



**AGENDA**  
**City Council Meeting**  
**City of Middleton, Idaho**

Date: Wednesday December 21, 2022,

Time: 5:30 p.m.

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

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

**Action Item:**

- A. Approve Agenda

**Information Item:**

**Action Items:**


1. Consent Agenda (items of routine administrative business) (**Action Items**)
  - a. Consider approving minutes for City Council December 7, 2022, meeting.
  - b. Consider ratifying payroll for December 16, 2022, in the amount of \$ 146,361.92.
  - c. Consider approving accounts payable through December 14, 2022, in the amount of \$378,002.19.
  - d. Consider approving FCO for the Hidden Mill Subdivision Project.
  - e. Consider approving FCO for the Black Powder Subdivision Project.
2. Consider Motion to Approve change order in the amount of \$5,062.00 for Hawk Eye Builders Inc. to adjust signal pole locations, due to differing site conditions. Mr. VanGilder
3. Consider approving Ordinance 673: AN ORDINANCE ENACTED BY THE MIDDLETON CITY COUNCIL, CITY OF MIDDLETON, COUNTY OF CANYON, STATE OF IDAHO, AMENDING THE MIDDLETON CITY CODE TITLE 1, CHAPTER 3, SECTION 1-3-1 REGARDING DEFINITIONS FOR FLEX SPACE AND MOBILE FOOD TRUCK SERVICE; AMENDING TITLE 1, CHAPTER 14, SECTION 1-14-1 REGARDING ALLOWABLE TIMES FOR NEIGHBORHOOD MEETINGS; AMENDING TITLE 4, CHAPTER 5, SECTION 4-5-7 REGARDING HARD PAVEMENT SURFACES; AMENDING TITLE 4, CHAPTER 5, SECTION 4-5-11 REGARDING PARKING REQUIREMENTS FOR FLEX SPACES; AMENDING TITLE 5, CHAPTER 4, SECTION 5-4-1, TABLE 1 TO ADD FLEX SPACE USE AND MOBILE FOOD TRUCK SERVICE USE TO LAND USE SCHEDULE; AMENDING TITLE 5, CHAPTER 4, SECTION 5-4-4 REGARDING EXPANSION OF PUBLIC HEARING RADIUS NOTICE FOR LANDOWNERS; AMENDING TITLE 5, CHAPTER 4, SECTION 5-4-7 REGARDING BONDING FOR FINAL PLAT APPROVAL; AMENDING TITLE 5, CHAPTER 4, SECTION 5-4-10-2 REGARDING TECHNICAL CHANGES FOR ROAD STANDARDS AND REQUIREMENTS; AMENDING TITLE 5, CHAPTER 4, SECTION 5-4-10-6 REGARDING CHANGES TO TRAFFIC BUFFERS; AMENDING TITLE 5, CHAPTER 4, SECTION 5-4-10-7 REGARDING LANDSCAPE BUFFERS BETWEEN USES; PROVIDING FOR AN EFFECTIVE DATE; PROVIDING FOR SEVERABILITY; AND REPEALING ALL ORDINANCES, RESOLUTIONS, ORDERS AND PARTS THEREOF, IN CONFLICT HERewith. Regarding approval of proposed Code Amendments at the December 7, 2022, public hearing on the matter. Ms. Stewart

4. Consider approving Summary of Ordinance 673 which will be used for publication. AN ORDINANCE ENACTED BY THE MIDDLETON CITY COUNCIL, CITY OF MIDDLETON, COUNTY OF CANYON, STATE OF IDAHO, AMENDING THE MIDDLETON CITY CODE TITLE 1, CHAPTER 3, SECTION 1-3-1 REGARDING DEFINITIONS FOR FLEX SPACE AND MOBILE FOOD TRUCK SERVICE; AMENDING TITLE 1, CHAPTER 14, SECTION 1-14-1 REGARDING ALLOWABLE TIMES FOR NEIGHBORHOOD MEETINGS; AMENDING TITLE 4, CHAPTER 5, SECTION 4-5-7 REGARDING HARD PAVEMENT SURFACES; AMENDING TITLE 4, CHAPTER 5, SECTION 4-5-11 REGARDING PARKING REQUIREMENTS FOR FLEX SPACES; AMENDING TITLE 5, CHAPTER 4, SECTION 5-4-1, TABLE 1 TO ADD FLEX SPACE USE AND MOBILE FOOD TRUCK SERVICE USE TO LAND USE SCHEDULE; AMENDING TITLE 5, CHAPTER 4, SECTION 5-4-4 REGARDING EXPANSION OF PUBLIC HEARING RADIUS NOTICE FOR LANDOWNERS; AMENDING TITLE 5, CHAPTER 4, SECTION 5-4-7 REGARDING BONDING FOR FINAL PLAT APPROVAL; AMENDING TITLE 5, CHAPTER 4, SECTION 5-4-10-2 REGARDING TECHNICAL CHANGES FOR ROAD STANDARDS AND REQUIREMENTS; AMENDING TITLE 5, CHAPTER 4, SECTION 5-4-10-6 REGARDING CHANGES TO TRAFFIC BUFFERS; AMENDING TITLE 5, CHAPTER 4, SECTION 5-4-10-7 REGARDING LANDSCAPE BUFFERS BETWEEN USES; PROVIDING FOR AN EFFECTIVE DATE; PROVIDING FOR SEVERABILITY; AND REPEALING ALL ORDINANCES, RESOLUTIONS, ORDERS AND PARTS THEREOF, IN CONFLICT HEREWITH.
5. Consider approving Ordinance 674: AN ORDINANCE OF THE CITY OF MIDDLETON, CANYON COUNTY, IDAHO, ANNEXING TO THE CITY OF MIDDLETON, IDAHO, CERTAIN REAL PROPERTY SITUATED IN THE UNINCORPORATED AREA OF CANYON COUNTY, IDAHO, AND CONTIGUOUS TO THE CORPORATE LIMITS OF THE CITY OF MIDDLETON, IDAHO; ESTABLISHING THE ZONING CLASSIFICATION OF SAID REAL PROPERTY TO R-3 (SINGLE FAMILY RESIDENTIAL); DIRECTING THAT COPIES OF THIS ORDINANCE BE FILED AS PROVIDED BY LAW; AND PROVIDING AN EFFECTIVE DATE. (No summary required). Ms. Stewart

**Public Comments, Mayor and Council Comments:**

**Adjourn:**

Posted by:

  
Jennica Reynolds, Deputy Clerk

Date: December 16, 2022, 5:00 p.m.

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



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**MIDDLETON CITY COUNCIL  
DECEMBER 7, 2022**

The Middleton City Council Meeting was called to order on December 7, 2022, at 5:31 p.m. by Mayor Steve Rule.

**Roll Call:**

City Council: Council President Kiser, Council Members Huggins, Council Member Murray were present. Council Member Tim O'Meara was absent.

Mayor Rule, City Attorney Douglas Waterman, City Administrator Ms. Crofts, Planning & Zoning Official Ms. Stewart, Public Works Director Mr. Van Gilder and Deputy Clerks Ms. Reynolds and Ms. Day were present.

**Action Items**

**A. Approve Agenda**

**Motion:** Motion by Council President Kiser to approve the Agenda as posted on December 2, 2022, at 3:00 p.m. Motion seconded by Council Member Murray and approved unanimously.

1. **Consent Agenda (items of routine administrative business) (*Action Items*)**
  - a. **Consider approving minutes for City Council November 30, 2022, Special meeting.**
  - b. **Consider ratifying payroll for December 2, 2022, in the amount of \$ 107,345.44.**
  - c. **Consider approving accounts payable through November 10, 2022, in the amount of \$377,793.73.**
  - d. **Consider approving the Findings of Facts, Conclusions of Law & Order for the Waterford East Subdivision project.**

Mayor Rule called items and Council President Kiser stated he had reviewed the accounts payable. Council Member Huggins stated that in the check register there were duplicated pages, however, no checks themselves had been duplicated.

**Motion:** Motioned by Council President Kiser to approve Consent Agenda Items 1 a-d. Motion seconded by Council Member Huggins and approved unanimously.

2. **Consider approving 2023 City Council and Planning and Zoning Commission Regular Scheduled Meeting year schedule.**

Mayor Rule called the item. No discussion by Council.

**Motion:** Motioned by Council President Kiser to approve the 2023 City Council and Planning and Zoning Commission Regular Scheduled Meeting year schedule. Motion seconded by Council Member Huggins and approved unanimously.

3. **Consider approving Final Plat for Bridger Creek Subdivision and request for waiver to allow bonding for roadway construction. – Ms. Stewart**

Mayor Rule called the item and P&Z Official Ms. Stewart presented the Final Plat. She discussed the request for waiver to allow bonding for roadway construction. Mr. Tim Mokwa from Hayden Homes was asked to address Council regarding the request for



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waiver.

Discussion by Council

**Motion:** Motioned by Council President Kiser to approve Final Plat for Bridger Creek Subdivision and request for waiver to allow bonding for roadway construction. Motion seconded by Council Member Huggins and approved unanimously.

**4. Public Hearing: An application by IAG Hidden Mill LLC (successor in interest to IAG LLC) and Bob Unger, Unger Enterprises, LLC for preliminary plat with respect to the Hidden Mill Subdivision (Tax Parcel No. 33891010). The proposed preliminary plat consists of 20 residential lots, 2 common lots, and 2 private lane lots on approximately 6.5 acres of vacant land zoned City R-3 (Single-Family Residential). – Ms. Stewart**

Mayor opened the public hearing at 5:48 p.m.  
Legal Counsel advised that this is a new hearing and decisions should be made on the information presented during this public hearing.

P&Z Official Ms. Stewart presented a PowerPoint of the project. (Exhibit 1)  
Applicant – Bob Unger presented the project. He also addressed letters received from landowners:

- Mr. Schwab regarding perimeter fence and water and sewer.
- Mr. Solomon regarding wrought iron fencing along the path and a locked gate. Perimeter fencing will provide a shield for vehicle lights.

Applicant Attorney – Louis Spiker – Project is an infill project that meets MCC requirements. The applicant was instructed to meet with the school district, which they have.

Mayor Rule opened public testimony at 6:13 p.m.

Jim Taylor: He likes to see the town grow in and fill in with these types of projects.  
Mike Graefe: Doesn't understand where property line is with relation to the slough. Are the two private drives a Common Lot?

Rebuttal: Bob Unger:

- This is an infill lot.
- The property line runs along the slough, that is a common lot, no residential lots have any portion of the slough.
- Each lot is a stand alone residential lot of a minimum 8,000 sq ft.
- Private drives are considered Common Lots and have a recorded access and utility easement.

Mayor Rule closed public testimony at 6:19 p.m.

Council Discussion

**Motion:** Motion by Council President Kiser that based upon the facts and law presented, to approve the application of IAG Hidden Mill for preliminary plat subject to the conditions of

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approval set forth in the Staff Report for the public hearing. Motion seconded by Council Member Huggins and approved unanimously by **Roll Call Vote**.

Mayor Rule closed the public hearing at 6:21 p.m.

Mayor Rule called for a brief recess at 6:21 p.m. and the meeting resumed at 6:30 p.m.

**5. Public Hearing: (Continued from 11-16-2022): Application by Adam Capell/Toll Brothers Building Company & Nicolette Womack/Kimley-Horn Engineering for annexation and rezone, preliminary plat, and development agreement with respect to the Black Powder Subdivision located at 0 Cemetery Road, Middleton, Idaho (tax parcel no., R38207). The annexation involves 40.28 acres of vacant land currently zoned County "Agricultural." Applicants are requesting a rezone to R-3 (single family residential). The preliminary plat includes 105 single family home lots and 17 common lots. – Ms. Stewart**

Mayor Rule opened the public hearing at 6:30 p.m.

P&Z Official Ms. Stewart presented a PowerPoint presentation of Black Powder application. (Exhibit 2). She also added into the record (Exhibit H) as a late exhibit.

Council Member Murray asked about the cost of the Hartley traffic signal. Ms. Stewart said she didn't know exact numbers but somewhere about 1.7 million dollars.

Applicant Team: Nicolette Womack (Kimley-Horn), Jeff Bower (Givens Pursley LLP), Sonia Daleiden (Kittelson & Associates, Inc.) presented a PowerPoint of the Application. (Exhibit 3)

- Toll Brothers will construct a crosswalk on Cemetery to help with the pedestrian traffic. They will also pay \$150,000 towards an interim traffic signal at Cemetery and SH44. Also wants to know the smallest minimum lot size

Mayor Rule opened public testimony at 6:58 p.m.

Mike Graefe: Not opposed. Wants to know what kind of crosswalk will be constructed. Doesn't think \$150,000 is enough for the traffic light. Coleman had paid lump sum of \$350,000 for the light at Cemetery and SH44.

Rebuttal:

Jeff Bower

- Striping will only be on Crosswalk
- The smallest lot size is 8,500 sq ft.
- \$350,000 payment was made and no strings are attached as to what improvement it is applied to.

Sonia Daleiden

- The traffic improvements at SH44 and Hartley is so expensive because turn lanes and road widening is required.
- A rough cost estimate for an interim traffic signal is \$500-700K.
- Mid-Star Traffic Impact fees will help pay for that as well.
- Black Powder will contribute less than 1% of the traffic impact.
- They will work with the City to determine the type of Crosswalk that is needed at

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Cemetery Road.

Additional Public Testimony (Allowed by Mayor)

Justin Brace: Concerned about intersections in general.

Mayor Rule: Hartley and SH44 was designed and planned over 3 years ago. The City has been waiting for the funding.

Rebuttal:

Sonia Daleiden – Contributions are made to the City for intersection improvements. It is up to the City's discretion to determine what those intersections are. Developers do want to be a part of the solution.

Mayor Rule asked for clarification that this designed subdivision will only affect the Cemetery/SH44 intersection by 1% based on the traffic study. Ms. Daleiden confirmed.

Mayor Rule closed public testimony at 7:16 p.m.

Council Discussion:

*Murray:* Has concerns about cost of traffic signal and traffic in general.

*Huggins:* The City is trying to position itself so as to take advantage of any economic atmosphere. The School District tried to get ahead of the growth in 2018, the community said no thank you. We also have to remember that while traffic is important, it is not the only fund and infrastructure to consider. The city has created the water and sewer infrastructure to support this project.

*Kiser:* It will take 3-4 years before a single car from this subdivision will affect traffic. But the upfront fees for traffic impact is significant, instead of waiting 3-4 years for fees to be paid with building permits.

**Motion:** Motion by Council President Kiser to approve the application of Adam Capell/Toll Brothers for annexation and rezone of the Black Powder project parcel is approved subject to the conditions of approval set forth in the Staff Report for the December 7, 2022, public hearing. Motion seconded by Council Member Huggins.

**Roll Call Vote:** Kiser-Yes, Huggins-Yes, Murray-No.

**Motion:** Motion by Council President Kiser to approve the application of Adam Capell/Toll Brothers for preliminary plat is approved subject to the conditions of approval set forth in the Staff Presentation and in the Staff Report except for the changes noted to condition number 7 of the Staff Report. Motion seconded by Council Member Huggins.

**Roll Call Vote:** Kiser-Yes, Huggins-Yes, Murray-No.

**Motion:** Motion by Council President Kiser to approve the application of Adam Capell/Toll Brothers for development agreement is approved subject to the conditions of approval set forth in the Staff Presentation and in the Staff Report except for the changes noted to condition number 7 of the Staff Report. Motion seconded by Council Member Huggins.

**Roll Call Vote:** Kiser-Yes, Huggins-Yes, Murray-No.

Motion passes 2-1.

Mayor Rule closed the public hearing at 7:34 p.m.

## **6. Public Hearing: Application by City of Middleton for amendment and revision**

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**to the following Middleton City Code sections: (a) MCC 1-3-1; (b) 1-14-1 (c) 4-5-7; (d) MCC 4-5-11; (e) MCC 5-4-1, Table 1; (f) MCC 5-4-4; (g) 5-4-7; (h) 5-4-10-2; (i) 5-4-10-6; and (j) 5-4-10-7. – Ms. Stewart**

Mayor Rule opened the public hearing at 7:34 p.m.

P&Z Official Ms. Stewart presented the proposed code changes via PowerPoint presentation. (Exhibit 4)

Discussion by Council and Staff. Council wants to remove flexspace from M-U and increase bonding requirements from 150% to 200%.

Mayor Rule opened public comment at 8:20 p.m.

Mike Graefe: Doesn't understand flexspace. Doesn't want the ice-cream truck to go away.

Jay Walker: Concerns about landscape traffic buffers, fencing, bonding and flexspace being removed from M-U.

Mayor Rule closed public comment at 8:34 p.m.

Mayor Rule closed the public hearing at 8:34 p.m.

No decision was made, because Ordinance for Code Changes will be brought back before the council at the next meeting.

**Public Comments:**

Mike Graefe: He was upset with ITD meeting.

**Mayor and Council Comments**

Mayor Rule: Believes ITD did a good job. They were under a lot of heat.

**Adjourn:** Mayor adjourned the meeting at 8:42 p.m.

ATTEST:

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Mayor Steve Rule

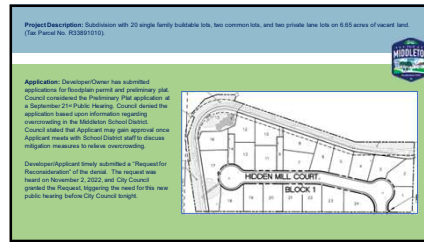
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Jennica Reynolds, Deputy Clerk  
Minutes Approved: December 21, 2022

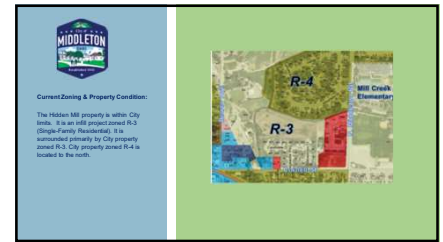
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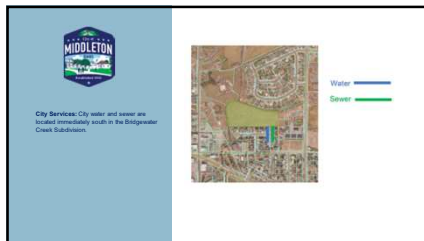
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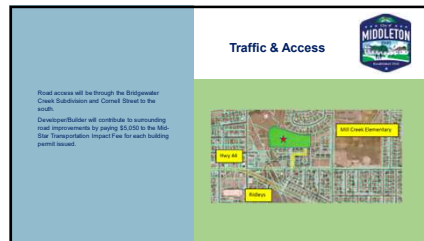
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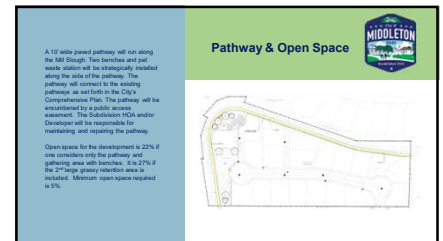
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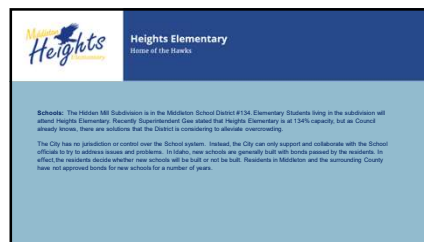
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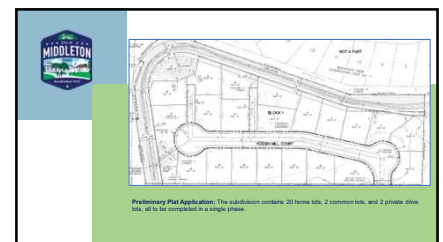
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Applicant is requesting a variance to not place the "perimeter fence" on the actual subdivision perimeter as required by MCC 5-4-12-2. A good portion of the perimeter boundary is located in the middle of the design and will be physically impossible to comply with the code. Therefore, Applicant is requesting that the perimeter fence be placed on the rear boundary of individual home lots. This will also help open up the pathway corridor and the green space area for gathering. The fence along the path will be "open vision" fencing such as wrought iron. (See blue highlight.) The wall of the fencing will be 6' primary fence. (See red highlight.)

