHO, AS FOLLOWS:

Section 1: Middleton City Code Title 1, Chapter 3, Section 1 DEFINITIONS is hereby amended to read in relevant part as follows:

APARTMENT: A room or suite of rooms in a multi-family structure which is used as a single housekeeping unit (EDU) and has complete kitchen facilities permanently installed. Apartment will be accessed from a local or wider roadway.

DWELLING, MULTI-FAMILY: A building, or portion thereof, containing ~~three (3)~~two (2) or more dwelling units, commonly referred to as apartments and may include public housing. This applies to duplexes, triplexes, quads or clusters of dwelling units not on separate lots.

~~DWELLING, TWO-FAMILY: A building designed for use and occupancy by two (2) families living independently of each other.~~

PARKING SPACE: Usable space within a public or private parking area or building, not less than one hundred eighty~~nine (180)~~189 square feet (9 feet x ~~20~~21 feet) exclusive of access drives, aisles or ramps for the storage of one passenger automobile or commercial vehicle.

ROAD: A public right of way which provides vehicular and pedestrian access to adjacent properties.

Arterial: A general term including expressways, principal and minor arterial roads; and interstate, state or county highways having regional continuity.

Boulevard: Any public road that provides travel lanes in each direction with an unpaved raised or landscaped borrow median constructed or marked in a manner to preclude its use by moving vehicles except in emergencies or for left turn lanes.

Collector Road: A road that collects traffic from local roads in residential neighborhoods, commercial, or industrial areas and channels it into the arterial system.

Local Road: A road that provides for direct access to [apartments](#), residential lots, commercial lots, industrial or other abutting lands for local traffic movements and connects to collector and/or arterial roads.

Private Road: A road that is not accepted for public uses or maintenance which provides vehicular and pedestrian access.

[Townhome Road: A road that provides for direct access to townhome lots and associated alley\(s\).](#)

Section 2: A portion of the table at Middleton City Code Title 4, Chapter 5, Section 11(B), is hereby amended to read as follows:

B. Number Of Spaces: Off street parking and loading spaces shall be provided as hereinafter set forth; provided, that a greater number of spaces may be required in any case where a special use permit is involved:

PARKING SPACES

For each dwelling unit	3 parking spaces
For each dwelling unit in a multiple single family dwelling, attached	2.5 parking spaces if not designated for a particular unit. 3 parking spaces if designated for a particular unit
For each dwelling unit in a multi-family building	3 parking spaces per particular unit

Section 3: This ordinance, or a summary thereof as provided by Idaho Code §50-901A, shall be published in one (1) issue of the official newspaper of the City of Middleton, Idaho, and shall take effect immediately upon its passage, approval and publication.

Dated this ____ day of January, 2021.

CITY OF MIDDLETON
Canyon County, Idaho

ATTEST:

Steven J Rule, Mayor

Jennica Reynolds, Deputy City Clerk

Ordinance No. 644

AN ORDINANCE OF THE CITY OF MIDDLETON, CANYON COUNTY, IDAHO, AMENDING TITLE 5, CHAPTER 1, SECTION 5 UPDATING DEFINITION OF M-F ZONE; AMENDING TITLE 5, CHAPTER 4, SECTION 1, TABLE 1 TO DELETE DUPLEX AND TRI-PLEX AND UPDATE LAND USE STANDARDS FOR MULTI-FAMILY DWELLING; UPDATING TITLE 5, CHAPTER 4, SECTION 1, TABLE 2, UPDATING M-F ZONE STANDARDS, UPDATING NOTE 8 AND ADDING A NEW NOTE 11; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, the City of Middleton, Idaho, is a municipal corporation organized and operating under the laws of the State of Idaho, and

WHEREAS, the City of Middleton, Idaho, seeks to update the provisions of its zoning and subdivision ordinances; and

WHEREAS, the City held a public hearing, noticed and conducted in accordance with Idaho law, before the planning and zoning commission on December __, 2020; and

WHEREAS, the City held a public hearing, noticed and conducted in accordance with Idaho law, before the city council on January 6, 2021; and

NOW, THEREFORE, BE IT ORDAINED BY THE MAYOR AND CITY COUNCIL OF THE CITY OF MIDDLETON, IDAHO, AS FOLLOWS:

Section 1: A portion of Middleton City Code Title 5, Chapter 1, Section 5 ZONING DISTRICTS is hereby amended to read as follows:

M-F (Multiple-Family Residential): The purpose of the M-F (Multiple-Family Residential) Zone is to accommodate multi-family residential ([apartment](#)) development. This type of zoning pattern is intended to provide transition or buffer areas between residential zones and commercial/industrial uses.

