



AGENDA  
City Council Meeting  
City of Middleton, Idaho

Date: Wednesday January 4, 2023,

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:**

- 1. Discussion regarding Employee Benefit-Paid Time Off. - Ms. Crofts

**Action Items:**

- 1. Consent Agenda (items of routine administrative business) (**Action Items**)
  - a. Consider approving minutes for City Council December 21, 2022, meeting.
  - b. Consider ratifying payroll for December 30, 2022, in the amount of \$ 112,379.59.
  - c. Consider approving accounts payable through December 22, 2022, in the amount of \$151,861.55
- 2. Consider approving Mayors recommendation of Adam Kenyon, owner of The Chapp Wine and Tap, to the Impact Fee Committee. - Mayor Rule
- 3. A motion to authorize the Mayor or his designee, to sign a Letter Of Interest on behalf of the City to apply for funding assistance related to the expansion of the City's Waste Water Treatment Plant. - Mr. VanGilder
- 4. A motion to authorize the Mayor or his designee, to sign a Letter Of Interest on behalf of the City to apply for stormwater planning grant funding. - Mr. VanGilder
- 5. A motion to authorize the Mayor to accept the proposal from Integrity Inspection Solutions, Inc. for installation of a Cast in Place Polyurethane (CIPP) liner in the irrigation pipe beneath S. Paradise Avenue. - Mr. VanGilder
- 6. Consider approving final plat for the Fountain Springs Subdivision. - Ms. Stewart
- 7. Consider approving Ordinance 673 which is 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. Ms. Stewart

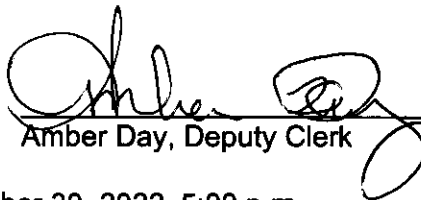
8. Consider approving the Summary of Ordinance 673 - AN ORDINANCE ENACTED BY THE MIDDLETON CITY COUNCIL, CITY OF MIDDLETON, COUNTY OF CANYON, STATE OF IDAHO, AMENDING THE MIDDLETON CITY CODE TITLE 1, CHAPTER 3, SECTION 1-3-1 REGARDING DEFINITIONS FOR FLEX SPACE AND MOBILE FOOD TRUCK SERVICE; AMENDING 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. Ms. Stewart

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

**Executive Session:** Executive Session pursuant to Idaho Code and possible decision(s) to follow: 74-206(1)(f) Potential or pending litigation.

**Adjourn:**

Posted by:

  
Amber Day, Deputy Clerk

Date: December 30, 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 21, 2022**

The Middleton City Council Meeting was called to order on December 21, 2022, at 5:32 p.m. by Mayor Steve Rule.

**Roll Call:**

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

Mayor Rule, City Attorney Taylor Yett (via telephone), Planning & Zoning Official Ms. Stewart, Public Works Director Mr. Van Gilder and Deputy Clerk Ms. Reynolds were present.

**Action Items**

**A. Approve Agenda**

**Motion:** Motion by Council President Kiser to approve the Agenda as posted on December 16, 2022, at 5:00 p.m. Motion seconded by Council Member O'Meara and approved unanimously.

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.**

Mayor Rule called items and Council President Kiser stated he had reviewed the accounts payable.

**Motion:** Motioned by Council President Kiser to approve Consent Agenda Items 1 a, b, c, d and e. Motion seconded by Council Member O'Meara and approved unanimously.

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**

Mayor Rule called the item. Public Works Director, Mr. VanGilder explained the change order.

**Motion:** Motion by Council President Kiser 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. Motion seconded by Council Member O'Meara and approved unanimously.

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**

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**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**

Mayor Rule called the item and P&Z Official Ms. Stewart presented the changes discussed at the 12-7-2022 public hearing.

Council discussed additional changes they would like to see. In particular to the Flex Space, Food Trucks and Traffic Buffer requirements.

Council asked Ms. Stewart to research how other cities handle zoning for food trucks and requested her to get a proposal from a landscape architect to help change the Traffic buffer code.

**Motion:** Motion by Council President Kiser to read by title only Ordinance 673. Motion seconded by Council Member O'Meara and approved unanimously by **Roll Call Vote**.