Council may grant waiver of conditions to City standards and dimensions when considering a preliminary plat. (MCC 1-15-2.)

10

**Preliminary Plat (part)**

As to findings of facts, per City Code, the public authority, for determining whether a pre-plat should be approved is this:

- Does the pre-plat comply with R-2 Zoning?
- Does the pre-plat meet the standards, dimensions, and requirements of our City Code?

If the answer to both questions is "yes," or if a variance is granted in the event a standard is not met, then the preliminary plat should be approved.

**FINDINGS:** Planning Staff finds that the preliminary plat complies with all standards and requirements in the City and State codes except for the fencing waiver request. Planning Staff further finds that the fencing variance requested is reasonable and should be approved because it is impossible to comply with the code in light of the fact that a good portion of the boundary line is in the center of the Mill Slough.

Additionally, City Engineer, Amy Woodruff, has recommended approval of the Preliminary Plat. (See Recommendation Letter)






11

**Comprehensive Plan & Land Use Map:** Applicant's project complies with the Comprehensive Plan Land Use Map. The intended use is Residential which is an allowable use in the Mixed-Use area (green) shown on the Land Use Map.

Additionally, Applicant's project complies with the Goals, Objectives, and Strategies of the 2019 Middleton Comprehensive Plan as follows:

- Goal 2: Preserve and protect private property rights as required by Idaho law.
- Goal 3: The project provides safe transportation services by creating on-street sidewalks and pathways as extensions or connections to public pathways or sidewalks.
- Goal 4: The project will establish a good quality of life with development that pays through impact fees and property taxes for the public services it receives when infrastructure is installed.
- Goals 10, 22 and 23: The addition of pathways increases recreational activity and promotes walkability, social interaction, and health in the Community.
- Goal 11: The project will allow dwelling types that match residents' lifestyles by promoting in-fill housing improvements.

12

**Comments Received:**

**Agency Comments:** Comments from Drainage Dist #2, ITD and Middleton Rural Fire were attached as Exhibit "D" for public and Council review.

Of note, when City Council denied Applicant's preliminary plat application at the September 21, 2022, meeting, City Council noted that Applicant may revisit approval once they met with School District Staff to discuss ways to mitigate overcrowding in the schoolhouse. Applicant met with School District Staff and Middleton School District submitted a 2<sup>nd</sup> comment letter recommending the applicant to try, yet with Applicant. The District staff recommended measures that Applicant and School District agreed upon. The agreement is outside of City review, and it will be a private agreement between only Applicant and MSD #134. (The School letter was attached as Exhibit "E" to the Staff Report.)

**Staff & Public Comments:** Comments from City Engineer, Planning Staff & the public were attached as Exhibits "C" and "F" to the Staff Report.




13

*Life is better here*





**Applicant/Owner:** MAG Hidden Mill, LLC (successor in interest to Wade Thomas, MAG, LLC) 800 W. Main St., Suite 1400, Boise, Idaho 83702. Representative is Bob Unger of Unger Enterprises.

**Applicable Codes and Standards:**  
Idaho Code Title 47, §§4801, 47-4803, 47-4804, 47-4811, 47-4813, 50-1301 through 50-1329; Idaho Standards for Public Works Construction, the Middleton Supplement to the Idaho Standards for Public Works Construction, Middleton City Code 1-14, 1-15, 5-1, 5-2, 5-3, and 5-4.

Notices:	Dates:
Neighborhood Meeting	11/10/2021
Neighborhood Notification	11/22/2022
Notice verification mailed to Landowners within 300'	11/21/2022
Circulation to Agencies	11/21/2022
Sign Posting property	11/21/2022

14

**Planning & Zoning Recommendations:** The Planning & Zoning Commission heard the Hidden Mill application at the August 8, 2022, public hearing. The Commission recommended that City Council approve the application for Preliminary Plat subject to the conditions detailed in the Staff Report and subject to Applicant meeting with the School District to discuss possible ways to assist with school overcrowding. (PCR attached as Exhibit "D" to Staff Report)

15

**Conclusions and Recommended Conditions of Approval:**

According to Idaho State Law and the Middleton City Code, any land use decision City Council must be based upon Findings of Facts and Conclusions of Law.

**Findings of Facts:** Planning Staff has set forth the Findings of Facts in the Staff Report and in this presentation.

**Conclusions of Law:** As to Conclusions of Law, Planning Staff finds that the City Council has the authority to hear this application and to approve or deny it, with or without conditions. Staff also finds that all public notice requirements were met, and Staff submitted portions of the Idaho State Code and Middleton City Code to be considered in making a decision on the application.






16

If Council is inclined to approve the Hidden Mill Preliminary Plat application, Staff recommends the following conditions:

- City of Middleton water, fire flow and sewer services are to be extended to serve the subdivision.
- All City Engineer review comments are to be completed and approved.
- All City Planner comments are to be completed and approved.
- All comments from Middleton Fire to be completed and approved.
- All Fire District Administrator comments to be completed and approved.
- Pathway along the slough is to be 10 ft wide with a public access easement. Developer/PCA to maintain and repair the public pathway.
- All landscaping and amenities to be installed in compliance with the submitted landscape plan and preliminary plat.
- Developer shall create a plan for operation, maintenance, and repair of stormwater facilities (OM&P) plan, which should be recorded with the CCRs.
- Sewer and water capacity to be reassessed at the time the City approves the construction drawings for the project.

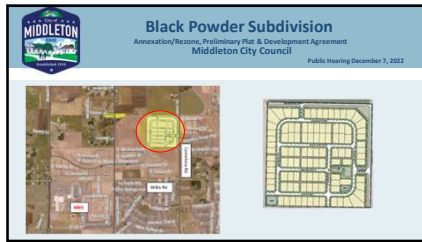
Lastly, if the Council denies the application, Council should state on the record what Applicant can do, if anything, to gain Council approval.

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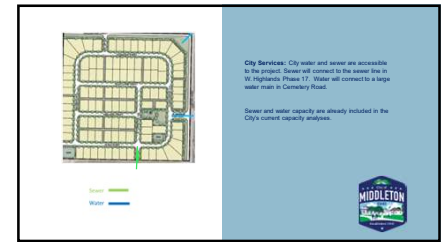
# **EXHIBIT “2”**



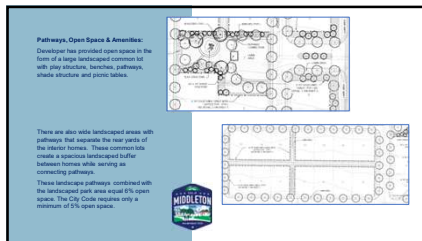
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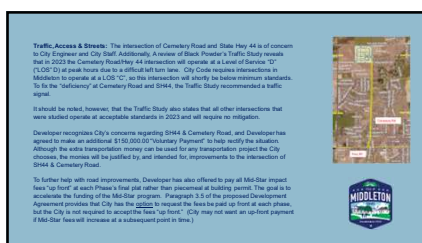
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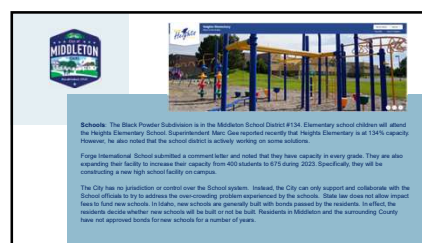
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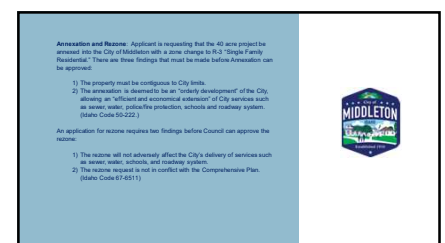
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**Annexation and Rezone.** With respect to annexation, Planning Staff finds that Applicant's project meets the criteria of contiguous and the requirement that city sewer and water be available.

Middleton Rural Fire Department has not submitted comments to otherwise noted a problem with the subdivision. Higgins Elementary is at 134% capacity. Just the school district is already working on solutions to where the overcrowding.

As to traffic, the Traffic Study for the project noted that all intersections operate at acceptable levels except Cemetery & Hay 44 at peak hours. An interim traffic signal would rectify the efficiency and Developer has agreed to pay an additional \$160,000 towards the construction of that signal.

As to the rezoning application, Planning Staff finds that the rezoning will not adversely affect the City's ability to deliver sewer and water. Traffic and schools are impacted, however, as already noted above.



Finally, as will be shown below, Applicant's project both complies with and conflicts with the City's Comprehensive Plan.



10

**Preliminary Plat Application:** The preliminary plat shows two phases of development. Planning Staff finds that the proposed preliminary plat complies with the Idaho State Statute and with the development and dimensions set forth in the City Code for the R-3 Zone. Applicant is not requesting any variance from Codes and Standards.


The preliminary plat also provides less density than is permitted in City Code. Block Frontage is density is 2.81 homes per gross acre, which is less than the 3 homes per gross acre allowed by code. (MCC, 9-4-1, Table 2)

11



**Development Agreement:** A Development Agreement (DA) Application is generally required for any request to rezone property. The conditions of development set forth in the proposed DA are:

- Developer will develop the community generally consistent with the concept plan attached to the DA.
- Developer will strip a crosswalk at the intersection of Cemetery Road and Meadow Park Road to provide safe access across Cemetery Road to the future Meadow Park School site.
- Developer to provide the following amenities: playground structure, benches, and shade structure, with at least two picnic tables.
- Developer shall improve the full street width of Cemetery Road and Meadow Park Road at its own cost.
- Developer to pay the \$150,000 voluntary payment for additional transportation improvements prior to final plat approval for Phase 1. City may choose which transportation projects to apply the money to.
- Developer will have two years to obtain final plat approval for Phase 1. Developer may wait less than one year, thereby allowing a total of 4 years to bring Phase 1 to final plat approval. After Phase 1 final plat, Developer will have two years to obtain final plat approval for Phase 2. This time period may also be extended with two 1-year extensions. Failure to meet these time-lines may result in the City terminating the DA and nullifying the preliminary plat.
- Developer to construct interior local streets per the street section shown on the approved preliminary plat. Instead of a 5' wide detached sidewalk as shown in City code, Developer will build a 5' wide detached sidewalk with a 7' move strip in between curb and sidewalk.



12

**Comprehensive Plan & Land Use Map:** Applicant's project complies with the Comprehensive Plan's Future Land Use Map because the proposed R-3 zone complies with the "Residential Use" shown on the FLUM.

As noted earlier, Applicant's project is in conflict with Goals #1 and 3 to provide safe roads and adequate delivery of services. However, the project does comply with the following Goals, Objectives, and Strategies of the 2019 Middleton Comprehensive Plan as follows:

- Goal #4 Project creates quality lots for residential use that increase the quality of life and general welfare of the City as a whole.
- Goal #6 Water, sewer, and adjacent local roads will be expanded in an orderly manner consistent with population growth.
- Goal #10 Project provides playgrounds, pathways and outdoor recreational activities.
- Goal #11 The housing type matches the residents' lifestyle in the area the project is located.


13

**Comments Received from Surrounding Landowners:** Comments received from the public were attached as Exhibit "D" to the Staff Report for public review and Council consideration.

**Comments from Agencies:** City received comments from COMPASS, Middleton School District #134 and ITD, and they were attached as Exhibit "F" to the Staff Report. We also received a comment from Fridge School after the Agenda was posted. (Exhibit "F" on council & a dead mouse)

**Comments from City Engineer and Planning Staff:** Copies of Engineering and planning comments were attached as Exhibit "F" to the Staff Report.

**Applicant Information:** Applicants are Adam Capal/Tad Brothers and Nicolea Womack/Kirby-Horn Engineering (3103 W. Sheld Dr #110, Middleton 83642) 10019 Barnack Street, #1100, Boise, 83702. Application was accepted on 1/25/2022.



14

**Notices & Neighborhood Meeting Dates:** (Public hearing was continued from November 16, 2022 to December 7, 2022.)

Notice Type	Date	Location/Event
Newspaper Notification	11/1/2022	Sign Posting
Radius notice to adjacent landowners	11/1/2022	Neighborhood Meeting
Circulation to Agencies	10/3/2022	

**Pertinent Codes and Standards:**

Idaho Standards for Public Works Construction, the Middleton Supplement to the Idaho Standards for Public Works Construction, Middleton City Code 1-14, 1-16, 5-1, 5-2, 5-3, and 5-4, and Idaho Code Title 67, Chapter 69 & Title 50, Chapters 2 and 13.



15

**P&Z Commission Recommendation:**

The Board of Planning applications was considered by the P&Z Commission in a public hearing held on September 12, 2022. The Commission recommended denial of all three applications based upon the fact that the governing bodies did not have sufficient information to make a decision on denial or approval until after the City's traffic study of Hay 44 is completed in early 2023. A copy of the Findings of Facts, Conclusions of Law & Recommendation was attached as Exhibit "D" to the Staff Report for public review and Council consideration.




16

**Conclusions and Conditions of Approval:**

Per State law and the Middleton City Code, any final decision and order with respect to Developer's three applications must be based upon findings of facts and conclusions of law.

**As to Findings of Facts,** Planning Staff has set forth findings of facts in the Staff Report and in this presentation.

**As to Conclusions of Law,** Planning Staff finds that City Council has the authority to hear these applications and to determine whether the applications should be denied or approved, with or without conditions. Additionally, Planning Staff notes that all public notice requirements were met. Planning Staff further set forth the portions of the Idaho State Code and Middleton City Code to be considered in making a determination on the applications.




17

**Annexation/Rezone, Preliminary Plat, and Development Agreement Applications:** If Council is inclined to approve the three applications below, then Planning Staff recommends that any approval be subject to the following conditions:

- City water, fire flow and sewer services are to be extended to serve the subdivision.
- Developer to comply with all terms of the Development Agreement approved for the subdivision.
- Developer to install landscaping and all amenities in compliance with the Landscape Plan and preliminary plat submitted with the application.
- Developer shall create a plan for operation, maintenance and repair of sewerage facilities (OSM Plan) contained on the project site. The OSM Plan shall be recorded with the CGM. Developer under HOA must maintain and operate the subdivision sewerage facilities in compliance with the CGM Plan.
- Developer to comply with all conditions of approval set forth in the Staff Report for this hearing except Condition #4 regarding payments pursuant to MCC 5-4.3. Instead, Developer to pay a \$150,000.00 Voluntary Payment at final plat for phase 1.
- All City Engineer and Planner review comments are to be completed and approved.
- Sewer and water capacity to be reassessed at the time City approves the construction drawings for the project.

If Council denies the applications, then Council should explain what Applicant can do, if anything, to obtain an approval.



18

## Exhibit "H"



**FORGE**  
INTERNATIONAL  
**SCHOOL**

208 S. Hartley Lane  
Middleton, ID 83644  
208-244-0577  
[www.forgeintl.org](http://www.forgeintl.org)

December 5, 2022

via email [rstewart@middletonciv.com](mailto:rstewart@middletonciv.com)

City of Middleton  
c/o Roberta Stewart, Planning and Zoning Official  
1103 West Main Street  
Middleton, ID 83644

**RE: Black Powder Subdivision**

Dear Mayor Rule and Councilmembers:

This comment letter is provided in connection with Toll Brothers' pending application for the Black Powder residential community.

Forge International is a public charter school of choice that provides free public education to students in K-10th grade. We prepare students to become true citizens of the world, equipped to participate and engage in local and global issues. Forge International school is located in the City of Middleton just south of State Highway 44 on Hartley Lane, approximately 2 miles from the proposed Black Powder residential community.

Forge International school currently has capacity in all grades and we are actively implementing a facility expansion that will increase our student capacity. We have approximately 400 students and we are in the process of building a high school facility on the campus that will increase capacity to 675 students by Fall 2023. We will also be adding 11th grade in 2023 and 12th grade in 2024 following the completion of the new high school facility.

Please feel free to reach out to me with any questions.