Section 2: Middleton City Code Title 5, Chapter 4, Section 1, Table 1 is hereby amended to add standards for single-family, in part, to read as follows:

Use ^{1,2}	A-R	C-1	C-2	C-3	M-1	M-2	R-1	R-2	R-3	RRR	TOD	M-F	M-U
Duplex and tri-plex												A	A
Multi-Family dwelling (exceeding 3-2)											A	AS	A

dwelling units per
building)
([Apartments](#))

Section 3: Middleton City Code Title 5, Chapter 4, Section 1, Table 2 is hereby amended to read as follows:

District									
	Maximum Density (Units/Gross Acres)	Maximum Height ⁸	Minimum Front Setback ^{3,4,5,6,7}	Minimum Rear Setback ^{4,6,7}	Minimum Interior Side Setback ^{4,6,7}	Minimum Side Street Setback ^{3,4,6,7}	Minimum Interior Lot Area (Sq. Ft.)	Minimum Lot Width ¹	Maximum Lot Coverage ²
A-R	0.5	40'	30'	30'	30'	30'	87,120 (2 acres)	150'	50%
C-1		55'	10'	0'	0'	10'	0		90%
C-2		55'	10'	0'	0'	10'	0		90%
C-3		55'	10'	0'	0'	10'	0		90%
M-1		75'	10'	0'	0'	10'	0		90%
M-2		75'	10'	0'	0'	10'	0		90%
R-1 ⁹	1.0	40'	30'	30'	30'	30'	43,560	100'	50%
R-2 ⁹	2.0	35'	25'	25'	25'	25'	21,780	90'	50%
R-3 ⁹	3.0	30'	25'	20'	10'	20'	8,000	75'	60%
RRR		55'	0'	0'	0'	0'	0	0'	90%
TOD		55'	0'	0'	0'	0'	0	0'	90%
M-F ^{10,11}	12.0	45' 35'	20'	20'	12'	20'	610,000	75'	75%
M-U ^{8,10}	12.0	55'	20'	20'	12'	20'	6,000	50'	75%

Notes:

8. In a Mixed-Use Zone, the maximum height for a commercial structure is 55 feet, ~~for a multi-family structure is 45 feet,~~ and for a single-family structure is 35 feet.

11. Minimum 1,000 square feet per dwelling unit.

Section 4: This ordinance, or a summary thereof as provided by Idaho Code §50-901A, shall be published in one (1) issue of the official newspaper of the City of Middleton, Idaho, and shall take effect immediately upon its passage, approval and publication.

Dated this ____ day of November, 2020.

CITY OF MIDDLETON
Canyon County, Idaho

Steven J Rule, Mayor

ATTEST:

Jennica Reynolds, Deputy City Clerk



Idaho Power Company
Service Request

Page: 1
Date: 10/28/2020

Service Request Number: 00455159

CITY OF MIDDLETON- LIFT STATION HWY 44

Work Order Number:	27566090	Eng Hours:	00016
Request Type:	CS	Eng Fee Amount(Att98):	1,216.00
Rate Sch.:	07	Eng Fee Amount(Att16):	
Reply By:		Eng Fee Service Agreement No:	
		Eng Fee Service Agreement Date:	
		Customer No:	

Feeder: CDWL13C
Service Location: HWY 44 MIDDLETON, ID 83607
Required in Service Date: 6/8/2020
Planning Center/Team: NCANYON

Contact Detail:

CUST	BECKY CROFTS	208-585-3888
P.O. Box 487 1103 W. Main St, MIDDLETON ID 83644		

Attribute Information

RES/COM

Service Voltage	277/480	No. Of Meters	1
Number of Phases	3 PHASE	Meter Location	
KW Motor Load:		Ct Loc	
Largest Motor		Primary OH/UG	UG
1 Phase KW Demand		Service OH/UG	UG
3 Phase KW Demand		Srv Owner	
Vested Int. Connected Load		Panel Amp Size	200 AMP
Commercial Deposit Amount		Service Pole Riser	NO
SIC Number			

Description

Any changes to the project including but not limited to increases in load, timing of load schedule, location of service, and requested voltage may result in additional charges and/or delay of service. It is necessary to communicate changes as soon as possible.