Council President Kiser read Ordinance 673 by title only noting removal of AMENDING TITLE 5, CHAPTER 4, SECTION 5-4-10-6 REGARDING CHANGES TO TRAFFIC BUFFERS.

No additional action was taken, and Action Item No. 4 (the summary of Ordinance 673) will be taken up at a future meeting.

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**

Mayor Rule called the item.

**Motion:** Motion by Council President Kiser to read by title only Ordinance 674. Motion seconded by Council Member Huggins and approved unanimously by **Roll Call Vote**.

Council President Kiser read the Ordinance by title only.

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**Motion:** Motion by Council President Kiser to waive the 3-reading rule and approve Ordinance 674. Motion seconded by Council Member Huggins and approved unanimously by **Roll Call Vote**.

**Public Comments:**

Mike Graefe: signed up but opted not to speak.

**Mayor and Council Comments**

Mayor Rule gave an update on the Star/Middleton Election. The residents between Kingsbury and Can/Ada Roads voted by a small margin to be in Star's Impact Area.

He wished everyone a Merry Christmas.

**Adjourn:** Mayor adjourned the meeting at 6:15 p.m.

ATTEST:

\_\_\_\_\_  
Mayor Steve Rule

\_\_\_\_\_  
Jennica Reynolds, Deputy Clerk  
Minutes Approved: January 4, 2022





Cell: 208-960-2883  
Office: 208442-4470  
Fax: 844-351-6902

CUSTOMER

DATE

ADDRESS

PHONE

E-MAIL

jvangilder@middletoncity.com

SALESPERSON

**Richard Mason**

PROJECT

**Irrigation Line 18" -  
Revised**

PREPARED BY:

**Richard Mason**

## ATTENTION

**Jason Van Gilder, PE**

## PAYMENT TERMS

**Net 30**

THIS PROPOSAL INCLUDES THE CONDITIONS NOTED:

Owner must provide clear access to the upstream and downstream manholes. • Integrity Inspection Solutions is not responsible for any Traffic Control, Bypass Pumping or Permitting unless otherwise stated in the proposal portion of this document.

Date \_\_\_\_\_

**Sign Below to Accept Quote:**

Authorized Rep

Public Works Contractors License Number 036543-C-4

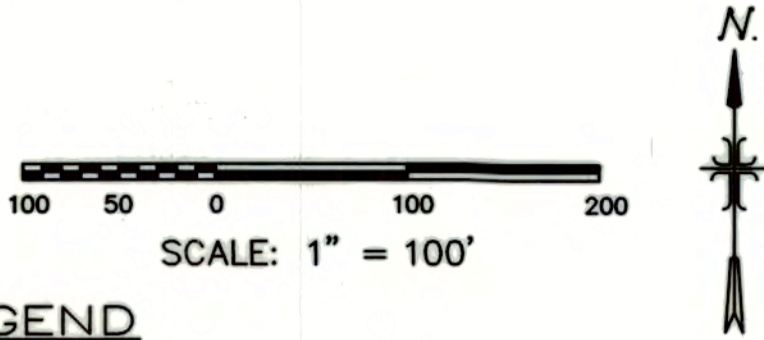
**Thank You For You Business**



PLAT SHOWING

# FOUNTAIN SPRINGS SUBDIVISION

A RESUBDIVISION OF LOTS 1 THROUGH 3, BLOCK 4  
LAKES AT TELAGA SUBDIVISION PHASE 1,  
LYING IN THE SE 1/4 OF SECTION 3, T. 4 N., R. 2 W., BOISE MERIDIAN  
CITY OF MIDDLETON, CANYON COUNTY, IDAHO  
2022