Sincerely,

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

Andy Johnson  
Executive Director

# EXHIBIT “3”



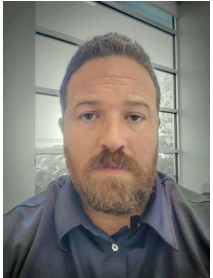
# Black Powder Subdivision

***Toll Brothers***  
AMERICA'S LUXURY HOME BUILDER®

**Kimley»Horn**  
Expect More. Experience Better.



# Applicant Team



**ADAM R. CAPELL**

Toll Brothers  
Meridian, ID



**KYLE PREWETT**

Toll Brothers  
Meridian, ID



**BRANDON MCDOUGALD  
P.E., LEED AP**

Kimley-Horn  
Boise, Idaho



**NICOLETTE WOMACK, AICP**

Kimley-Horn  
Boise, Idaho



**MICHAEL O'REILLY, PE**

Kimley-Horn  
Boise, Idaho



**JEFF BOWER**

GIVENS PURSLEY LLP  
Boise, Idaho



**LAUREN NUXOLL, PE PTOE**

Kittelsohn & Associates, Inc.  
Boise, Idaho



**SONIA HENNUM DALEIDEN, PE PTOE**

Kittelsohn & Associates, Inc.  
Boise, Idaho





***Toll Brothers***  
AMERICA'S LUXURY HOME BUILDER®

# Before You Tonight

- Annexation & Rezone
- Preliminary Plat
- Development Agreement



# Timeline



# Future Tentative Timeline

**FALL 2022**  
Design Start

**FALL-SPRING  
2024**  
Construction

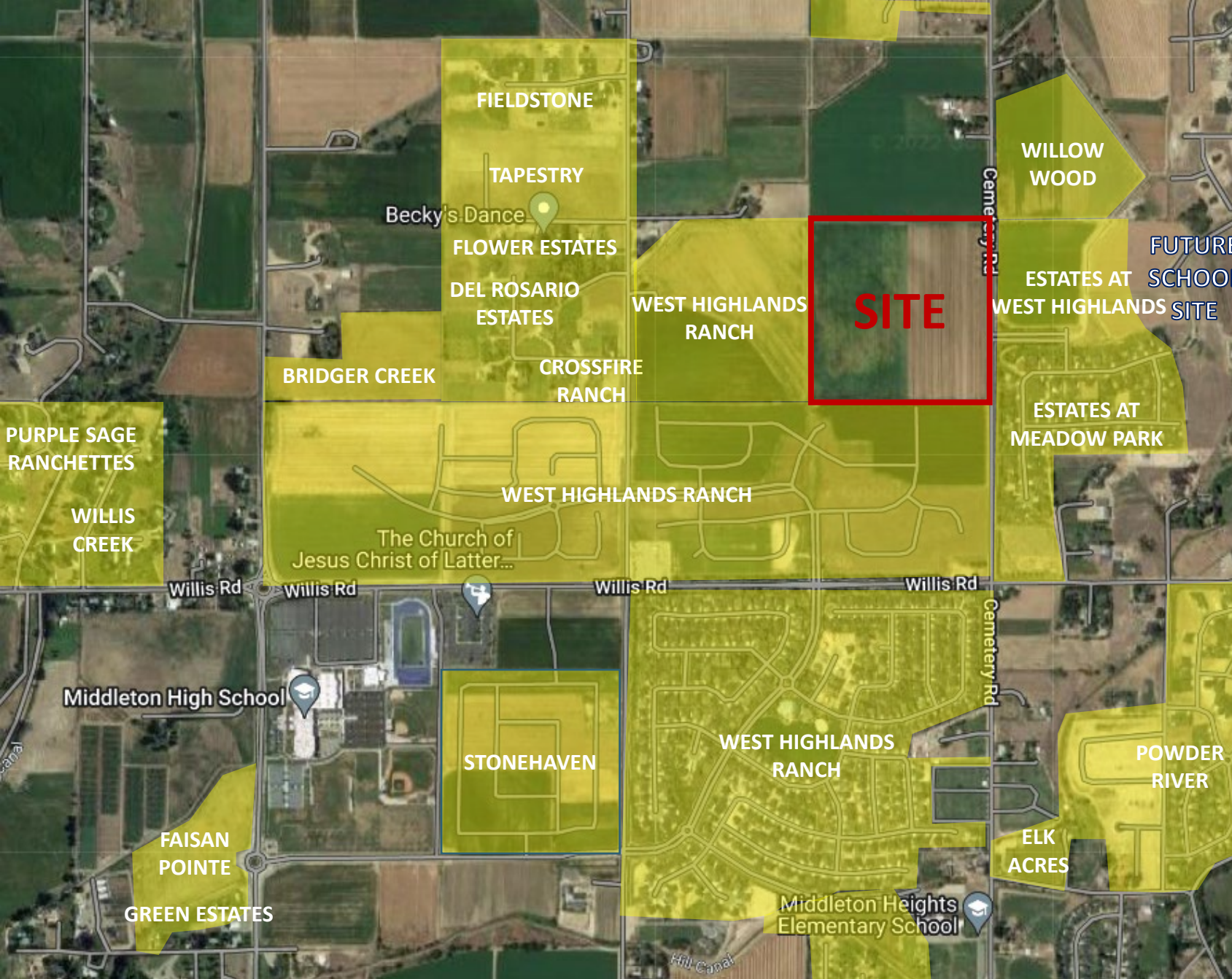
**SUMMER 2024**  
Recording

**FALL 2024**  
Home Building

**SUMMER 2025**  
Occupancy  
Phase 1  
(49 lots)

**FALL 2028**  
Full Build Out  
Phase 2  
(56 lots)

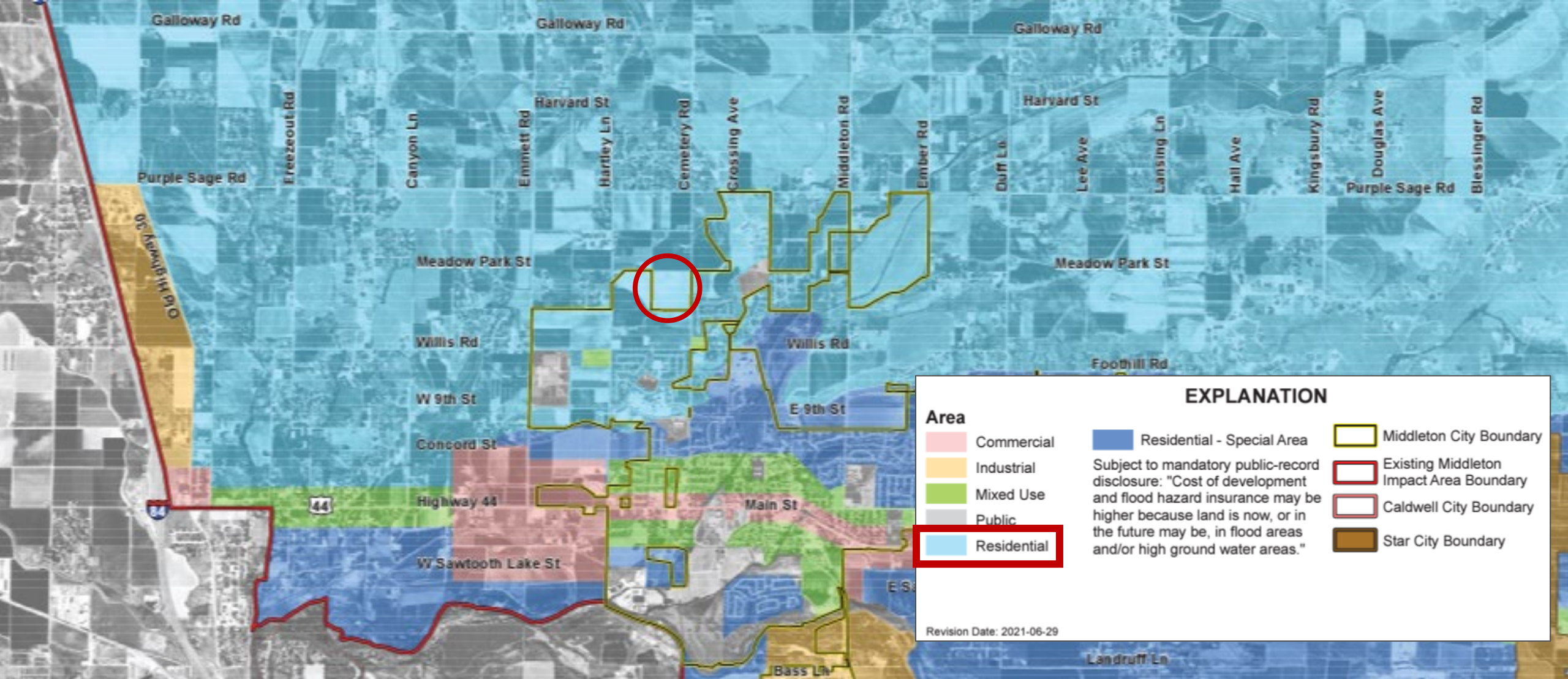




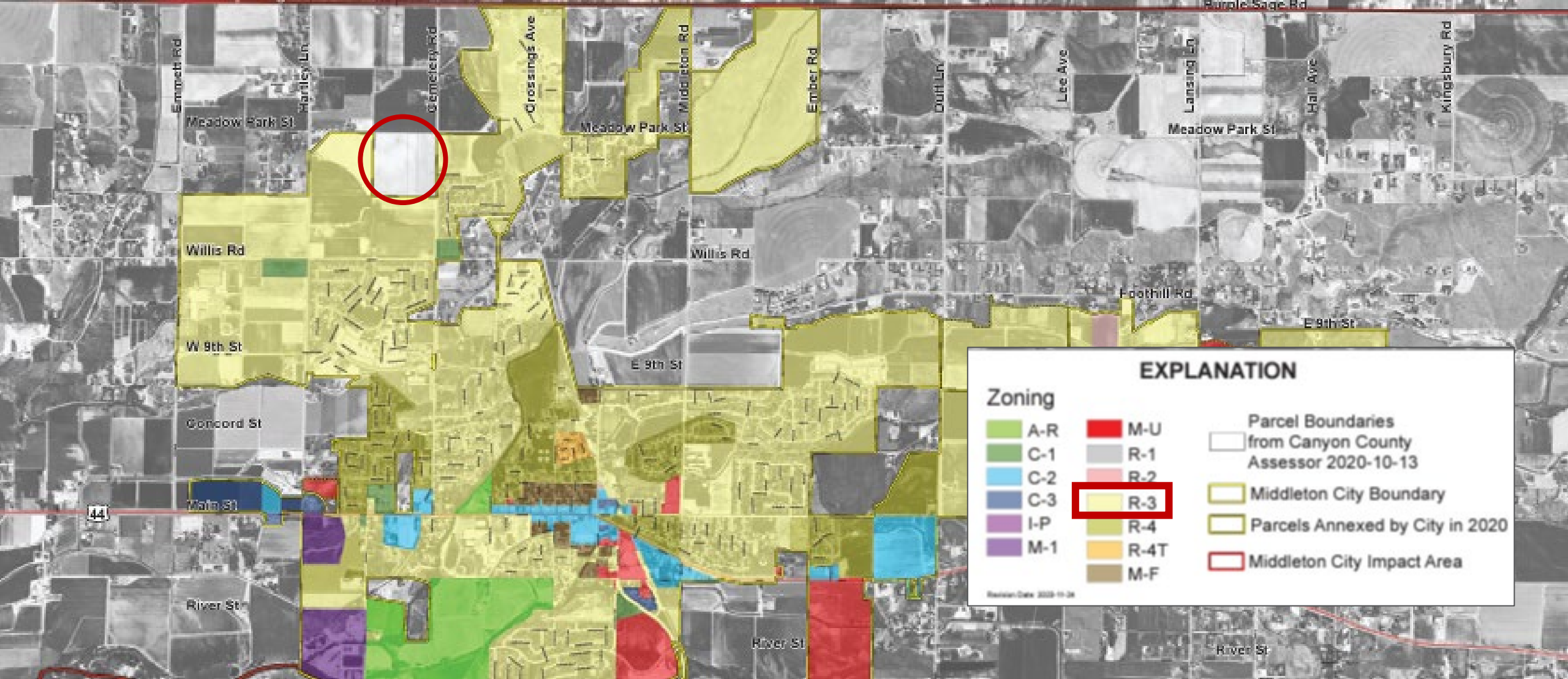
# Vicinity Map

- 40.28 acres





# Future Land Use Map



# Zoning Map



# MEADOW PARK STREET



CEMETERY ROAD

## Black Powder

Property Size:	40.28 acres
Total Units:	105
Density:	2.61 du/acre
Average Lot Size:	10,159 sq ft



## PHASE 2

# Black Powder

Phase 1: 49 lots

Phase 2: 56 lots

## PHASE 1



<b>Qualified Open Space:</b>	8.41% or 3.39 acres
<b>Open Space:</b>	12.49% or 5.03 acres
<b>Amenities</b>	Large Park w/ play structure, shade ramada, benches and pathways

<b>Qualified Open Space:</b>	8.41% or 3.39 acres
<b>Open Space:</b>	12.49% or 5.03 acres
<b>Amenities</b>	Large Park w/ play structure, shade ramada, benches and pathways



# Central Amenity

STACKROCK GROUP



# Concept Entry Monument

- Consistent with West Highlands Ranch







# Conceptual Elevations



# Key Transportation Findings

**From:** Vincent Trimboli <Vincent.Trimboli@itd.idaho.gov>  
**Sent:** Tuesday, August 23, 2022 8:48 PM  
**To:** Jennica Reynolds <jreynolds@middletoncity.com>  
**Subject:** RE: Notice - Black Powder PZ

ITD does not anticipate any significant traffic impacts to the State Highway system from this development and has no objections to the proposal development.

Vincent Trimboli  
District 3, Planning and Development Services Manager  
Office: 208.334.8817  
Cell: 208.949.3712



YOUR Safety •••► YOUR Mobility •••► YOUR Economic Opportunity

**From:** [Niki Benyakhlef](#)  
**To:** [Roberta Stewart](#)  
**Subject:** RE: Notice - Black Powder Subdivision - Middleton City Council  
**Date:** Monday, November 14, 2022 12:10:45 PM  
**Attachments:** [image003.png](#)  
[image005.png](#)

Good Afternoon, Roberta –

ITD has no comments or concerns to make at this time. This may change once development and site plans are finalized and disbursed.

Thank you,



Niki Benyakhlef  
Development Services Coordinator

District 3 Development Services  
O: 208.334.8337  
C: 208.296.9750  
Email: [niki.benyakhlef@itd.idaho.gov](mailto:niki.benyakhlef@itd.idaho.gov)  
Website: [itd.idaho.gov](http://itd.idaho.gov)



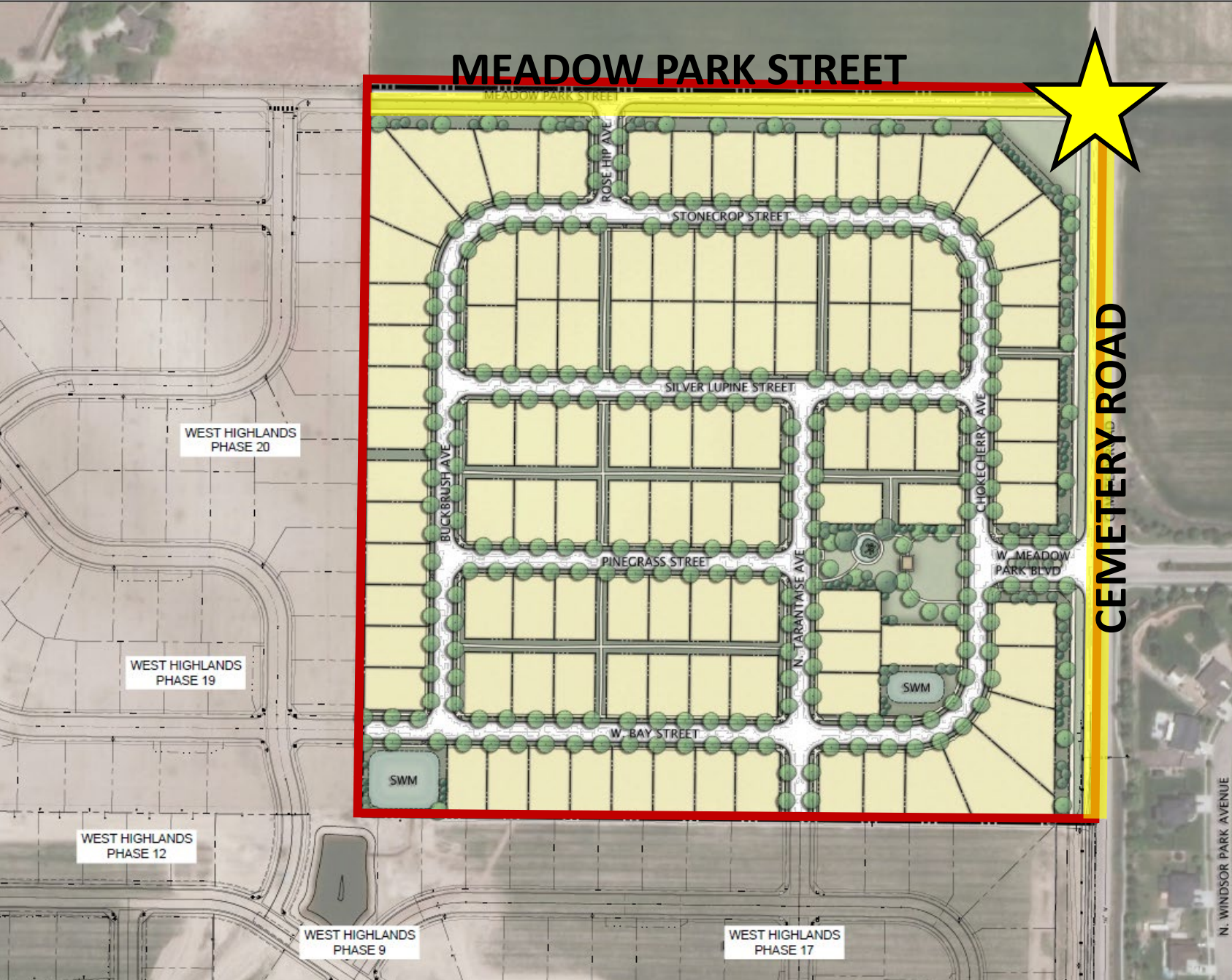
## MEADOW PARK STREET



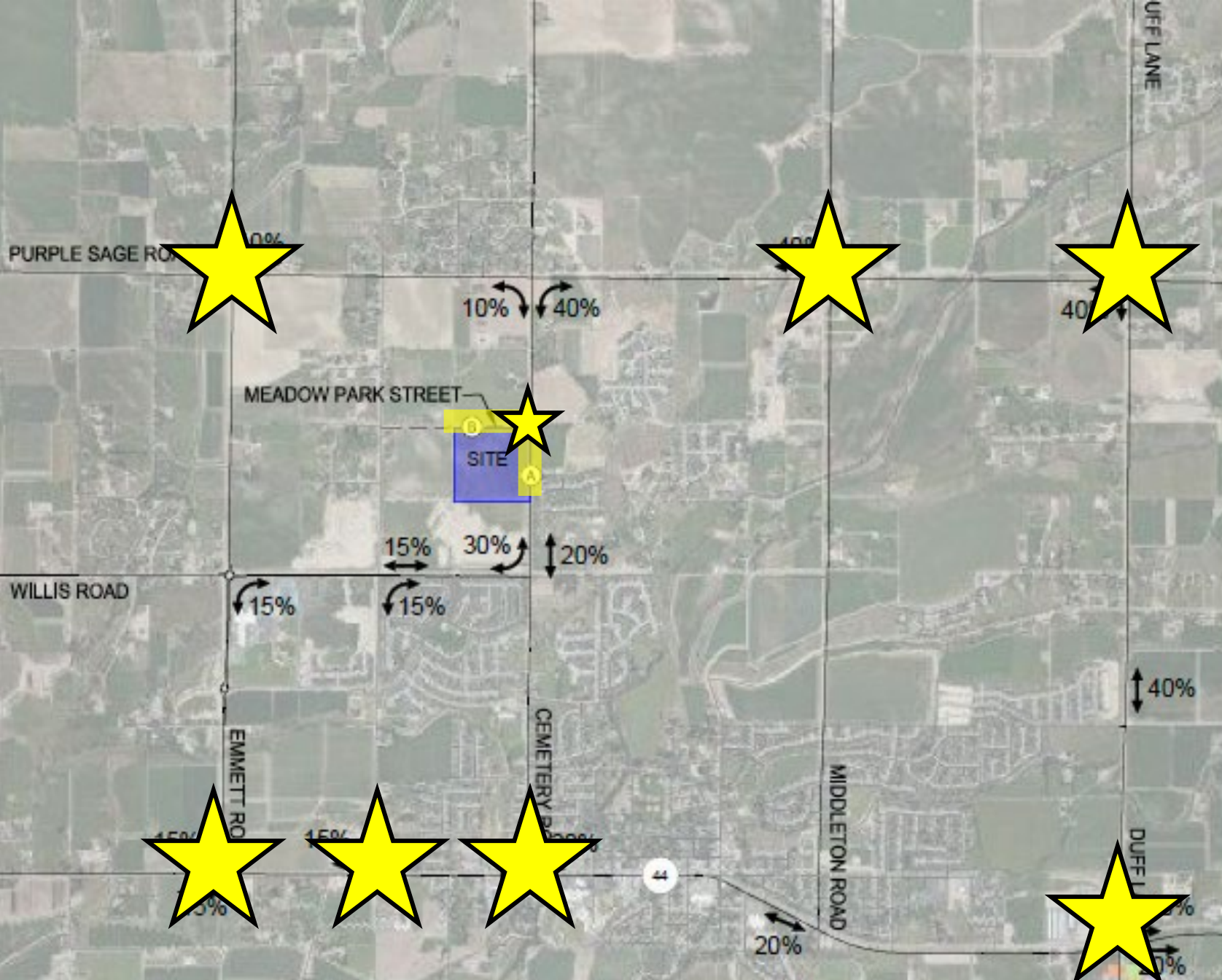
## CEMETERY ROAD

# Initial Transportation Contributions

- Meadow Park Street 1/2 Street Construction (Leads to Future School Site) - \$492,000
- Crosswalk on Cemetery Road (Leads to Future School Site) - \$20,000
- Cemetery Road Frontage Improvements - \$327,000







# Total Transportation Contributions

IMPROVEMENT	COST
Meadow Park ½ Street	\$492,000
Cemetery Rd Crosswalk	\$20,000
Cemetery Rd Improvements	\$327,000
Mid Star Transportation Impact Fee	\$530,000
Voluntary Roadway Payment	\$150,000
TOTAL:	\$1,519,000

# Requested Action

- Approval for the Annexation & Rezone, Preliminary Plat and Development Agreement

# School District Comments



**Marc Gee**  
Superintendent

**Lisa Pennington**  
Assistant Superintendent

5 South Viking Avenue  
Middleton, ID 83644  
(208) 585-3027  
msd134.org

## Middleton School District #134

*Every Child Learning Every Day*

### Middleton School District #134

#### City of Middleton--Public Hearing Notice Response

##### General Response for All New Development

Middleton School District is currently experiencing significant growth in its student population. **As it is now, we have 2 of our 3 elementary schools over capacity. Heights Elementary is 134% of capacity with three portable units. Mill Creek Elementary is 123% of capacity with 2 portables (soon to be 4).** We are nearing capacity, but have not superseded at this point, at our high school (94%) and middle school (85%). As it stands now there is a need for additional facilities in our school district, primarily at the elementary grades. However, we have significant concerns of the continued growth and our ability to meet the future facility needs of our district at the secondary level (Middleton Middle School and Middleton High School).

We have completed a demographic study performed for our school district boundaries and the data suggests that for every new home we could expect between 0.5 and 0.7 (with an average of .559)\*\* students to come to our school. That is the factor/rate we use to make our projection of student impact for each development.

We encourage the city to be judicious in their approval process recognizing that each new development brings new students to our school and will increase the burden placed on taxpayers within the school district. New facilities, primarily an elementary school, are needed now, but additional students continue to increase that need.