Client Signature

Date

Nick Schoonover

10/28/2020

Idaho Power Representative Signature

Date

SIGN HERE

Unusual Conditions Memorandum of Agreement

Customer Name: BECKY CROFTS
Project Location: HWY 44 / MIDDLETON, ID 83607

General Information

Customer Name: BECKY CROFTS Customer Account Number:
Billing Address: P.O. Box 487 1103 W. Main St / MIDDLETON, ID 83644
Phone Number: 208-585-3888 Email Address: bcrofts@miltoncity.com

Terms of Agreement

This Memorandum of Agreement for Unusual Conditions on the Work Order number below is to be used in the amount of: **\$576.00**

In the event Idaho Power Company ("Idaho Power") has quoted the Customer an amount equal to or greater than \$10, for unusual conditions associated with the Work Order referenced below, the Customer may provide an irrevocable standby Letter of Credit issued in favor of Idaho Power, drawn on a local bank or branch office with an expiration date one year from the bank letter effective date.

A final bill will be mailed to the Customer when the portion of the Work Order involving unusual conditions is complete. The amount of the final bill will be based on the actual costs of the conditions encountered in completing the work. This amount will be either the estimated amount listed above or a lesser amount depending on the actual conditions encountered.

Payment is due within 15 days of the billing date. If an irrevocable standby Letter of Credit is on file and payment is not received within 15 days of the billing date Idaho Power will initiate the Letter of Credit process.

Please submit all correspondence to Idaho Power Company
2420 Chacartegui Ln
Nampa, ID 83687
Attn: NICK SCHOONOVER

I understand and agree to comply with the terms of this Unusual Conditions Memorandum of Agreement.

**SIGN HERE**

Customer Signature: _____ Date: _____

Idaho Power Representative: Nick Schoonover Date: 12/10/2020

Internal Use

Service Request Number: 00455159 | Work Order Number: 27566090 | Design Number: 0000146150



CUSTOMER COST QUOTE IDAHO

Customer or Project Name: CITY OF MIDDLETON- LIFT STATION HWY 44

Construction Costs

Line Installation Costs

1. Line Installation/Upgrade Charge	\$8,973
2. Customer Credits (Betterment, Metering, Salvage)	\$(468)
3. Customer Performed Construction Work Credit	\$0

4. Net Line Installation Cost	\$8,505
--------------------------------------	----------------

Unusual Conditions

5. Unusual Conditions	\$576
6. Unusual Conditions Bank Letter of Credit (Only for over \$10,000)	\$0

7. Net Unusual Conditions	\$576
----------------------------------	--------------

Terminal Facilities Costs

8. Terminal Facilities	\$8,976
9. Terminal Facilities Allowances	\$(5,825)
10. Terminal Facilities Salvage	\$0

11. Net Terminal Facilities Cost	\$3,151
---	----------------

12. Underground Service and Attachment Charges	\$0
---	------------

13. Engineering Charge	\$1,216
-------------------------------	----------------

14. Permits	\$50
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15. Relocation or Removal	\$431
----------------------------------	--------------

16. Miscellaneous Charges/Adjustments	\$0
--	------------

17. Net Construction Costs (Line Items 4, 7, 11, 12, 13, 14, 15, 16)	\$13,929
---	-----------------

18. Prepaid Charges (Engineering, Permits & Right-of-Way)	\$0
---	-----

19. Vested Interest Charge	\$0
----------------------------	-----

20. Customer Payment Due Prior to Construction Scheduling	\$13,929
--	-----------------

This cost may not include all construction costs, see page 3 if additional service charges apply.