*\*\*Please note a change in this rate from previous correspondence*

##### Black Powder Subdivision

Students living in the subdivision as planned would be in the attendance zones for Middleton Heights Elementary school, our most overcrowded school (though borders may change in order to equalize student loads at all elementary schools). With 105 total lots, we would anticipate, upon completion, an increase of 53-74 students between Heights Elementary, Middleton Middle School, and Middleton High School. **To put this in perspective, that equates to approximately 2-3 classrooms of students (ave. 25 students).** Every classroom at Heights Elementary right now has an initial cost of \$125,000 just for the portable unit that would be required to house the students. That does not include the costs of other materials required (ie desks, chairs, curricular materials, etc).

In addition to the increase in student population, based on the location, bussing would be provided for middle school students, though that may change based on the design of the plat and its connection to a safe walking route to the other schools. Having not seen the design of the subdivision we would recommend the developers meet with the school district officials and transportation officials to ensure adequate access for bussing to the area.



# Charter Schools



**FORGE**  
INTERNATIONAL  
SCHOOL

208 S. Hartley Lane  
Middleton, ID 83644  
208-244-0577  
[www.forgeintl.org](http://www.forgeintl.org)

December 5, 2022

via email [rstewart@middletoncity.com](mailto:rstewart@middletoncity.com)

City of Middleton  
c/o Roberta Stewart, Planning and Zoning Official  
1103 West Main Street  
Middleton, ID 83644

**RE: Black Powder Subdivision**

Dear Mayor Rule and Councilmembers:

This comment letter is provided in connection with Toll Brothers' pending application for the Black Powder residential community.

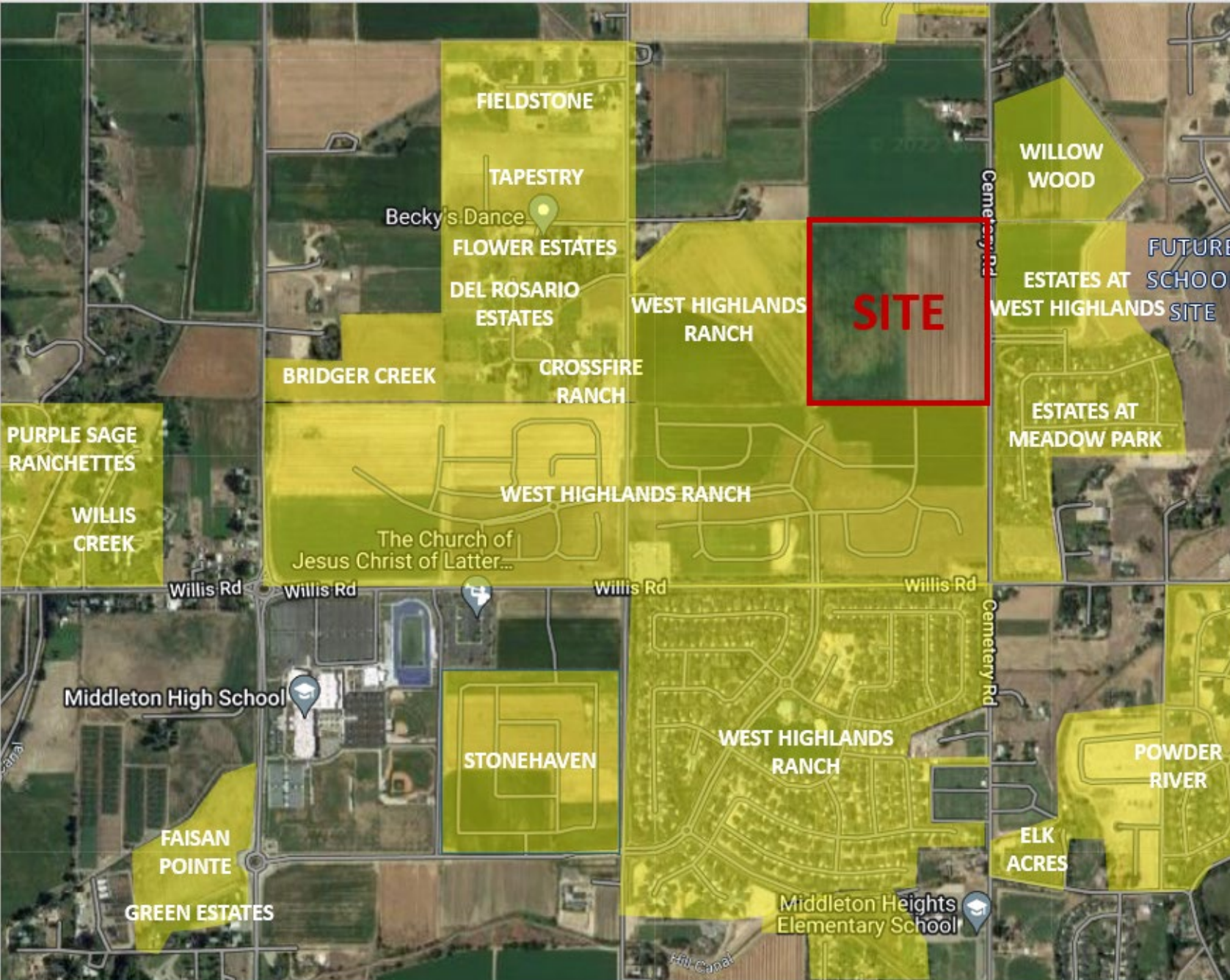
Forge International is a public charter school of choice that provides free public education to students in K-10th grade. We prepare students to become true citizens of the world, equipped to participate and engage in local and global issues. Forge International school is located in the City of Middleton just south of State Highway 44 on Hartley Lane, approximately 2 miles from the proposed Black Powder residential community.

Forge International school currently has capacity in all grades and we are actively implementing a facility expansion that will increase our student capacity. We have approximately 400 students and we are in the process of building a high school facility on the campus that will increase capacity to 675 students by Fall 2023. We will also be adding 11th grade in 2023 and 12th grade in 2024 following the completion of the new high school facility.

Please feel free to reach out to me with any questions.

Sincerely,

Andy Johnson  
Executive Director



# Annexation Findings

1. The property must be contiguous to City limits.
2. The annexation is deemed to be an “orderly development” of the City allowing “efficient and economical extension” of City services such as sewer, water, police/fire protection, schools and roadway system. (Idaho Code 50-222)

# Rezone Findings

1. The rezone will not adversely affect the City's delivery of services.
2. The rezone request is not in conflict with the Comprehensive Plan. (Idaho Code 67-6511)

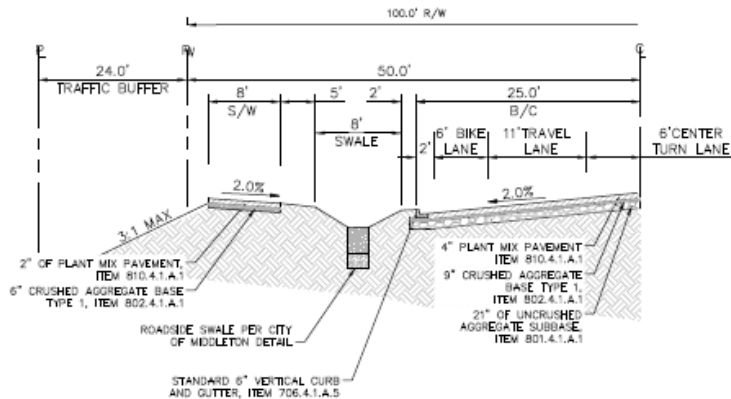


# Comprehensive Plan

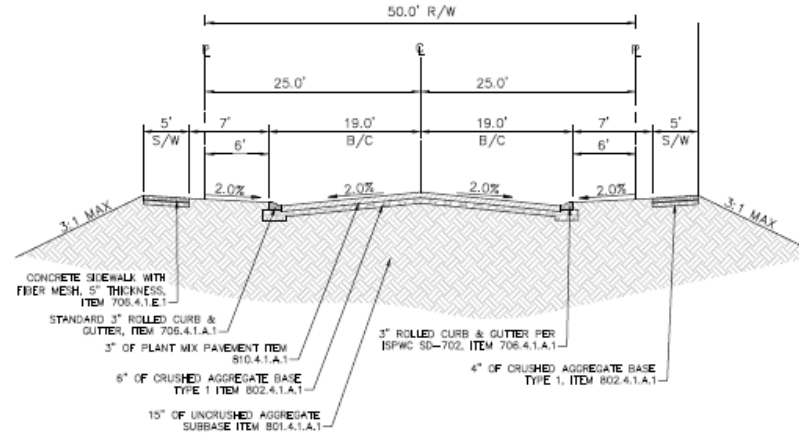
- Goal 3 calls for providing safe vehicle and pedestrian facilities. The plat includes no individual driveway access to high-capacity roads and includes sidewalks consistent with adjacent subdivisions.
- Goal 4 calls for establishing a good quality of life with development that pays through impact fees and property taxes for the public services it receives when infrastructure is installed.
- Goal 5 calls for development adjacent similar existing development properly utilizing existing infrastructure.



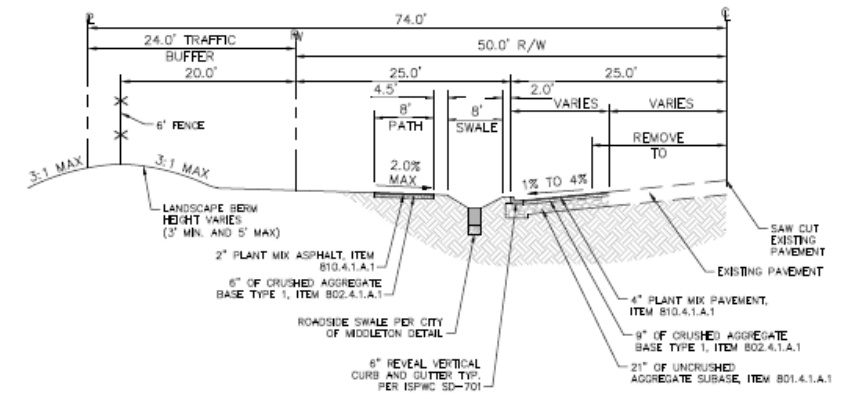
# Street Sections



CITY OF MIDDLETON  
THREE LANE URBAN ROADWAY TYPICAL SECTION – 50' HALF WIDTH ROW  
MODIFIED FOR HALF SECTION (FOR MEADOW PARK STREET)

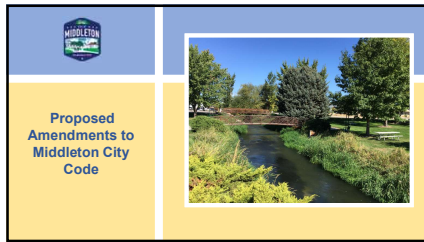


CITY OF MIDDLETON  
LOCAL ROADWAY TYPICAL SECTION – 25' HALF WIDTH ROW  
MODIFIED FOR DETACHED SIDEWALK



CITY OF MIDDLETON  
THREE LANE URBAN ROADWAY TYPICAL SECTION – 50' HALF WIDTH ROW  
MODIFIED FOR ROAD WIDENING (FOR CEMETERY ROAD)

# EXHIBIT “4”



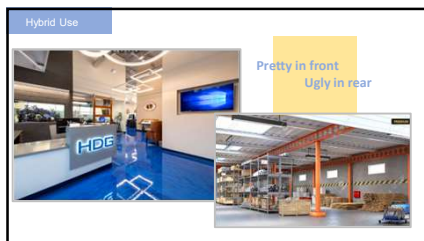
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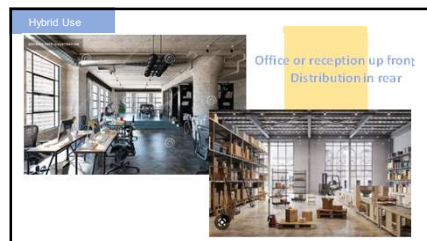
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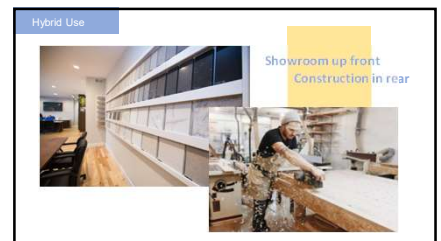
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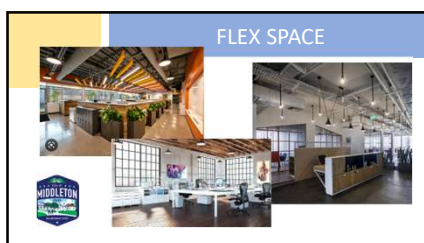
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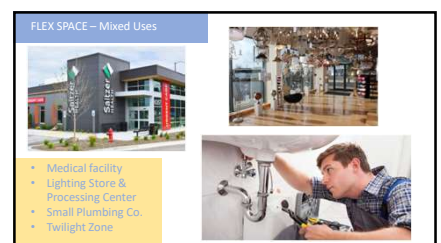
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7



8




9









### Conclusion & Recommendations

For Staff use. City Council should have any decision on general facts and conclusions of law.

Planning Staff has met with various meetings that the proposed code changes do not conflict with the City's Comprehensive Plan.

As to conclusions of law, Planning Staff finds that City Council has the authority to hear this application and to approve or deny the application. Additionally, Planning Staff finds that all public notice requirements were met. Planning Staff further notes the purpose of the existing Code and the proposed City Code to be consistent in making a decision on the application.

If the Council is inclined to approve the proposed code changes, Planning Staff does not recommend any conditions of approval.



4) An application by IAG Hidden Mill LLC (successor in interest to IAG LLC) and Bob Unger, Unger Enterprises, LLC for preliminary plat with respect to the Hidden Mill Subdivision

December 07, 2022 - City Council - Public Hearing

Please check

	Name	Address	Phone or Email	Please check			
				In Favor	Neutral	Opposed	Testify
1	Bob Unger Louis Spiker	199 N. Capitol Blvd #200 Boise	208 384 8688	✓			✓
2	Jim Taylor	105 Z Triumph Middle	208 802 8494		✓		✓
3	MIKE GRACE	1889 RIDGE WAY	508 581-6227				
4							
5							
6							
7							
8							
9							





5) Adam Capell/Toll Brothers Building Company & Nicolette Womack/Kimley-Horn Engineering for annexation and rezone, preliminary plat, and development agreement with respect to the Black Powder

December 07, 2022 - City Council - Public Hearing

Please check

	Name	Address	Phone or Email	<div><div>In Favor</div><div>Neutral</div><div>Opposed</div><div>Testify</div></div>			
1	Jim Taylor	Middleton 1052 Triumph Drive	208 402 8874		✓		✓
2	MIKE GRIFFE	1889 RIDGE WAY	208 527-6227				
3	Justin Brace	22967 River Road	288 8502297			✓	
4							
5							
6							
7							
8							
9							



6) City of Middleton for amendment and revision to the following Middleton City Code sections:

December 07, 2022 - City Council - Public Hearing

Please check

	Name	Address	Phone or Email	Please check			
				In Favor	Neutral	Opposed	Testify
1	MIKE GRAEFE	1889 - RIDGE WAP	208-527-6527				
2	JAY WALKER	1100 W IDAHO. STE 210	208-484-4479	✓			
3							
4							
5							
6							
7							
8							
9							



## Public Comment Sign In

City Council - December 7, 2022

	Name	Address	Phone or Email	Topic/Agenda Item #
1	Justin Brace	22967 River Road Middleton		
2	Mike Kraese	1889 Bridgeview	708 527-6727	
3				
4				
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6				
7				
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10				



# Middleton City Council

## Findings of Facts, Conclusions of Law, and Decision & Order

---

**In the Matter of the Application of IAG Hidden Mill, LLC (successor in interest to IAG, LLC) and Bob Unger of Unger Enterprises LLC for preliminary plat with respect to Hidden Mill Subdivision located at 0 Main Street, Middleton, ID (Tax Parcel No. R33891010).**

### **A. Findings of Fact:**

1. Hearing Facts: See Staff Report for the hearing date of December 7, 2022, which Staff Report is attached hereto as Exhibit "A" and incorporated herein by this reference.
2. Process Facts: See Staff Report for the hearing date of December 7, 2022 (Exhibit "A").
3. Application and Property Facts: See Staff Report for the hearing date of December 7, 2022, (Exhibit "A").
4. Required Findings per Idaho State Statue Title 67, Chapter 65, and Title 50, Chapter 13, Idaho Standards for Public Works Construction and Middleton Supplement thereto, and Middleton City Code 1-14, 1-15, 5-1, 5-2, 5-3, and 5-4: See Staff Report for the hearing date of December 7, 2022 (Exhibit "A").

### **B. Conclusions of Law:**

1. That the City of Middleton has the authority to exercise the powers conferred upon it by the "Local Land Use Planning Act of 1975," codified at Chapter 65, Title 67, Idaho Code (I.C. §67-6503).
2. That the City of Middleton properly exercised said authority.
3. That due consideration has been given to the comments received from the governmental subdivisions providing services in the City of Middleton planning jurisdiction, comments received from individuals of the public, and comments from City Planning Staff and City Engineer.
4. That public facilities and services required by the proposed development will not impose expense upon the public if the attached conditions of approval are imposed.
5. That notice of the application and public hearing was given according to law.
6. That City Council's public hearing was conducted according to law, and the City has kept a record of the application and related documents.
7. That codes and standards applicable to the application are the Idaho Standards for Public Works Construction, the Middleton Supplement to the Idaho Standards for Public Works Construction, and Middleton City Code 1-14, 1-15, 5-1, 5-2, 5-3, and 5-4



and Idaho Code, Title 67, Chapter 65 and Title 50, Chapter 13.

**C. Decision and Order:**

Pursuant to the City Council's authority as provided in Middleton City Code 1-5-2, and based upon the above Findings of Facts and Conclusions of Law, it is hereby **decided and ordered:**

That the application of IAG Hidden Mill, LLC for preliminary plat is approved subject to the conditions of approval set forth in the Staff Report for the December 7, 2022, public hearing.

WRITTEN ORDER APPROVED ON: December \_\_\_\_, 2022.

---

Steven J. Rule  
Mayor, City of Middleton

Attest:

---

Roberta Stewart  
Planning and Zoning Official

***Please take notice that pursuant to MCC 1-14-2(E)(10), applicant shall have 14 days after a signed final decision to request reconsideration by the final-decision maker. Such request must identify specific deficiencies in the final decision. Failure to request reconsideration may invalidate a subsequent judicial appeal.***

***Additionally, pursuant to Idaho State Statute 67-6521, any affected person aggrieved by a final decision may, within 28 days after all remedies have been exhausted under local ordinances, seek judicial review as provided in chapter 52, Title 67.***

***Finally, please take notice that Applicant has a right to request a regulatory taking analysis pursuant to Idaho State Statute section [67-8003](#).***



## **Middleton City Council**

### **Findings of Facts, Conclusions of Law & Order**

---

**In the Matter of the applications of Adam Capell/Toll Brothers and Nicolette Womack/Kimley-Horn Engineering for annexation/rezone, development agreement, and preliminary plat with respect to the Black Powder Subdivision located at 0 Cemetery Road, Middleton, Idaho (Tax Parcel No. R382070):**

#### **A. Findings of Fact:**

1. Hearing Facts: See Staff Report for the hearing date of December 7, 2022, which Report is attached hereto as Exhibit "A" and incorporated herein by this reference.
2. Process Facts: See Staff Report for the hearing date of December 7, 2022, Exhibit "A".
3. Application and Property Facts: See Staff Report for the hearing date of December 7, 2022, Exhibit "A".
4. Required Findings per Idaho State Statue Title 67, Chapter 65, Idaho Standards for Public Works Construction and Middleton Supplement thereto, Middleton City Code 1-14, 1-15, 5-1, 5-2, 5-3 & 5-4 and Title 50, Chapters 2 and 13: See Staff Report for the hearing date of December 7, 2022, Exhibit "A".

#### **B. Conclusions of Law:**

1. That the City of Middleton has exercised the powers conferred upon it by the "Local Land Use Planning Act of 1975," codified at Chapter 65, Title 67, Idaho Code (I.C. §67-6503).
2. That due consideration has been given to the comments received from the governmental subdivisions providing services in the City of Middleton planning jurisdiction, comments received from individuals of the public, and comments from City Planning Staff and City Engineer.
3. That notice of the application and public hearing was given according to law.
4. That City Council's public hearing was conducted according to law, and City has kept a record of the application and related documents.
5. That codes and standards pertinent to the application are the Idaho Standards for Public Works Construction, the Middleton Supplement to the Idaho Standards for Public Works Construction, and Middleton City Code 1-14, 1-15, 5-1, 5-2, 5-3, and 5-4 and Idaho Code Idaho Code Title 67, Chapter 65 and Idaho Code Title 50, chapters 2 and 13.

6. That public facilities and services required by the proposed development will not impose expense upon the public if the attached conditions of approval are imposed.
7. That this order is subject to the Conditions of Approval set forth in the attached Staff Report for the hearing date of December 7, 2022,(Exhibit "A"), except condition #7, which was revised to require only a "Voluntary Payment" of \$150,000.00.
8. That codes and standards pertinent to the application are the Idaho Standards for Public Works Construction, the Middleton Supplement to the Idaho Standards for Public Works Construction, Middleton City Code 1-14, 1-15, 5-1, 5-2, 5-3, and 5-4 and Idaho Code Title 67, Chapter 65 and Idaho Code Title 50, chapters 2 and 13.

**C. Decision & Order:**

Pursuant to City Council's authority as provided in Middleton City Code 1-5-2, and based upon the above Findings of Facts and Conclusions of Law, it is hereby ordered that:

1. The application of Adam Capell/Toll Brothers for annexation and rezone of the Black Powder project parcel is approved subject to the conditions of approval set forth in the Staff Report for the December 7, 2022, public hearing.
2. The application of Adam Capell/Toll Brothers for preliminary plat is approved subject to the conditions of approval set forth in the Staff Presentation and in the Staff Report except for the changes noted to condition number 7 of the Staff Report.
3. The application of Adam Capell/Toll Brothers for development agreement is approved subject to the conditions of approval set forth in the Staff Presentation and in the Staff Report except for the changes noted to condition number 7 of the Staff Report.

WRITTEN ORDER APPROVED ON: \_\_\_\_\_, 2022.

---

Steven J. Rules  
Mayor, City of Middleton

Attest:

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Roberta Stewart  
Planning and Zoning Official



***Please take notice that pursuant to MCC 1-14-2(E)(10), applicant shall have 14 days after a signed final decision to request reconsideration by the final-decision maker. Such request must identify specific deficiencies in the final decision. Failure to request reconsideration may invalidate a subsequent judicial appeal. Additionally, pursuant to Idaho State Statute 67-6521, any affected person aggrieved by a final decision may, within 28 days after all remedies have been exhausted under local ordinances, seek judicial review as provided in chapter 52, Title 67.***

***Additionally, please take notice that Applicant has a right to request a regulatory taking analysis pursuant to Idaho State Statute section [67-8003](#).***



Date of Issuance: 12/13/2022	Effective Date:	Change Order No:
Project: Hartley Ln & SH 44 Traffic Signal	Owner: City of Middleton	Owner's Contract No.: P22-01
Contract: Hartley Ln & State Hwy 44 Traffic Signal		Date of Contract: 8/3/2022
Contractor: Hawkeye Builders Inc.		Engineer's Project No.:

**The Contract Documents are modified as follows upon execution of this Change Order:**

Relocation of Signal Poles F & E and addition of Pole I as shown on Precision Engineering Sheets 14, 15 of 31, and 19, 20 of 31 revision 1, dated 11/17/2022.

**Attachments (list documents supporting change):**

Precision Engineering Sheets 14, 15 of 31, and 19, 20 of 31 revision 1, dated 11/17/2022.

Change In Contract Price	Change In Contract Times
Original Price:	Original Contract Times: <del>Working Days</del> Calendar Days:
<u>\$ 1,727,180.67</u>	Substantial Completion (days or <del>date</del> ): <u>275</u>
[Increase][Decrease] from previously approved	Ready for final payment (days or <del>date</del> ): <u>305</u>
Change Orders No. <u>    </u> to No. <u>    </u>	[Increase][Decrease] from previously approved
	Change Orders No. <u>0</u> to No. <u>0</u> :
<u>\$ 0.00</u>	Substantial Completion (days or <del>date</del> ): <u>0</u>
Contract Price Prior to this Change Order	Ready for final payment (days or <del>date</del> ): <u>0</u>
<u>\$ 0.00</u>	Contract Times Prior to this Change Order:
{Increase}[Decrease] from this Change Order:	Substantial Completion (days or <del>date</del> ): <u>275</u>
<u>\$ 5,062.00</u>	Ready for final payment (days or <del>date</del> ): <u>305</u>
Contract Price Incorporating this Change	[Increase][Decrease] from this Change Order:
<u>\$ 1,732,242.67</u>	Substantial Completion (days or <del>date</del> ): <u>0</u>
	Ready for final payment (days or <del>date</del> ): <u>0</u>
	Contract times with all approved Change Orders:
	Substantial Completion (days or <del>date</del> ): <u>275</u>
	Ready for final payment (days or <del>date</del> ): <u>305</u>

RECOMMENDED:

ACCEPTED:

ACCEPTED:

By: \_\_\_\_\_  
Engineer (Authorized Signature)

By: \_\_\_\_\_  
Owner (Authorized Signature)

By:   
Contractor (Authorized Signature)

Date: \_\_\_\_\_

Date: \_\_\_\_\_

Date: 10-13-22

Approved by Funding Agency (if applicable):

Date: \_\_\_\_\_

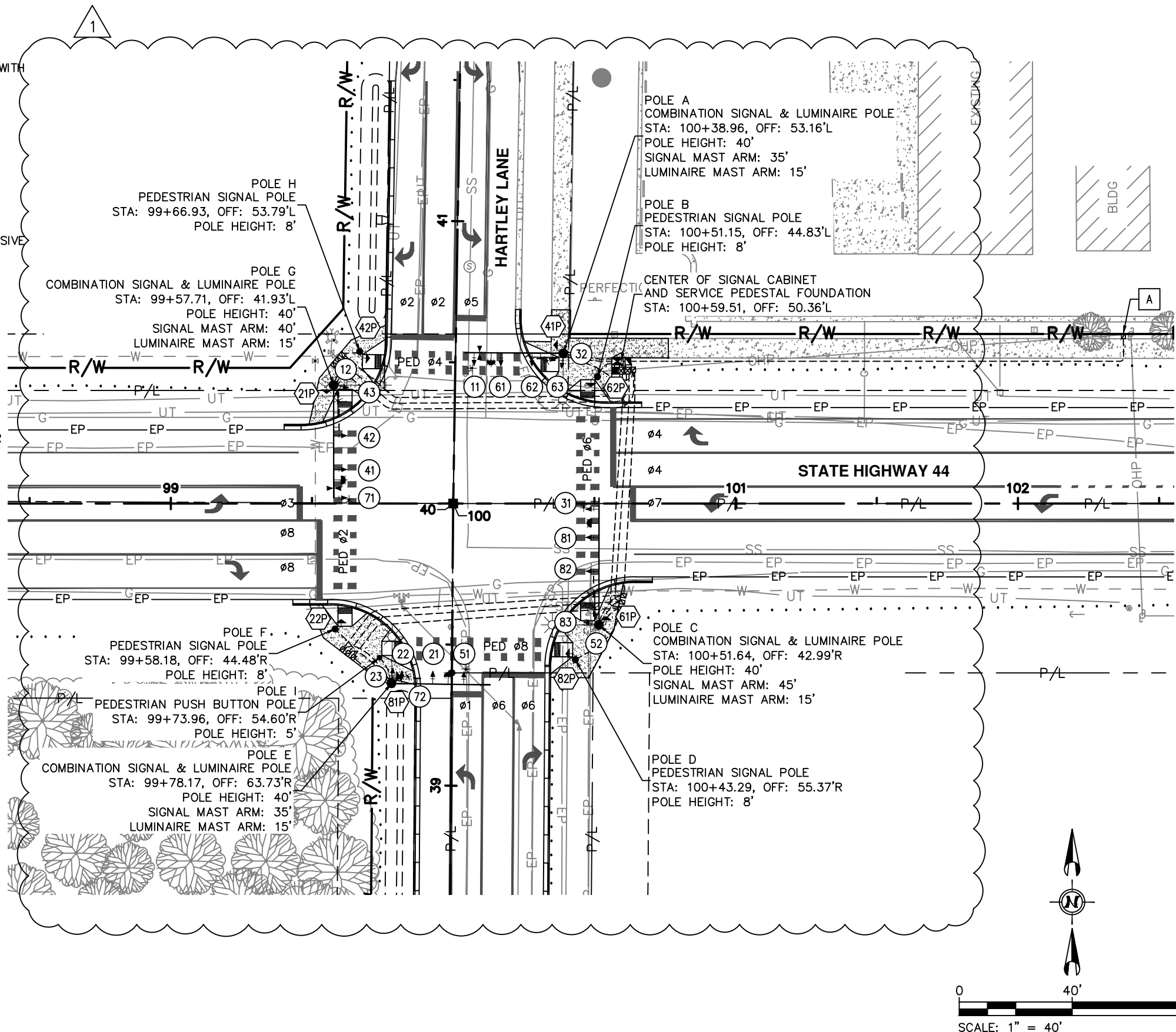
ITEM NO.	QUAN.	HARTLEY LANE AND STATE HIGHWAY 44 TRAFFIC SIGNAL	ITEM NO.	QUAN.	HARTLEY LANE AND STATE HIGHWAY 44 TRAFFIC SIGNAL																				
		ITEM 656-005A (TRAFFIC SIGNAL INSTALLATION) ALL MATERIALS FURNISHED AND INSTALLED BY CONTRACTOR																							
36	3 EACH	JUNCTION BOX, COMPOSITE, 17" X 30" X 18" DEEP, QUAZITE NO. PG1730Z850, CARSON INDUSTRIES PC1730-18-T22, ARMORCAST A6001640HDAPCX18 WITH "SIGNAL" LOGO FOR SIGNAL AND DETECTION BOXES OR APPROVED EQUAL.																							
37	8 EACH	SINGLE POLE BREAKAWAY CONNECTOR KITS, FUSED, (2 KITS PER LUMINAIRE) TO BE BUSSMAN MFG. NO. HEB-JW-RLC-J, LITTELFUSE NO. LEB-JJ-S, FERRAZ-SHAWMUT FEB-81-81-BA OR APPROVED EQUAL.																							
38	4 EACH	SINGLE POLE BREAKAWAY CONNECTOR KITS, NON-FUSED, (1 KIT PER LUMINAIRE) TO BE BUSSMAN MFG. NO. HET-AW-RLC-A, LITTELFUSE NO. LET-AA-S, FERRAZ-SHAWMUT FEBN-11-11-BA OR APPROVED EQUAL.																							
39	8 EACH	FUSE, 8 AMP CARTRIDGE TYPE, TO BE BUSSMAN MFG. NO. KTK-8, LITTELFUSE NO. KLK-8, FERRAZ-SHAWMUT NO. ATM-8 OR APPROVED EQUAL.																							
40	10 EACH	SPLICE KIT, RAYCHEM CRSM-CT-53/13-200, 3M 82-A SERIES, BLACKBURN USL30 OR APPROVED EQUAL.																							
41	2 EACH	STREET NAME SIGN, HARTLEY LANE (66" X 24"), TO BE D3-1, LETTERING TO BE WHITE ON GREEN REFLECTIVE BACKGROUND.																							
42	2 EACH	STREET NAME SIGN, SH-44 (54" X 24"), TO BE D3-1, LETTERING TO BE WHITE ON GREEN REFLECTIVE BACKGROUND.																							
43	4 EACH	STREET NAME SIGN BRACKET, FOR MAST ARM MOUNTING OF STREET NAME SIGNS, TO BE PELCO ASTRO-BRAC NO. AS-0144-36-62 MOUNTING BRACKET, SKY BRACKET SS-SBC(66)-SBK-24TK-14 OR APPROVED EQUAL.																							
44	4 EACH	REGULATORY SIGN, R3-5R (30" X 36") WITH PELCO ASTRO-BRAC NO. AS-0142-30-42 MOUNTING BRACKET, SKY BRACKET SS-SBC(66)-SBK-24TK-23.5 OR APPROVED EQUAL.																							
45	1 EACH	POLE, STEEL, GALVANIZED, CORROSION RESISTANT COATING, 5' PEDESTRIAN PUSH BUTTON POLE, 4-INCH RIGID STEEL CONDUIT, THREADED TO MATCH SQUARE ALUMINUM THREADED CAST BASE, TO BE FURNISHED WITH BREAKAWAY COUPLERS AND ANCHOR INSERT PER ITD STANDARD DRAWINGS 619-1 AND 656-2, CONTACT RESPECTIVE SUPPLIERS FOR MODEL NUMBERS. POLE I.																							
46	1 EACH	POLE BASE, SQUARE CAST ALUMINUM FOR PEDESTRIAN PUSH BUTTON POLE. TO BE PELCO PB-5334 WITH CERTIFICATION PART NO. C-1001, WITH BREAKAWAY ANCHOR BOLT SET TO BE TRANSPO INDUSTRIES MODEL NO. 5100C WITH ASSOCIATED TYPE B ANCHOR INSERT AND ALUMINUM SKIRT, OR APPROVED EQUAL. TO BE FURNISHED WITH POLE BASE COLLAR ASSEMBLY TO BE PELCO PD-5325-PNC OR APPROVED EQUAL. POLE I.																							
47	1 EACH	FOUNDATION, REINFORCED CONCRETE, TYPE E FOR PEDESTRIAN PUSH BUTTON POLE. REFER TO ITD STANDARD DRAWING 656-3 FOR CONCRETE AND REINFORCING STEEL QUANTITIES AND CONFIGURATION DETAILS. POLE I.																							
48	VARIOUS	MISCELLANEOUS ITEMS, TO INCLUDE PLASTIC CONDUIT, INCLUDING SWEEPS AND ELBOWS; RIGID STEEL CONDUIT; WATERTIGHT STEEL ELBOWS; #2 AWG THWN STRANDED COPPER WIRE (600V); #6 AWG THWN STRANDED COPPER WIRE (600V); #8 AWG THWN STRANDED COPPER WIRE (600V); #12 AWG THWN STRANDED COPPER WIRE (GREEN LOCATE WIRE); #16 AWG 3C SIGNAL CABLE (IMSA NO. 19-1-2019 600V); #14 AWG 5C SIGNAL CABLE (IMSA NO. 19-1-2019 600V); #14 AWG 5C SIGNAL CABLE (IMSA NO. 19-1 2019 600V); PULL TAPE; AND VARIOUS OTHER ITEMS, HARDWARE AND FITTINGS NECESSARY FOR A COMPLETE INSTALLATION.																							
		ITEM S904-05A (SP MULTIPLE APPROACH RADAR DETECTION SYSTEM) ALL MATERIALS FURNISHED AND INSTALLED BY CONTRACTOR																							
1	4 EACH	COMBINATION SINGLE UNIT STOP BAR AND ADVANCED RADAR DETECTION SYSTEM, THE COMBINATION STOP BAR AND ADVANCED RADAR DETECTION SYSTEM SHALL BE ECONOLITE 600CC AND INCLUDE ALL ITEMS NECESSARY FOR A COMPLETE INSTALLATION, INCLUDING RADAR DETECTORS, MOUNTING BRACKET & HARDWARE (MAST ARM MOUNTED - POLES A C, E, AND G), ALL INTERNAL CABINET COMPONENTS AND ALL NECESSARY HARDWARE AND SOFTWARE TO SERVICE THE INTERSECTION APPROACHES AS SHOWN ON THE PLANS. THE STOP BAR RADAR DETECTION SYSTEM SHALL SERVICE ALL FOUR APPROACHES.																							
2	VARIOUS	MISCELLANEOUS ITEMS, TO INCLUDE DIGITAL ATP MATRIX TYPE 2 HOME RUN RADAR CABLE, 2 TRIADS #22 AWG, 1PR #18 AWG TYPE CM 105C (UL), UV RESISTANT OR APPROVED EQUAL PER RADAR DETECTION SYSTEM MANUFACTURER'S SPECIFICATIONS, CLICK 656 INTERFACE DEVICE AND VARIOUS OTHER ITEMS, HARDWARE AND FITTINGS NECESSARY FOR A COMPLETE INSTALLATION.																							
		ITEM S904-05B (SP PRE-EMPT DETECTION SYSTEM) ALL MATERIALS FURNISHED AND INSTALLED BY CONTRACTOR																							
1	VARIOUS	GLOBAL TRAFFIC TECHNOLOGIES (GTT) OPTICOM PREEMPTION DETECTION SYSTEM, TO INCLUDE ONE MODEL 764 PHASE SELECTOR AND TWO MODEL 722 TWO-DIRECTION PREEMPT DETECTORS, TOMAR ELECTRONICS OR APPROVED EQUAL.																							
2	VARIOUS	MISCELLANEOUS ITEMS, TO INCLUDE #14 AWG 3C SIGNAL CABLE (IMSA NO. 19-1-2019 600V); 3C FOR OPTICOM (GTT MODEL 138) PER PREEMPT DETECTION SYSTEM MANUFACTURER'S SPECIFICATIONS AND VARIOUS OTHER ITEMS, HARDWARE AND FITTINGS NECESSARY FOR A COMPLETE INSTALLATION.																							
<div>REVISIONS</div> <table><tr><th>NO.</th><th>DATE</th><th>BY</th><th>DESCRIPTION</th></tr><tr><td>1</td><td>11/17/22</td><td>JGG</td><td>POLE E RELOCATED, ADDED POLE I</td></tr><tr><td> </td><td> </td><td> </td><td> </td></tr><tr><td> </td><td> </td><td> </td><td> </td></tr><tr><td> </td><td> </td><td> </td><td> </td></tr></table>			NO.	DATE	BY	DESCRIPTION	1	11/17/22	JGG	POLE E RELOCATED, ADDED POLE I													<div>DESIGNED BCM/AJE</div> <div>DESIGN CHECKED JGG</div> <div>DETAILED BCM/AJE</div> <div>DRAWING CHECKED JGG</div> <div>SCALES SHOWN ARE FOR 11" X 17" PRINTS ONLY</div> <div>CADD FILE NAME TSML_02.dwg</div> <div>DRAWING DATE: NOVEMBER 2022</div> <div>IDAHO TRANSPORTATION DEPARTMENT</div> <div>PRECISION ENGINEERING, LLC</div> <div>PROJECT NO.  18015</div> <div>MATERIALS LIST  HARTLEY LANE AND STATE HIGHWAY 44 TRAFFIC SIGNAL</div> <div>English COUNTY CANYON KEY NUMBER SHEET 14 OF 31</div> <div><div>PROFESSIONAL ENGINEER REGISTERED 12754 NOEL GROUNDS</div></div>		
NO.	DATE	BY	DESCRIPTION																						
1	11/17/22	JGG	POLE E RELOCATED, ADDED POLE I																						





LEGEND

- JUNCTION BOX (TYPE S40T/ADA)
- JUNCTION BOX (TYPE S45T/ADA)
- JUNCTION BOX (TYPE S45T/ADA) WITH RISER
- SIGNAL CONTROLLER CABINET AND SERVICE PEDESTAL
- CONDUIT GROUP
- SIGNAL POLE WITH LUMINAIRE, MAST ARM AND SIGNAL HEADS
- SIGNAL HEAD WITH BACKPLATE
- FOUR SECTION PROTECTED/PERMISSIVE LEFT TURN SIGNAL HEAD
- LUMINAIRE HEAD
- PEDESTRIAN SIGNAL HEAD
- MAST ARM MOUNTED SIGN
- EMERGENCY PREEMPT DETECTOR
- RADAR DETECTOR
- 1 VEHICLE SIGNAL HEAD NUMBER
- 13 PEDESTRIAN SIGNAL HEAD NUMBER



- 656-005A TRAFFIC SIGNAL INSTALLATION 1 LS
- S904-05A SP MULTIPLE APPROACH RADAR DETECTION SYSTEM 1 LS
- S904-05B SP PRE-EMPT DETECTION SYSTEM 1 LS

NOTES

- THE CONTRACTOR SHALL VERIFY AND CHECK ALL DIMENSIONS AND DETAILS SHOWN ON THE DRAWINGS PRIOR TO THE START OF CONSTRUCTION. ANY DISCREPANCIES SHALL BE IMMEDIATELY BROUGHT TO THE ATTENTION OF THE ENGINEER FOR CLARIFICATION.
  - LOCATIONS OF EXISTING UNDERGROUND STRUCTURES AND UTILITIES SUCH AS PIPELINES CONDUITS, CABLES, ETC. SHOWN ON THE TRAFFIC SIGNAL PLANS ARE APPROXIMATE ONLY. IT IS NOT THE INTENT OF THESE PLANS TO SHOW THE EXACT LOCATION OF ALL UNDERGROUND UTILITIES AND STRUCTURES. IT IS THE RESPONSIBILITY OF THE CONTRACTOR TO VERIFY THE LOCATIONS OF ALL EXISTING UTILITIES WITH THE RESPECTIVE OWNERS. EXISTING UTILITIES DAMAGED BY THE CONTRACTOR SHALL BE REPAIRED AT THE CONTRACTORS EXPENSE.
  - THE LOCATIONS OF THE TRAFFIC SIGNAL CABINET, SERVICE PEDESTAL, SIGNAL POLES AND PEDESTRIAN SIGNAL POLE FOUNDATIONS SHALL BE FIELD VERIFIED AND APPROVED BY ENGINEER PRIOR TO INSTALLATION.
  - ALL TRAFFIC CONTROL DEVICES SHALL CONFORM TO THE LATEST EDITION OF THE MANUAL ON UNIFORM TRAFFIC CONTROL DEVICES (MUTCD).
  - INFORMATION SHOWN ON THIS SHEET IS ACCURATE FOR TRAFFIC SIGNAL IMPROVEMENTS ONLY.
  - REGULATORY SIGNS MOUNTED ON TRAFFIC SIGNAL MAST ARMS ARE INCIDENTAL TO THE TRAFFIC SIGNAL INSTALLATION AND ARE NOT PAID FOR SEPARATELY.
- A INSTALL JUNCTION BOX WITH NEAREST EDGE 2' FROM POWER SUPPLY. CONTRACTOR TO COORDINATE WITH IDAHO POWER TO PROVIDE THE SERVICE CONNECTION TO THE SERVICE PEDESTAL. CONTACT ETHAN MORGAN AT 208-388-6510. PROVIDE 10 WORKING DAYS NOTICE, ITEM 656-005A.