Notes:

Notice: This Customer Cost Quote shall be binding on both Idaho Power Company ("Idaho Power") and Customer for a period of 60 days from the quoted date indicated below, subject to changes in information provided by the Customer or changes in Idaho Power's ability to obtain satisfactory rights-of-way or to comply with governmental regulations, including but not limited to the rules, regulations, and tariffs of the Idaho Public Utilities Commission ("IPUC") and the Public Utility Commission of Oregon ("OPUC"). Customer must make payment of the quoted amount not less than (30) days prior to the start of the construction work set forth in this agreement ("Work"). However, Idaho Power does not represent or warrant that the Work will commence within 30 days of receipt of payment. The start of the Work is subject to Idaho Power's ability to obtain the necessary labor, materials and equipment.

Internal use				Page 1 of 3
Service Request Number:	Customer Account Number:	Work Order Number:	Design Number:	Version:
00455159		27566090	0000146150	001

By Initialing below, Customer acknowledges and agrees to the following:

INITIAL HERE

Customer
initials

Charges for relocation, transfer or removal of non-Idaho Power equipment attached to Idaho Power facilities are not included in this Customer Cost Quote. It is the Customer's responsibility to coordinate this work with the affected utility. All charges associated with this work are the responsibility of the Customer. For utility contact information, please call 208-388-2886.

INITIAL HERE

Customer
initials

The Customer has received the Underground Residential Conduit Installation brochure/packet or will access the information available online at <https://docs.idahopower.com/pdfs/ServiceBilling/customerservice/newConstruction/UGResConduitInstall.pdf>

INITIAL HERE

Customer
initials

Final Grade: Customer understands that as of [REDACTED] the above-named project will be ready for facilities to be installed by Idaho Power. All roadways and cable routes must have all grading and sub grading completed by this date. The project must be properly referenced and have grade stakes installed at all Idaho Power device locations and as might be necessary to establish proper elevations and burial depths Idaho Power facilities. The Customer will be responsible for the total cost of damage to Idaho Power facilities resulting from any subsequent changes in property, any needed relocation, repair, or lines, lot lines, elevations, grades, excavations, or profiles causing improper locations or burial depths of above-ground equipment, below-ground equipment, cable, or conduit.

INITIAL HERE

Customer
initials

Unusual Conditions: As defined in Idaho Power's line installation tariff, Rule H, Unusual Conditions are construction conditions not normally encountered, but which Idaho Power may encounter during construction which impose additional, project-specific costs. These conditions include, but are not limited to: frost, landscape replacement, road compaction, pavement replacement, chip-sealing, rock digging/trenching, boring, nonstandard facilities or construction practices, and other than available voltage requirements. The total cost for all Unusual Conditions, in connection with the work as set forth on this Customer Cost Quote will be based on the actual costs incurred by Idaho Power related to the conditions encountered during performance of the Work. Upon completion of all Work, Idaho Power will refund to Customer any Unusual Conditions amount set forth on this Customer Cost Quote sheet but, not incurred by Idaho Power.

Prior to commencement of the work, Customer shall identify for Idaho Power the location of all underground pipes, lines, and other facilities (collectively, the "Underground Lines") that may be on Customer's property where Idaho Power is working. Customer agrees to be responsible for identification and location of all Underground Lines and shall indemnify, defend, reimburse and hold harmless Idaho Power and its successors and their respective directors, officers, members, employees, representatives and agents for, from, and against any and all claims, liabilities, losses, damages, expenses, suits, actions, proceedings, judgement and costs of any kind (collectively, "Damages"), whether actual or merely alleged and whether directly incurred or from a third party, arising out of or relating to Customer's failure to properly or adequately identify and locate the Underground Lines, except to the extent finally determined by a court of law that such Damages resulted from the gross negligence or willful misconduct of Idaho Power, its agents, subcontractors, employees, officers or directors.