REVISIONS			
NO.	DATE	BY	DESCRIPTION
1	11/17/22	JGG	POLE E RELOCATED, ADDED POLE I

DESIGNED	BCM/AJE	SCALES SHOWN ARE FOR 11" X 17" PRINTS ONLY
DESIGN CHECKED	JGG	
DETAILED	BCM/AJE	CADD FILE NAME TSPL_01.dwg
DRAWING CHECKED	JGG	DRAWING DATE: NOVEMBER 2022

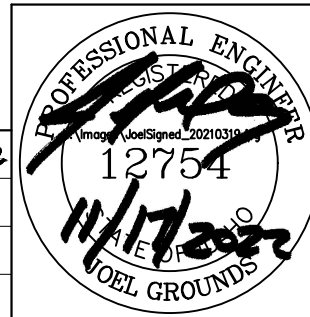
IDAHO TRANSPORTATION DEPARTMENT

PRECISION ENGINEERING, LLC

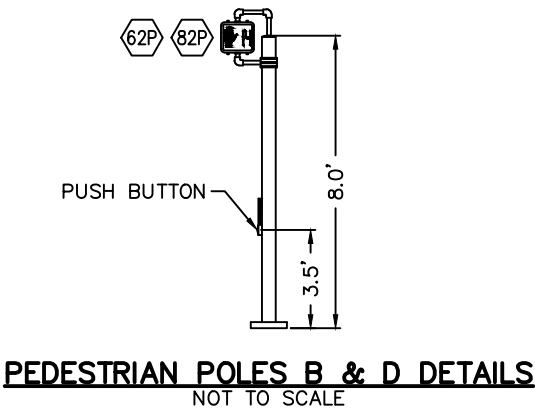
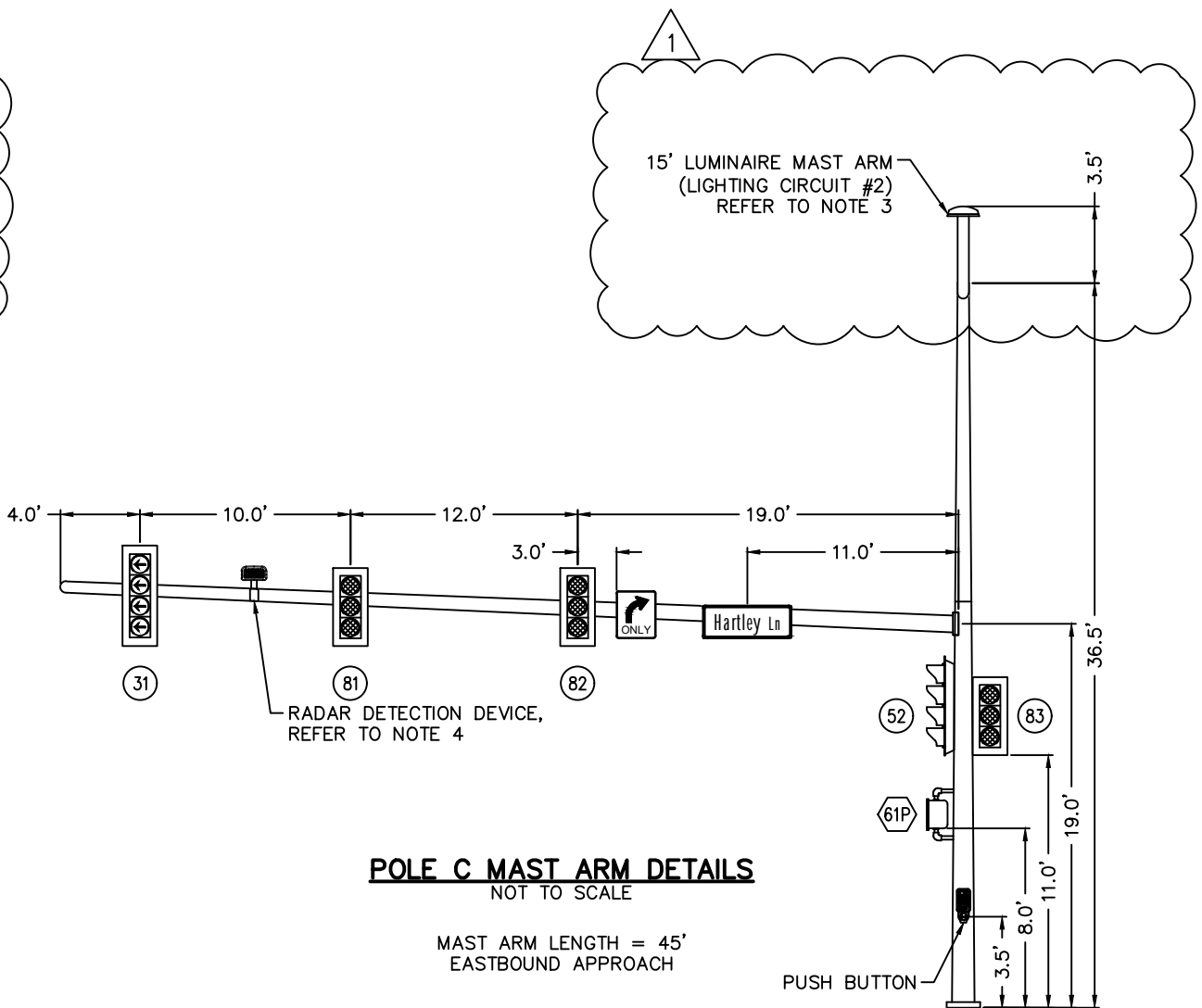
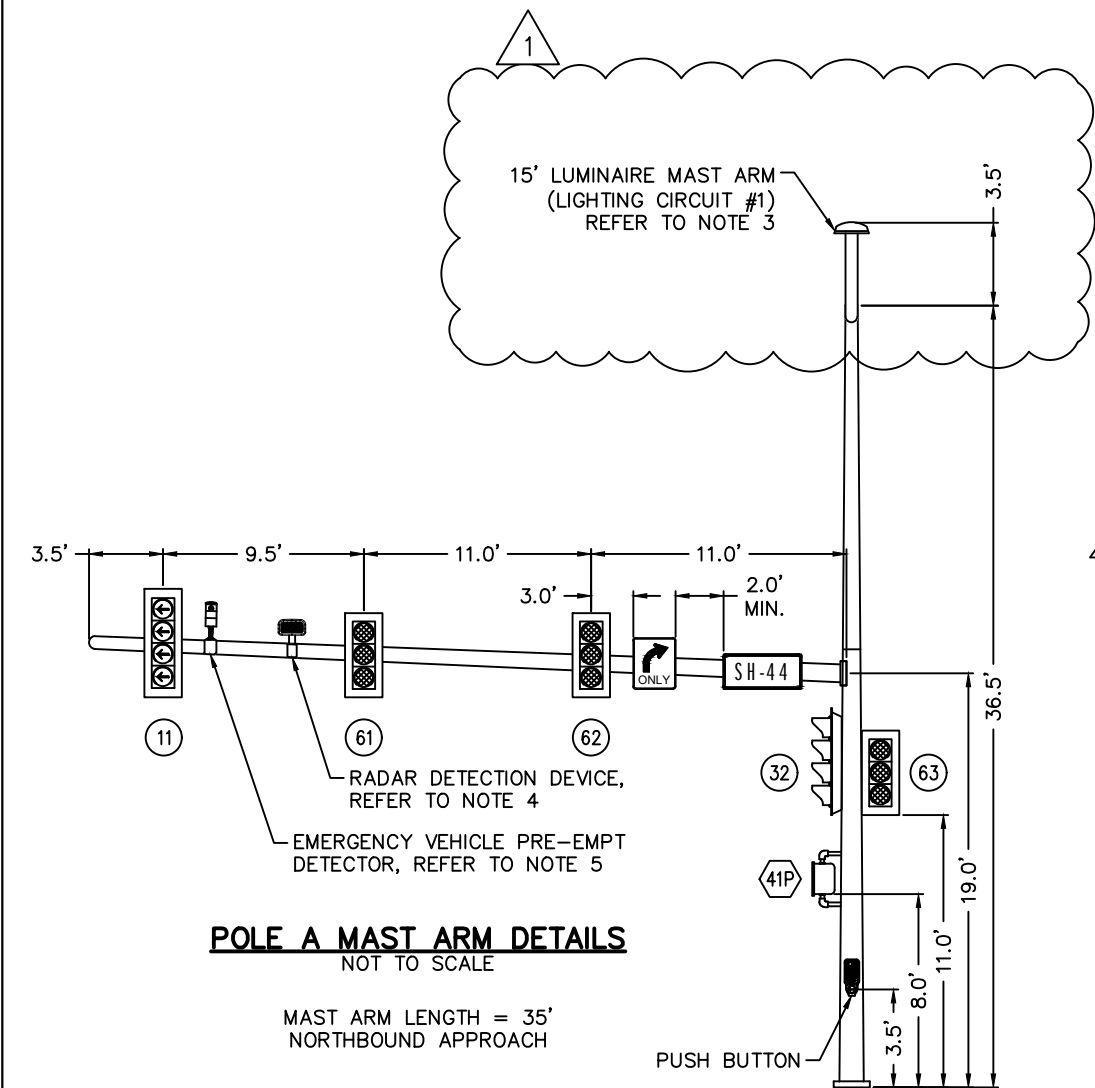
PROJECT NO.
18015

TRAFFIC SIGNAL PLAN
HARTLEY LANE AND STATE HIGHWAY 44 TRAFFIC SIGNAL

English
COUNTY CANYON
KEY NUMBER
SHEET 15 OF 31



- NOTES**
- DIMENSIONS SHOWN ON THE SIGNAL MAST ARMS ARE ACCURATE FOR THE POLE LOCATIONS SHOWN ON THE PLAN SHEET ONLY. IF THE POLES ARE LOCATED DIFFERENTLY, MAST ARM LENGTHS AND SIGNAL HEAD AND SIGN LOCATIONS MAY CHANGE.
  - ALL SIGNING AND MOUNTING BRACKETS SHALL BE PAID FOR UNDER BID ITEM 656-005A.
  - REFER TO TRAFFIC SIGNAL PLAN SHEET FOR LUMINAIRE MAST ARM ORIENTATION.
  - THE RADAR DETECTION SYSTEM SHALL INCLUDE STOP BAR DETECTION AND ADVANCED DETECTION FOR ALL FOUR APPROACHES. THE RADAR LOCATIONS SHOWN ON THE MAST ARMS ARE APPROXIMATE. EXACT RADAR LOCATIONS TO BE DETERMINED IN THE FIELD BY A MANUFACTURER'S SITE SURVEY PRIOR TO INSTALLATION. CONTRACTOR TO ENSURE THAT A FACTORY REPRESENTATIVE IS PRESENT AT THE TRAFFIC SIGNAL TURN-ON TO PROVIDE TECHNICAL ASSISTANCE IN PROPER SYSTEM SETUP AND VERIFY THAT THE SYSTEM MEETS FUNCTIONAL AND OPERATIONAL REQUIREMENTS. ORIENTING RADAR, ESTABLISHING DETECTION ZONES AND CALIBRATING ENTIRE SYSTEM FOR OPERATION SHALL BE PAID FOR UNDER ITEM S904-05A.
  - ORIENT EMERGENCY PRE-EMPT DETECTORS FOR OPTIMAL VISIBILITY, ITEM S904-05B.
  - REFER TO ITD STANDARD DRAWINGS 656-1, 656-2 AND 656-3 FOR SIGNAL POLE AND POLE BASE INSTALLATION DETAILS.
  - ELEVATION OF TOP OF POLE FOUNDATION SHALL BE FLUSH WITH THE SIDEWALK ELEVATION, REFER TO ITD STANDARD DRAWING 656-3.
  - REFER TO SHEET 25 FOR TERMINAL COMPARTMENT DETAILS AND LOCATIONS.



REVISIONS			
NO.	DATE	BY	DESCRIPTION
1	11/17/22	JGG	POLE E RELOCATED, ADDED POLE I

DESIGNED	BCM/AJE
DESIGN CHECKED	JGG
DETAILED	BCM/AJE
DRAWING CHECKED	JGG

SCALES SHOWN ARE FOR 11" X 17" PRINTS ONLY
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DRAWING DATE: NOVEMBER 2022

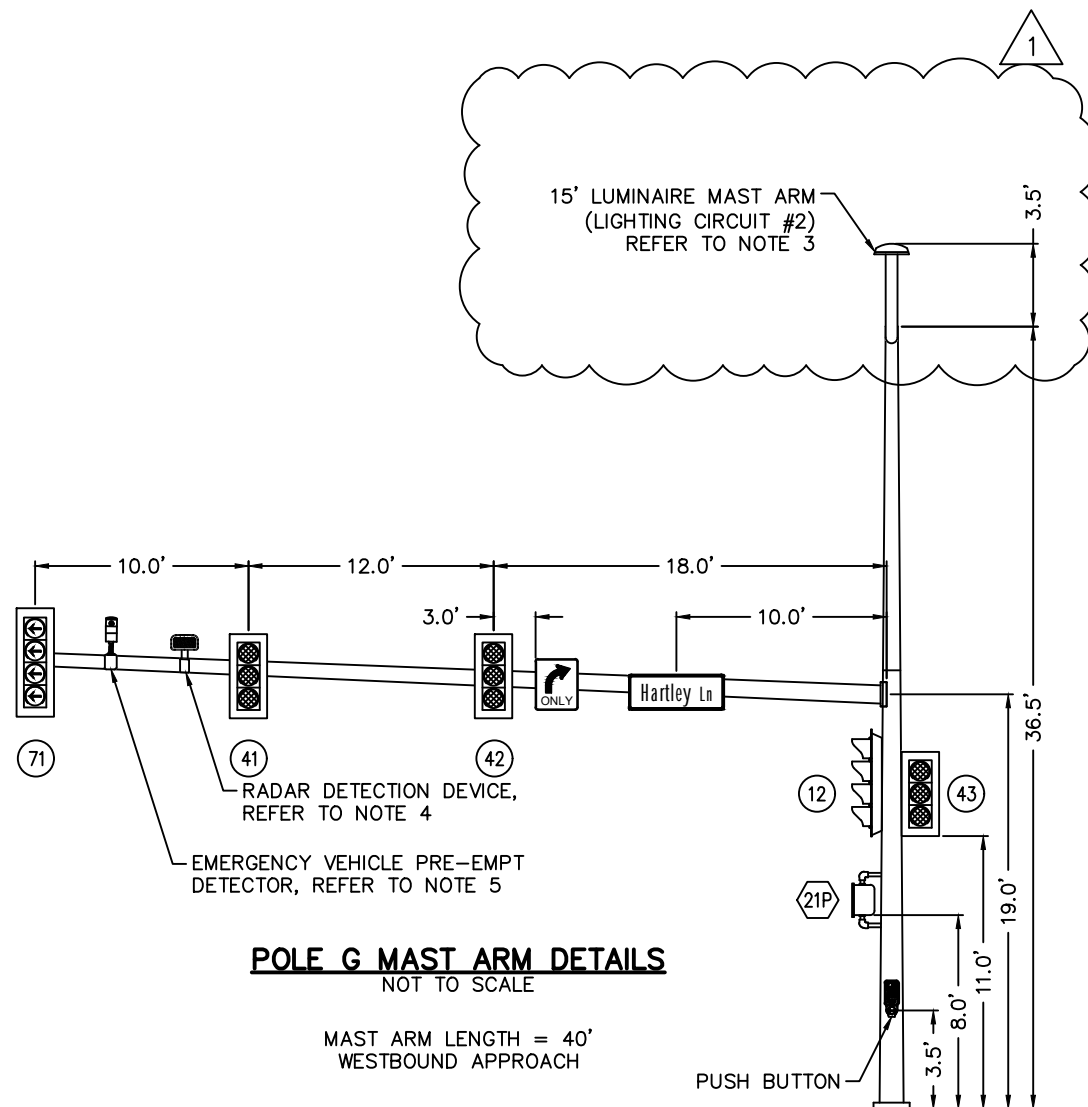
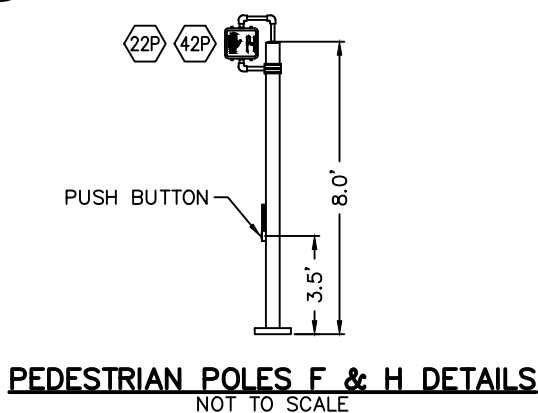
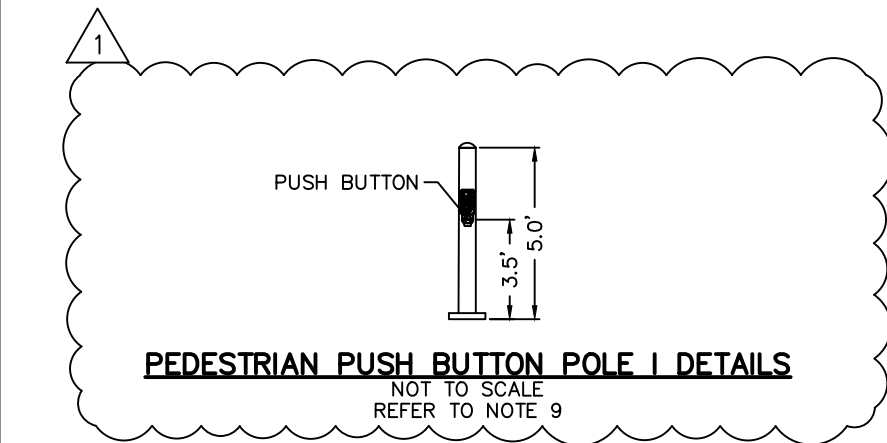
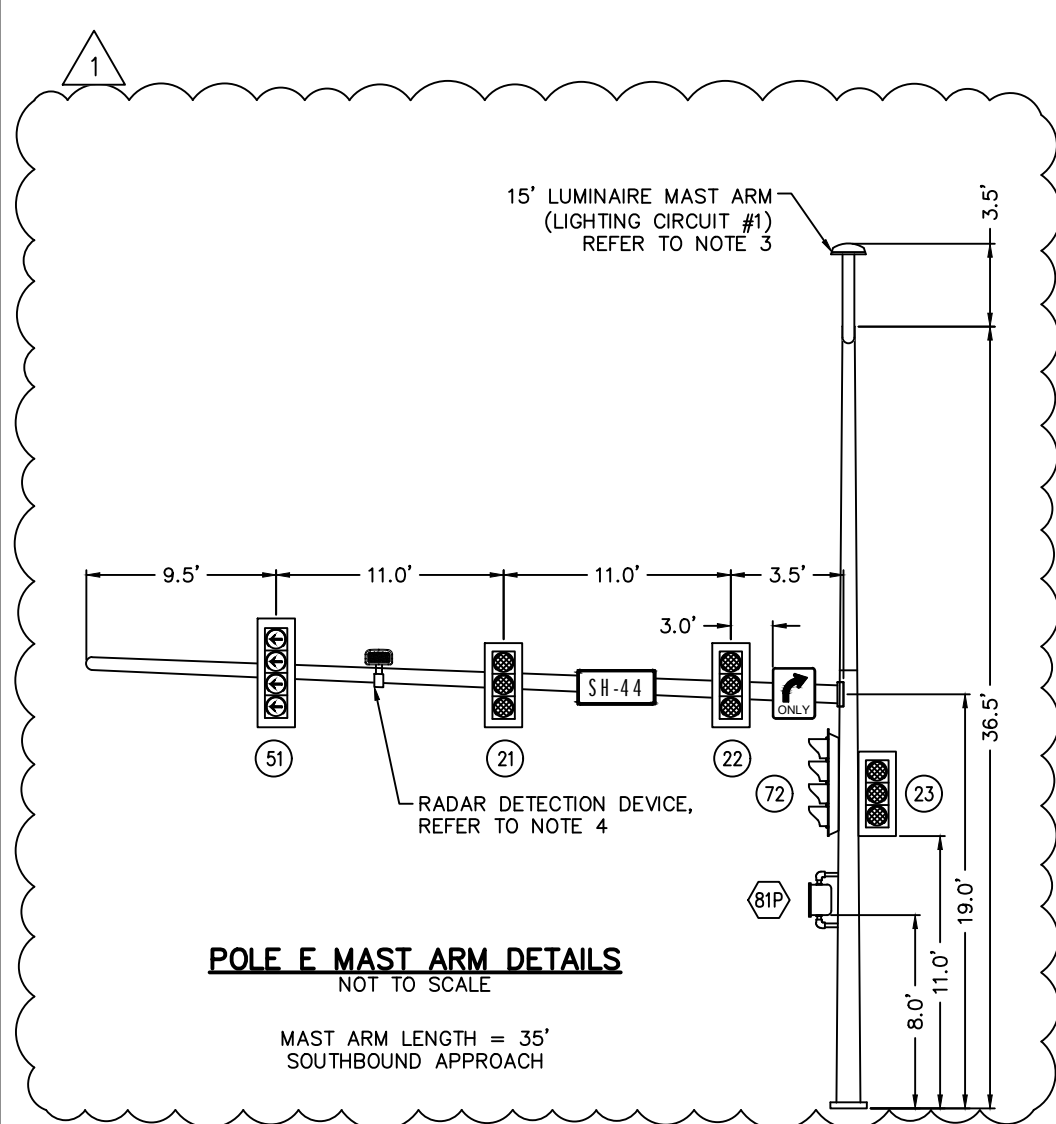
<b>IDAHO TRANSPORTATION DEPARTMENT</b>
PRECISION ENGINEERING, LLC