Internal use				Page 2 of 3
Service Request Number:	Customer Account Number:	Work Order Number:	Design Number:	Version:
00455159		27566090	0000146150	001

The Customer acknowledges Idaho Power's Rule C (Service and Limitations), Section 7 (Right of Way) on file with the IPUC OPUC: "The Customer shall, without cost to Idaho Power, grant Idaho Power a right-of-way for Idaho Power's lines and apparatus across and upon the property owned or controlled by the Customer, necessary or incidental to the supplying of Electric Service and shall permit access thereto by Idaho Power's employees at all reasonable hours." By signing this Customer Cost Quote, Customer grants to Idaho Power a perpetual right-of-way over the Customer's property for the installation, operation, replacement and maintenance of power facilities to provide electrical service to the Customer and any future owners of the Customer's property.

Construction Costs available for refund

(Vested Interest limited to 5 years or 4 additional applicants)

\$7,380

Customer Payment Due Prior to Scheduling Construction

\$13,929

INITIAL HERE

Underground Service Attachment Charges to be billed separately

Customer
initials

The Customer understands that Underground Service Attachment Charges will be billed separately on the first month's power bill after service installation has been completed. In addition, the Customer has reviewed and acknowledges their responsibility for these costs. Idaho and Oregon cost information are available online at:

ID: <https://docs.idahopower.com/pdfs/ServiceBilling/customerservice/newConstruction/IdahoCostInfo.pdf>

OR: <https://docs.idahopower.com/pdfs/ServiceBilling/customerservice/newConstruction/OregonCostInfo.pdf>

Please sign and return all relevant forms along with the amount stated on the Customer Cost Quote to:

IDAHO POWER COMPANY
2420 Chacartegui Ln
Nampa, ID 83687

SIGN HERE

Customer Signature _____ Date _____

Idaho Power Representative Nick Schoonover Quote Date 12/10/2020

Internal use				Page 3 of 3
Service Request Number:	Customer Account Number:	Work Order Number:	Design Number:	Version:
00455159		27566090	0000146150	001

ID-44

Lat: 43.706037
Lon: -116.671454
GISO# 4883564

ATT CREW: REMOVE POLE, FUSE, 2" RISER,
AND INSTALL PRIMARY INTO 3 PHASE
PAD MOUNT TRANSFORMER. ALSO INSTALL A
3" SERVICE STUB OUT OF TRANSFORMER
TO THE SOUTH.

NOTE:

SERVICE: WIRE,
CONDUIT, TRENCH
ARE "NOT" INCLUDED
IN THESE COSTS, CUSTOMER
WILL NEED A SEPARATE
WORK ORDER LATER AND IPCO
WILL NEED TO COLLECT THOSE COSTS ALSO.

SCOPE OF WORK:

REMOVE SINGLE PHASE OH AND INSTALL
3 PHASE UNDERGROUND TO A PAD
MOUNT TRANSFORMER. INSTALL SINGLE
PHASE OUT OF THAT SAME TRANSFORMER.

NEED HWY PERMIT
RULE C EASEMENT
NO FAGGING
NO SWPP NEEDED
NEED DIGLINE

UNDERGROUND CABLE NOTES

POINT NUMBER	FROM	TO	CONDUCTOR CU	CABLE SIZE	CABLE LENGTH	TRENCH LENGTH	CONDUIT CU	CONDUIT SIZE	CONDUIT LENGTH	COMPACTION LENGTH	BORE LENGTH
1	F-21	HWY-1	DCP10	1/0-3	104	97	DDB4	4	97	-	-
1	HWY-1		DCP10	1/0-B	35	28	DDB2	2	28	-	-

40" AVIAN CONSTRUCTION**CONTACTS:**

IPCO NICK SCHOONOVER 465-8651
CITY OF MIDDLETON
BRUCE BAYNE 585-3133
BECKY CROFTS 585-3888

****ATTENTION CUSTOMER****
OUR CREWS ARE WORKING TO KEEP THE LIGHTS ON
PLEASE STAY BACK AT LEAST 6 FEET

THIS WORK ORDER DOES NOT INCLUDE YOUR UNDERGROUND SERVICE CHARGES. YOUR ACCOUNT WILL BE BILLED SEPARATELY ACCORDING TO THE "UNDERGROUND RESIDENTIAL CONDUIT INSTALLATION REQUIREMENTS" ONCE THE SERVICE WORK HAS BEEN COMPLETED.