PROJECT NO.
18015

TRAFFIC SIGNAL DETAILS
HARTLEY LANE AND STATE HIGHWAY 44 TRAFFIC SIGNAL

<b>English</b>
COUNTY CANYON
KEY NUMBER
SHEET 19 OF 31





## NOTES

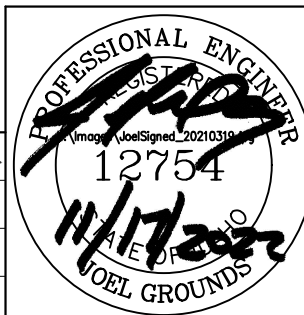
- DIMENSIONS SHOWN ON THE SIGNAL MAST ARMS ARE ACCURATE FOR THE POLE LOCATIONS SHOWN ON THE PLAN SHEET ONLY. IF THE POLES ARE LOCATED DIFFERENTLY, MAST ARM LENGTHS AND SIGNAL HEAD AND SIGN LOCATIONS MAY CHANGE.
- ALL SIGNING AND MOUNTING BRACKETS SHALL BE PAID FOR UNDER BID ITEM 656-005A.
- REFER TO TRAFFIC SIGNAL PLAN SHEET FOR LUMINAIRE MAST ARM ORIENTATION.
- THE RADAR DETECTION SYSTEM SHALL INCLUDE STOP BAR DETECTION AND ADVANCED DETECTION FOR ALL FOUR APPROACHES. THE RADAR LOCATIONS SHOWN ON THE MAST ARMS ARE APPROXIMATE. EXACT RADAR LOCATIONS TO BE DETERMINED IN THE FIELD BY A MANUFACTURER'S SITE SURVEY PRIOR TO INSTALLATION. CONTRACTOR TO ENSURE THAT A FACTORY REPRESENTATIVE IS PRESENT AT THE TRAFFIC SIGNAL TURN-ON TO PROVIDE TECHNICAL ASSISTANCE IN PROPER SYSTEM SETUP AND VERIFY THAT THE SYSTEM MEETS FUNCTIONAL AND OPERATIONAL REQUIREMENTS. ORIENTING RADAR, ESTABLISHING DETECTION ZONES AND CALIBRATING ENTIRE SYSTEM FOR OPERATION SHALL BE PAID FOR UNDER ITEM S904-05A.
- ORIENT EMERGENCY PRE-EMPT DETECTORS FOR OPTIMAL VISIBILITY, ITEM S904-05B.
- REFER TO ITD STANDARD DRAWINGS 656-1, 656-2 AND 656-3 FOR SIGNAL POLE AND POLE BASE INSTALLATION DETAILS.
- ELEVATION OF TOP OF POLE FOUNDATION SHALL BE FLUSH WITH THE SIDEWALK ELEVATION, REFER TO ITD STANDARD DRAWING 656-3.
- REFER TO SHEET 25 FOR TERMINAL COMPARTMENT DETAILS AND LOCATIONS.
- THE FOUNDATION DEPTH FOR PUSH BUTTON POLE I MAY BE MODIFIED TO MINIMIZE IMPACTS TO UNDERGROUND UTILITIES. SIZE OF FOUNDATION TO BE A MINIMUM OF 24" IN DIAMETER AND 18" IN DEPTH. CONTRACTOR MAY MODIFIED SIZE AS NEEDED, BUT MUST MAINTAIN MINIMUM OF 0.2 CY OF CONCRETE PER ITD STANDARD DRAWING 656-3.

REVISIONS				DESIGNED	DESIGN CHECKED	SCALES SHOWN ARE FOR 11" X 17" PRINTS ONLY
NO.	DATE	BY	DESCRIPTION			
1	11/17/22	JGG	POLE E RELOCATED, ADDED POLE I	BCM/AJE	JGG	
				DETAILED		CADD FILE NAME TSDTL_05.dwg
				DRAWING CHECKED	JGG	DRAWING DATE: NOVEMBER 2022

**IDAHO  
TRANSPORTATION  
DEPARTMENT**

PRECISION ENGINEERING, LLC

PROJECT NO.	TRAFFIC SIGNAL DETAILS	<b>English</b>
18015	HARTLEY LANE AND STATE HIGHWAY 44 TRAFFIC SIGNAL	
		COUNTY CANYON
		KEY NUMBER
		SHEET 20 OF 31







## ORDINANCE NO. 673

AN ORDINANCE ENACTED BY THE MIDDLETON CITY COUNCIL, CITY OF MIDDLETON, COUNTY OF CANYON, STATE OF IDAHO, AMENDING THE MIDDLETON CITY CODE TITLE 1, CHAPTER 3, SECTION 1-3-1 REGARDING DEFINITIONS FOR FLEX SPACE AND MOBILE FOOD TRUCK SERVICE; AMENDING TITLE 1, CHAPTER 14, SECTION 1-14-1 REGARDING ALLOWABLE TIMES FOR NEIGHBORHOOD MEETINGS; AMENDING TITLE 4, CHAPTER 5, SECTION 4-5-7 REGARDING HARD PAVEMENT SURFACES; AMENDING TITLE 4, CHAPTER 5, SECTION 4-5-11 REGARDING PARKING REQUIREMENTS FOR FLEX SPACES; AMENDING TITLE 5, CHAPTER 4, SECTION 5-4-1, TABLE 1 TO ADD FLEX SPACE USE AND MOBILE FOOD TRUCK SERVICE USE TO LAND USE SCHEDULE; AMENDING TITLE 5, CHAPTER 4, SECTION 5-4-4 REGARDING EXPANSION OF PUBLIC HEARING RADIUS NOTICE FOR LANDOWNERS; AMENDING TITLE 5, CHAPTER 4, SECTION 5-4-7 REGARDING BONDING FOR FINAL PLAT APPROVAL; AMENDING TITLE 5, CHAPTER 4, SECTION 5-4-10-2 REGARDING TECHNICAL CHANGES FOR ROAD STANDARDS AND REQUIREMENTS; AMENDING TITLE 5, CHAPTER 4, SECTION 5-4-10-6 REGARDING CHANGES TO TRAFFIC BUFFERS; AMENDING TITLE 5, CHAPTER 4, SECTION 5-4-10-7 REGARDING LANDSCAPE BUFFERS BETWEEN USES; PROVIDING FOR AN EFFECTIVE DATE; PROVIDING FOR SEVERABILITY; AND REPEALING ALL ORDINANCES, RESOLUTIONS, ORDERS AND PARTS THEREOF, IN CONFLICT HERewith.

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 subdivision ordinance and zoning ordinance; and

WHEREAS, the City held a public hearing, noticed and conducted in accordance with Idaho law, before the Planning & Zoning Commission on June 13, and October 17, 2022 and held a public hearing, noticed and conducted in accordance with Idaho law, before the City Council on December 7, 2022; and

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

**Section 1:** That Title 1, Chapter 3, Section 1-3-1 of the Middleton City Code is hereby amended as follows:

### **1-3-1 DEFINITIONS, GENERAL:**

**FIREARM:** Any instrument used in the propulsion of shot, shells, bullets or other harmful objects by the action of gunpowder exploded within it, or release of pressurized gas, compressed air, expanding gas, accelerant, spring or other force producing means including, but not limited

to, what are commonly known as air rifles, BB guns, spring guns, wrist rockets, airsoft guns, pellet guns, paintball guns, bows, compound bows, crossbows and recurve bows. Firearm also includes the frame or receiver of any such weapon, any firearm muffler or silencer, or any destructive device, including, but not limited to, a bomb, grenade, rocket, missile, mine or similar device.

FLEX SPACE: a building or multi-use project used for small-scale warehousing and light industrial activity combined with office, retail, and/or other commercial uses. Individual units or buildings may be used entirely for a commercial, retail, or office use, but any warehousing and/or light industrial use cannot exceed 70% of the total square footage of the building or individual unit. Flex Space does not include mini-warehouse storage, individual storage space for rent, or a use that involves a high level of truck and loading activity.

Front and street-side elevations are enhanced with more architectural detail, including variations in roof form, building height, and building materials in addition to an increased use of glass and architectural features involving wood, faux wood, and/or metal. Entries are easily identifiable with projecting or recessed forms and additional architectural detail.

Loading docks and industrial roll-up/garage doors are located on only the rear and non-street sides of the flex space. However, glass sliding doors and architectural garage doors enhanced with significant amounts of glass, metal and/or faux wood can be located on the front elevation if they enhance the aesthetic of the front elevation.

FLOOD TERMS:Area Of Shallow Flood Hazard: A designated AO or AH zone in the flood insurance rate map (FIRM). The base flood depths range from one foot to three feet (1' - 3')....

// // //

MANUFACTURED HOMES: Accessory Structure: A structure attached to or located adjacent to a manufactured home, such as awnings, carports, garages, porches or steps....

MOBILE FOOD TRUCK SERVICE: A vehicle or a readily portable structure used solely for the purpose of preparing and selling food and beverages to the public at large. Food trucks used for catering a single event for pay is not included in this definition.

MOBILE HOME: A detached single-family dwelling unit having all the following characteristics: A detached single-family dwelling unit having all the following characteristics:

**Section 2: That Title 1, Chapter 14, Section 1-14-1 of the Middleton City Code is hereby amended as follows:**

#### **1-14-1 NEIGHBORHOOD MEETING:**

A. Neighborhood Meeting Requirements: ...

B. Notice of Meeting: ...

C. Meeting Standards:

1. Neighborhood meetings ~~may~~ shall be conducted Monday through Thursday only, except meetings may not be held on a holiday or on the day before a holiday. All neighborhood meetings must start between 6 p.m. and 8 p.m.

**Section 3: That Title 4, Chapter 5, Section 4-5-7 of the Middleton City Code is hereby amended as follows:**

**4-5-7: HARD SURFACING:**

Off street parking areas, driveways and private roads shall be hard surfaced with concrete or asphalt paving and shall have on site stormwater treatment facilities designed per the City's stormwater management policy and ordinance.

**Section 4: That Title 4, Chapter 5, Section 4-5-11 of the Middleton City Code is hereby amended as follows:**

**4-5-11: REQUIRED PARKING AND LOADING SPACES**

A. Space Dimensions:....

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**

Manufacturing businesses	1 parking space for each employee, based on the greatest number of employees at any one time; 1 parking space for each 3 visitors
<u>Flex Space/Building</u>	<u>1 stall per 350 square feet of gross floor space.</u>
Swimming pools	1 parking space for each 4 swimmers/observers

**Section 5: That Title 5, Chapter 4, Section 5-4-1, Table 1 of the Middleton City Code is hereby amended as follows:**

**5-4-1: LAND USE, SETBACK AND AREA TABLES:**

The regulations in the following tables shall apply to zoning districts:

TABLE 1  
LAND USE SCHEDULE

A=Allowed uses

S=Special uses

Use <sup>1,2</sup>	A-R	C-1	C-2	C-3	M-1	M-2	R-1	R-2	R-3	M-F	M-U
Equipment rental; equipment sales yard		S	A	A	A	A					S
Espresso/pastry shop		A	A	A	A	A					A
Farm equipment sales and service			A	A	A	A					
Feed supply store		S	A	A	A	A					S
Fitness center (indoor)		A	A	A	A	A					A
Flea market				S	S	S					
Flex Space			A	A	A	A					
Furniture manufacturer				A	A	A					
Gas station/convenience store		S	A	A	A	A					S
Golf course/driving range	A	A	A	A	A	A	A	A	A	A	A

Use <sup>1,2</sup>	A-R	C-1	C-2	C-3	M-1	M-2	R-1	R-2	R-3	M-F	M-U
Mini-warehouse storage						S					S
Mining/mineral extraction	S	S	S	S	S	S	S	S	S	S	S
Mobile Food Truck Service <sup>9</sup>	A	A	A	A	A	A					A
Monument works				S	A	A					
Mortuary			A	A	A						S

Notes:

- Accessory uses are permitted if constructed either at the same time or subsequent to the main building; they are prohibited from being constructed before the main building.
- ....
- A Mobile Food Truck in the Mixed-Use (M-U) Zone cannot be parked closer than 250' to the nearest residential unit. Mobile Food Truck Service is an allowed use at any school or public park located within any Residential Zone when tied to a specific event at the school or park.

**Section 6:** That Title 5, Chapter 4, Section 5-4-4 of the Middleton City Code is hereby amended as follows:

#### 5-4-4: PRELIMINARY PLAT

A. Application: In addition to the application requirements in subsection 1-14-2A of this Code, an applicant shall file with the City: a copy of the complete application, fees, one (1) electronic full-size PDF copy, and two (2) full-sized copies of the preliminary plat



with data as required in this section, and a title report or commitment for title insurance, including schedule B, indicating the nature of the applicant's ownership of land included in the preliminary plat. The City, at least fifteen (15) calendar days before the initial public hearing, shall mail to landowners within ~~five~~ ~~three~~ hundred feet (~~5~~300') of the external boundaries of the lands to be subdivided a notice that the City received an application, the number of acres and proposed number of residential, non-residential, and total lots, proposed land uses, and the dates and times that the application can be reviewed at City offices. After all City comments are addressed by the applicant, and prior to any public hearing on the plat, the applicant shall submit one (1) electronic full-size PDF copy to the City.

**Section 7: That Title 5, Chapter 4, Section 5-4-7 of the Middleton City Code is hereby amended as follows:**

**5-4-7: FINAL PLAT:**

A. Application

1. ...

2. ...

3. The City Council may accept an irrevocable letter of credit, cashier's check or other bond guarantee in the amount of ~~one hundred fifty percent (150%)~~ two hundred percent (200%) of the estimated costs to ensure completion of only landscaping, ~~and~~ irrigation system, and fencing improvements in the event that inclement weather precludes the successful installation of said improvements. landscaping and irrigation. A bonded improvement must be completed within twelve (12) months of the approval of the final plat, and the bond will not be released until the improvement is completed and approved by the City. Failure to complete the improvement within said time frame shall give the City the authority, at its sole discretion, to exercise the bond and complete the improvement with funds derived therefrom. The City Council may grant an extension to a developer to accommodate unavoidable delays impacting the developer, but only if the developer requests such an extension at least sixty (60) days prior to the date on which the improvement is required to be completed.

**Section 8: That Title 5, Chapter 4, Section 5-4-10-2 of the Middleton City Code is hereby amended as follows:**

**5-4-10-2: ROADS:**

A. Road Design Requirements: Roads, including collectors as designated by the City of Middleton, shall be designed incorporating the principles of balanced blocks, curvilinear layout, City approved access points, minimization of cul-de-sacs, and connectivity throughout the development and to adjacent properties.

B. Frontage Roads: Where a subdivision/development abuts or contains an existing or proposed arterial road, railroad or limited access highway, the City may require frontage roads, or such other treatment for the appropriate use of the lot.

C. Adjacent Streets ~~Half Road Dedication~~:

1. The developer is responsible for improving all street frontages adjacent to the development site or internal to the development as required below, regardless of whether access is taken to all of the adjacent streets.
2. All utility relocation costs, including irrigation relocation costs, associated with improving street frontages adjacent to the site shall be borne by the developer.
3. Developer/Owner shall dedicate, without compensation, additional right-of-way to provide the right-of-way width required by City code and standards.
4. In a phased project, adjacent streets shall be improved and dedicated on a phase-by-phase basis up to phase three (3). Any adjacent street improvements for phases four (4) and above shall be constructed and dedicated no later than phase three (3) final plat approval unless otherwise approved by City Council. City Council may, at its discretion, require improvement and dedication of all adjacent streets by Phase one (1) final plat approval.