TIMES SCALE

Customer:

Date:

Job Title:
CITY OF MIDDLETON- LIFT STATION HWY 44

Additional Description:
NEW 3 PHASE UNDERGROUND AND REMOVALS OF OH

Additional Description:

Feeder Map File Name: **CDWL1301**

Surveyed or GPS: **NONE**
Joint Use Attachment: **NO**

FDR By: -----

Designer: **NNS1470**

Qua **2** TwN **04N** Rng **03W** Sec **11** Mer **BM**

Pre-Built Date: -----
Built as Designed: -----
Construction Date: -----
Operating Voltage: **12.5kV**

Date: -----

Design No: **0000146150**

State **ID** County **Canyon**

ArcFM By: -----
Date: -----

Work Order No: **27566090****IDAHO POWER Co. WORK ORDER MAP****SCALE: 1" = 50**Sheet **1** Of **1**

CHANNEL RD

R21
25 B

SIGN HERE



MEMORANDUM OF UNDERSTANDING

THIS MEMORANDUM OF UNDERSTANDING (“**MOU**”) is made and entered into this ____ day of _____, 2020, between the CITY OF MIDDLETON, CANYON COUNTY, IDAHO, a public body, corporate and politic (“**City**”) and CHALLENGER DEVELOPMENT, Inc. (“**Challenger Development**”).

Recitals

WHEREAS, the City is collecting proportionate shares to complete the bridge extension on Duff Lane over the Middleton Mill Ditch; and

WHEREAS, Challenger Development owns property near the north east corner of Duff Lane and Middleton Mill Ditch; and

WHEREAS, the City and Challenger Development have agreed Challengers portion is 40% of the bid provided by Titanium Excavation dated April 14, 2020.

Agreement

NOW, THEREFORE, for good and valuable consideration, the receipt and sufficiency of which are hereby acknowledged, City and Challenger Development hereby agree as follows:

1. Responsibilities of the City:
 - a. Collect 40% of the structure for future installation. Bid amount \$338,700.00.
 - b. When said bridge built and completed, if actual cost for 40% of the construction is less than \$203,220.00, City will reimburse that portion back to Challenger.
2. Responsibilities of Challenger Development:
 - a. Draft an MOU for review and approval by City.
 - b. Provide monies to the City in the amount of \$203,220.00 prior to Falcon Valley # 7 receiving plan approval.
3. Timing: Upon execution of this agreement by all parties the parties shall diligently pursue the project until completion.
4. Severability. In the event any of the provisions of this MOU shall be deemed illegal or unenforceable, such determination shall not operate to invalidate any of the remaining provisions of this MOU.

5. Headings. The paragraph headings are for convenience only and are not a part of this MOU and shall not be used in interpreting or construing this MOU.
6. Binding Effect. The provisions and stipulations of this MOU shall inure to and bind the heirs, personal representatives, assigns and successors in interest of the parties hereto.
7. Entity Authority. Each individual executing this MOU on behalf of an entity represents and warrants that he or she is duly authorized to execute and deliver this MOU on behalf of said entity

By: _____
Challenger Development, Inc.

CITY OF MIDDLETON

By: _____
Steve Rule, Mayor

Attest:

City Clerk



CITY OF MIDDLETON

P.O. Box 487, 1103 W Main Street, Middleton, ID 83644
208-585-3133 Fax (208) 585-9601
citmid@middletonidaho.us
www.middleton.id.gov

City Council and the Planning and Zoning Commission

Regularly Scheduled Meetings in 2021

All meetings are at 310 Cornell Ave (Trolley Station), Middleton, Idaho unless otherwise advised.

Please contact the City Clerk to arrange for language or access assistance.

City Council meetings begin at 5:30 p.m.
Planning and Zoning meetings begin at 5:30 p.m.

2021		
Months	City Council	Planning & Zoning
January	6 th , 20 th	11 th
February	3 rd , 17 th	8 th
March	3 rd , 17 th	8 th
April	7 th , 21 st	12 th
May	5 th , 19 th	10 th
June	2 nd , 16 th	7 th
July	7 th , 21 st	12 th
August	4 th , 18 th	9 th
September	1 st , 15 th	7 th Tuesday
October	6 th , 20 th	12 th Tuesday
November	3 rd , 17 th	8 th
December	1 st , 15 th	6 th