5. Required Improvements:

a. Adjacent Streets (Existing or New):

- i. Required improvements to an adjacent street shall consist of pavement widening to one-half the required width, including curb, gutter and sidewalk (minimum eight (8') foot detached or five (5') foot attached), plus twelve (12') feet of additional pavement widening beyond the centerline established for the street to provide an adequate roadway surface. City Council may approve an amount less than twelve (12) foot for pavement widening past centerline if the one-half road design does not require all of the twelve (12) foot pavement allotment to create an adequate roadway surface, but the roadway travel surface may not be less than 20ft of pavement. Pavement shall be crowned at the ultimate centerline. A three (3') foot wide gravel shoulder and a borrow ditch sized to accommodate the roadway storm runoff shall be constructed on the unimproved side. The shoulder and borrow on the unimproved side may be eliminated if ownership or site conditions prevent or unreasonably impede construction of the same.
- ii. Minor improvements to existing streets adjacent to a proposed development project may be required. These improvements are to correct

deficiencies or replace deteriorated facilities. Included are sidewalk construction or replacement; curb and gutter construction or replacement; replacement of unused driveways with curb, gutter and sidewalk; installation or reconstruction of pedestrian ramps; pavement repairs; signs; traffic control devices; and other similar items.

- b. Off-Site Streets: If the proposed development is not served by a public street that is fully improved to City standards (curb, gutter, sidewalk) or with a minimum of thirty (30) feet of pavement, then prior to final plat of phase one (1), the developer shall provide thirty (30) feet of pavement with three (3) foot gravel shoulders from the site to a public street specified by the City; or the developer shall provide twenty four (24) feet of pavement with three (3) foot gravel shoulders and a minimum six (6) foot wide detached asphalt/concrete paved pedestrian facility, from the site to a public street specified by the City.

1. ~~Half road dedications shall be discouraged; provided, however, the City may accept a partial road dedication when such road forms the boundary of the proposed subdivision and is deemed to be necessary for the orderly development of the neighborhood, and provided the City finds it will be appropriate to require the dedication of the remainder of the right-of-way when the adjoining property is developed. When a partial road exists adjoining a proposed subdivision, the required right-of-way shall be dedicated and the half road shall be treated in the same manner as a full road.~~

~~2. Whenever there is an existing half road right-of-way adjacent to a lot to be subdivided, the developer shall be required to improve, as a minimum, a half road section plus twelve feet (12').~~

#### D. Rights-Of-Way Width:

1. Road right-of-way width is to be measured from property line to property line (total road right-of-way) and property line to centerline (half road right-of-way). The minimum rights-of-way for the following roads shall be:

Arterials And Collectors	Half Road Right-Of-Way	Total Road Right-Of-Way
Blessinger Road	50 feet	100 feet
Can-Ada Road	50 feet	100 feet
Canyon Lane	50 feet	100 feet
Cemetery Road	50 feet	100 feet
Concord Street <u>east of Hartley Lane</u>	<del>50</del> <u>30</u> feet	<del>100</del> <u>60</u> feet
<u>Concord Street west of Hartley Lane</u>	<u>40 feet</u>	<u>80 feet</u>
Cornell Street	50 feet	100 feet
Douglas Avenue	50 feet	100 feet

Duff Lane	50 feet	100 feet
El Paso Road	50 feet	100 feet
Ember Road	50 feet	100 feet
Emmett Road	50 feet	100 feet
<u>Foothills Road</u>	<u>50 feet</u>	<u>100 feet</u>
Freezeout Road	50 feet	100 feet
Hall Avenue	50 feet	100 feet
Hartley Lane	50 feet	100 feet
<u>Harvard Street</u>	<u>50 feet</u>	<u>100 feet</u>
Kingsbury Road	50 feet	100 feet
Landruff Lane	50 feet	100 feet
Lansing Lane	50 feet	100 feet
Lee Avenue	50 feet	100 feet
Meadow Park Street	50 feet	100 feet
Middleton Road	50 feet	100 feet
Peel Street	50 feet	100 feet
Purple Sage Road	50 feet	100 feet
<del>River Street</del> <u>Sawtooth Lake Street</u>	50 feet	100 feet
Willis Road	50 feet	100 feet
Wood Avenue	50 feet	100 feet
9th Street	50 feet	100 feet

**Section 9: That Title 5, Chapter 4, Section 5-4-10-6 of the Middleton City Code is hereby amended as follows:**

**5-4-10-6: TRAFFIC BUFFER REQUIREMENTS:**

The purpose of a traffic buffer is to reduce the visual impact of collector and arterial roadways on a residential area. A combination of the following shall be used: a) solid fence or wall; b) berm; and c) landscaping.

- A. Buffer Dimensions: Traffic buffers shall be accomplished by a combination of berm (varying height: minimum 3 feet, maximum 5 feet; 2.5:1 side slopes measured from adjacent street top back of curb) and fence (varying height) to a total height of not less than nine feet (9') or greater than eleven feet (11') in a twenty four foot (24') (minimum) ~~easement~~ common lot dedicated for traffic buffer area. Traffic buffers shall be harmonious with adjacent screening techniques, materials, and colors.



**Section 10:** That Title 5, Chapter 4, Section 5-4-10-7 of the Middleton City Code is hereby amended as follows:

**5-4-10-7 LANDSCAPE BUFFERS:**

- A. When a commercial land use that is listed as an allowed use or special use in the C-1 Zone ~~zoned C-1~~ (Neighborhood Commercial) of the Land Use Schedule (5-4-1, Table 1) directly abuts a residential use, a twenty foot (20') wide landscaped buffer shall be installed between the uses. If deemed necessary, the City may require the commercial parcel to include a privacy fence and/or berm.
- B. When a commercial land use that is listed as an allowed or special use in the ~~zoned~~ C-2 or C-3 zones or when any industrial use directly abuts a residential use, a twenty five foot (25') landscape buffer shall be installed between the uses. If deemed necessary, the City may require the commercial parcel to include a privacy fence and/or berm.

**Section 11:** This ordinance shall be in full force and effect from and after its passage, approval, and publication, according to law.

**Section 12:** 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 13:** All ordinances, resolutions, orders and parts thereof in conflict herewith are repealed.

**PASSED BY THE COUNCIL OF THE CITY OF MIDDLETON, IDAHO, this \_\_\_\_ day of \_\_\_\_\_, 2022.**

**APPROVED BY THE MAYOR OF THE CITY OF MIDDLETON, IDAHO, this \_\_\_\_ day of \_\_\_\_\_, 2022.**

\_\_\_\_\_  
STEVEN J. RULE, Mayor  
City of Middleton

ATTEST:

\_\_\_\_\_  
BECKY CROFTS, City Administrator  
City of Middleton



**ORDINANCES OF THE CITY OF MIDDLETON  
NOTICE OF ADOPTION AND SUMMARY OF  
AMENDED AND RESTATED ORDINANCE NO 673**

AN ORDINANCE ENACTED BY THE MIDDLETON CITY COUNCIL, CITY OF MIDDLETON, COUNTY OF CANYON, STATE OF IDAHO, AMENDING THE MIDDLETON CITY CODE TITLE 1, CHAPTER 3, SECTION 1-3-1 REGARDING DEFINITIONS FOR FLEX SPACE AND MOBILE FOOD TRUCK SERVICE; AMENDING TITLE 1, CHAPTER 14, SECTION 1-14-1 REGARDING ALLOWABLE TIMES FOR NEIGHBORHOOD MEETINGS; AMENDING TITLE 4, CHAPTER 5, SECTION 4-5-7 REGARDING HARD PAVEMENT SURFACES; AMENDING TITLE 4, CHAPTER 5, SECTION 4-5-11 REGARDING PARKING REQUIREMENTS FOR FLEX SPACES; AMENDING TITLE 5, CHAPTER 4, SECTION 5-4-1, TABLE 1 TO ADD FLEX SPACE USE AND MOBILE FOOD TRUCK SERVICE USE TO LAND USE SCHEDULE; AMENDING TITLE 5, CHAPTER 4, SECTION 5-4-4 REGARDING EXPANSION OF PUBLIC HEARING RADIUS NOTICE FOR LANDOWNERS; AMENDING TITLE 5, CHAPTER 4, SECTION 5-4-7 REGARDING BONDING FOR FINAL PLAT APPROVAL; AMENDING TITLE 5, CHAPTER 4, SECTION 5-4-10-2 REGARDING TECHNICAL CHANGES FOR ROAD STANDARDS AND REQUIREMENTS; AMENDING TITLE 5, CHAPTER 4, SECTION 5-4-10-6 REGARDING CHANGES TO TRAFFIC BUFFERS; AMENDING TITLE 5, CHAPTER 4, SECTION 5-4-10-7 REGARDING LANDSCAPE BUFFERS BETWEEN USES; 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 MIDDLETON, COUNTY OF CANYON, STATE OF IDAHO:**

**Section 1.** Amends Title 1, Chapter 3, Section 1-3-1 of the Middleton City Code to add definitions for “Flex Space” and “Mobile Food Truck Service.”

**Section 2.** Amends Title 1, Chapter 14, Section 1-14-1 of the Middleton City Code to mandate time period to conduct a Neighborhood Meeting.

**Section 3.** Amends Title 4, Chapter 5, Section 4-5-7 of the Middleton City Code to clarify that hard surfaces require “paving” and to mandate conformance with stormwater management ordinances.

**Section 4.** Amends Title 4, Chapter 4, Section 4-5-11 of the Middleton City Code to state number of parking stalls required for “Flex Space” use.

**Section 5.** Amends Title 5, Chapter 4, Section 5-4-1, Table 1 of the Middleton City Code to add “Flex Space” and “Mobile Food Truck Service” uses to Land Use Schedule and add footnote 9 regarding regulations regarding Mobile Food Truck Service.

**Section 6.** Amends Title 6, Chapter 4, Section 5-4-4 of the Middleton City Code to increase radius of landowner notice for public hearing to 500 feet.

**Section 7.** Amends Title 5, Chapter 4, Section 5-4-7 of the Middleton City Code to increase percentage amount for bonds, add fencing to bonds, and add expiration date for bonds.

**Section 8.** Amends Title 5, Chapter 4, Section 5-4-10-2 of the Middleton City Code to add additional standards for City roads and add/revise roads included in the “Right-Of-Way Width” matrix.

**Section 9.** Amends Title 5, Chapter 4, Section 5-4-10-6 of the Middleton City Code to clarify standards for a traffic buffer.

**Section 10.** Amends Title 5, Chapter 4, Section 5-4-10-7 of the Middleton City Code to clarify uses that are subject to a landscape buffer.

**Sections 11 through 13.** Provides that this ordinance shall be in full force and effect from and after its passage, approval, and publication, according to law; provides for severability; repeals conflicting ordinances, resolutions, and orders.

Ordinance No. 673 provides an effective date, which shall be on the \_\_\_\_\_ day of \_\_\_\_\_, 202\_\_.  
Ordinance No. 673 was passed by the Council and approved by the Mayor on the \_\_\_\_\_ day of \_\_\_\_\_, 2022. The full text of the Ordinance is available at Middleton City Hall, 1103 W Main St, Middleton, ID 83644. The Mayor and City Council approved the foregoing summary on the \_\_\_\_\_ day of \_\_\_\_\_, 2022, for publication on the \_\_\_\_\_ day of \_\_\_\_\_, 202\_\_, pursuant to Idaho Code § 50-901A.

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Steven J. Rule  
Mayor, City of Middleton

ATTEST:

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Becky Crofts, City Clerk

STATEMENT OF LEGAL ADVISOR

I have reviewed the foregoing summary and believe that it provides a true and complete summary of Ordinance No. 673 and provides adequate notice to the public as to the contents of such ordinance.

DATED this \_\_\_\_\_ day of \_\_\_\_\_,  
202\_\_.  
Douglas Waterman, Attorney for City of Middleton





**ORDINANCE NO. 674**  
**Black Powder Subdivision Annexation & Rezone – Parcel No. R3820700**

**AN ORDINANCE OF THE CITY OF MIDDLETON, CANYON COUNTY, IDAHO, ANNEXING TO THE CITY OF MIDDLETON, IDAHO, CERTAIN REAL PROPERTY SITUATED IN THE UNINCORPORATED AREA OF CANYON COUNTY, IDAHO, AND CONTIGUOUS TO THE CORPORATE LIMITS OF THE CITY OF MIDDLETON, IDAHO; ESTABLISHING THE ZONING CLASSIFICATION OF SAID REAL PROPERTY TO R-3 (SINGLE FAMILY RESIDENTIAL); DIRECTING THAT COPIES OF THIS ORDINANCE BE FILED AS PROVIDED BY LAW; AND PROVIDING AN EFFECTIVE DATE.**

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

**Section 1.** That the Middleton City Council, following the public notice and hearing procedures set forth in the Local Land Use Planning Act (Idaho Code, Title 67, Chapter 65) and Middleton City Code Title 1, Chapter 14, approved the Annexation and Rezone of the Black Powder Subdivision (Parcel No. R3820700) at a public hearing held on December 7, 2022.

**Section 2.** The following described property, commonly known as 0 Cemetery Road (Tax Parcel Nos. R3820700), comprising approximately 40 acres, more or less, is contiguous to the City of Middleton, Idaho; the annexation enables the orderly development of the City; and the applicant has requested that the property described in Exhibit “A” should be annexed into the City of Middleton and zoned R-3 (Single Family Residential):

**See legal description attached hereto as Exhibit “A”  
and made a part hereof by this reference.**

**Section 3.** That the above-described property is hereby annexed into the corporate limits of the City of Middleton and zoned R-3 (Single Family Residential).

**Section 4.** That the City Engineer and the Planning & Zoning Official of the City of Middleton, Idaho, are hereby instructed to so designate the same above-described property on the official zoning map and other area maps of the City of Middleton, Idaho as lying within the city limits and zoned R-3 (Single Family Residential).

**Section 5.** All ordinances, resolutions, orders or parts thereof in conflict herewith are hereby repealed, rescinded and annulled.

**Section 6.** This ordinance shall be in full force and in effect from and after its passage, approval and publication, according to law.

**Section 7.** The Clerk of the City of Middleton, Idaho shall, within 10 days following the effective date of this ordinance, duly file a certified copy of this ordinance and a map prepared in a draftsman-like manner plainly and clearly designating the boundaries of the City of Middleton, including the land herein annexed, with the following officials of the County of Canyon, State of Idaho, to-wit: the Recorder, Auditor, Treasurer and Assessor and shall file simultaneously a certified copy of this ordinance with the State Tax Commission of the State of Idaho, all in compliance with Idaho Code§ 63-215.

**PASSED BY THE COUNCIL OF THE CITY OF MIDDLETON, IDAHO**, this 21st day of December, 2022.

**APPROVED BY THE MAYOR OF THE CITY OF MIDDLETON, IDAHO**, this \_\_\_\_ day of \_\_\_\_\_, 2022.

Attest:

---

Steven J. Rule  
Mayor, City of Middleton

---

Becky Crofts  
City Clerk

**EXHIBIT A**

**Legal Description of Annexed Property**

**Legal Description**  
**Black Powder Subdivision – Preliminary Plat**

A parcel being the NE ¼ of the SE ¼ of Section 36, Township 5 North, Range 3 West, Boise Meridian, City of Middleton, Canyon County, Idaho, and more particularly described as follows:

**BEGINNING** at a Brass Cap monument marking the northeast corner of said NE ¼ of the SE ¼, Section 36;

Thence along the easterly boundary of said NE ¼ of the SE ¼ S 0°35'08" W a distance of 1319.97 feet to an Aluminum Cap monument marking the southeast corner of said NE ¼ of the SE ¼;

Thence along the southerly boundary of said NE ¼ of the SE ¼ N 89°21'11" W a distance of 1329.54 feet to an Aluminum Cap monument marking the southwest corner of said NE ¼ of the SE ¼;

Thence along the westerly boundary of said NE ¼ of the SE ¼ N 0°36'24" E a distance of 1320.00 feet to a Brass Cap monument marking the northwest corner of said NE ¼ of the SE ¼;

Thence along the northerly boundary of said NE ¼ of the SE ¼ S 89°21'06" E a distance of 1329.05 feet to the **POINT OF BEGINNING**.

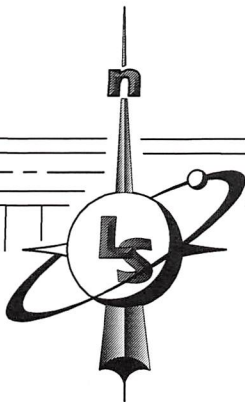
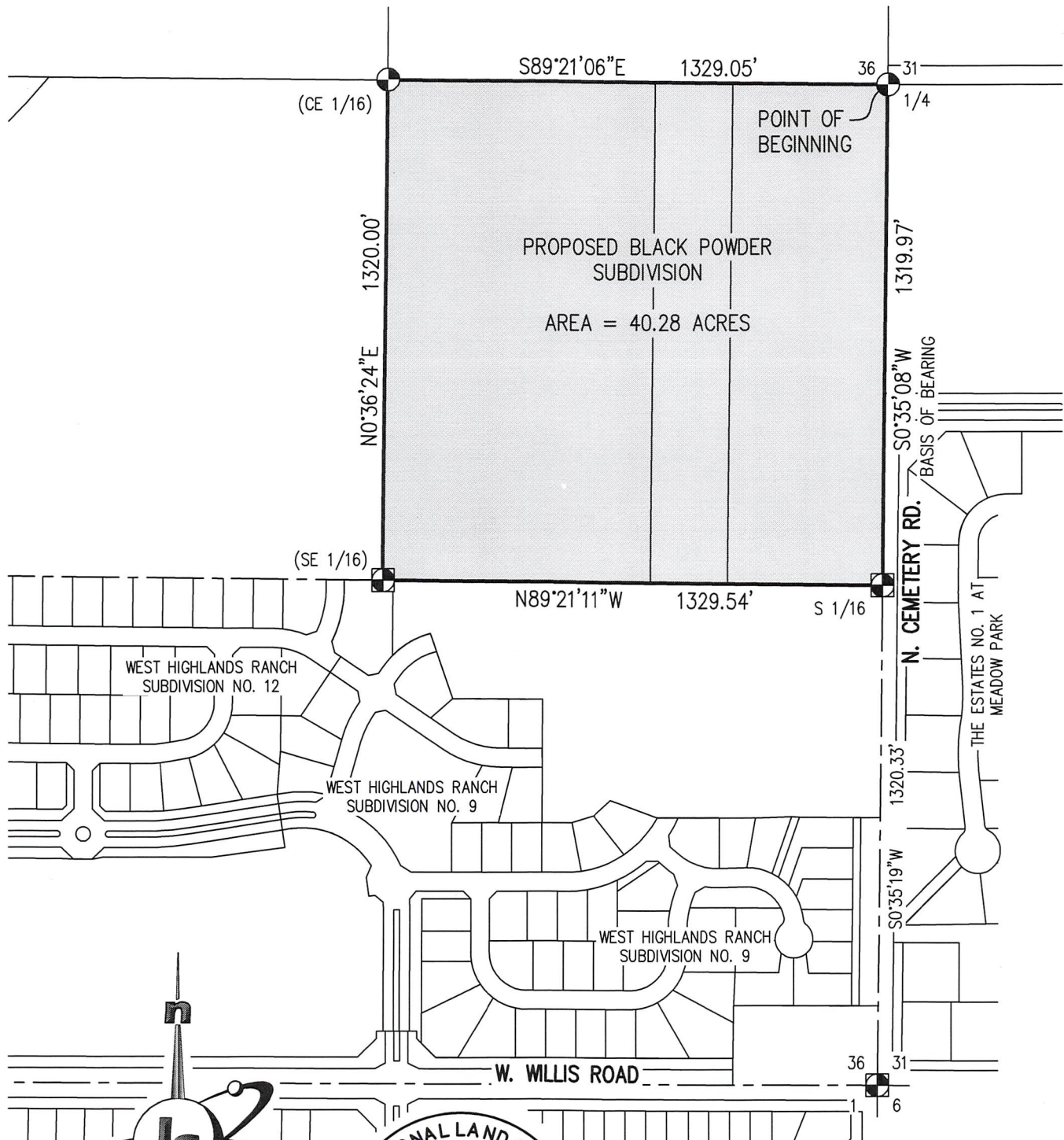
This parcel contains 40.28 acres and is subject to any easements existing or in use.

Clinton W. Hansen, PLS  
Land Solutions, PC  
November 3, 2021



# BLACK POWDER SUBDIVISION - PRELIMINARY PLAT EXHIBIT

THE NE 1/4 OF THE SE 1/4 OF SECTION 36, T5N, R3W, BM, CITY OF  
MIDDLETON, CANYON COUNTY, IDAHO



**LandSolutions**  
Land Surveying and Consulting

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