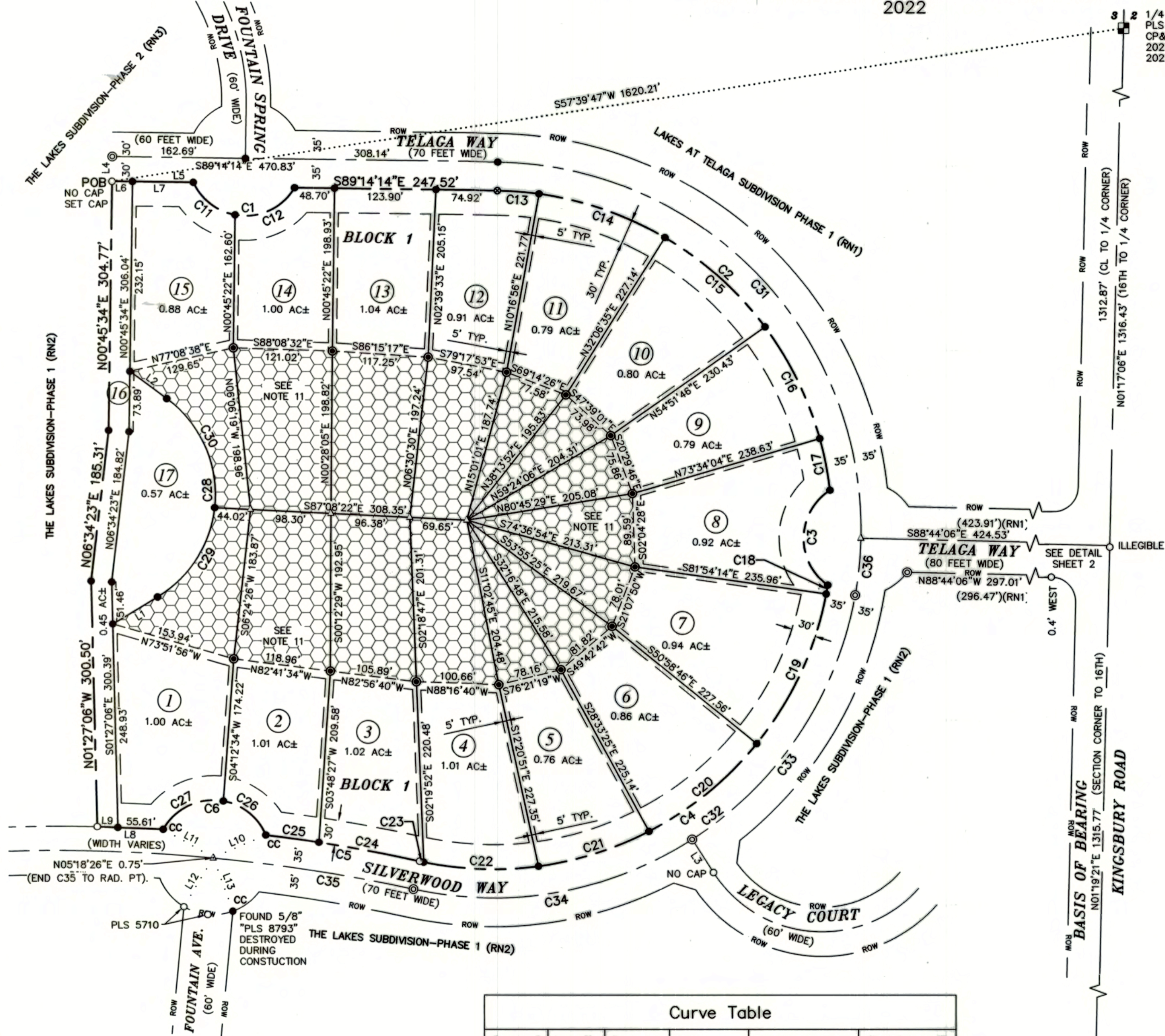
## LEGEND

- BOUNDARY LINE
- SECTION LINE
- PUBLIC AND PRIVATE EASEMENT LINE (SEE NOTES 4 AND 5)
- LANDSCAPE / WATER FEATURE EASEMENT LINE (SEE NOTE 8)
- CENTER LINE
- LOT LINE
- ROW RIGHT OF WAY

- (1) LOT NUMBER
- FOUND ALUMINUM CAP "PLS 11120"(MONUMENT NOT OBSERVABLE)
  - FOUND 5/8" REBAR "PLS 8793" (OR AS NOTED)
  - FOUND 1/2" REBAR "PLS 8793" (OR AS NOTED)
  - ⊗ FOUND 1/2" REBAR WITH ILLEGIBLE CAP, REPLACED WITH A 5/8"x24" REBAR WITH PLASTIC CAP "JUDGE PLS 13934"
  - ⊙ FOUND 5/8" REBAR WITH ILLEGIBLE CAP (OR AS NOTED), DISTURBED DURING CONSTRUCTION, REPLACED WITH A 5/8"x24" REBAR WITH PLASTIC CAP "JUDGE PLS 13934"
  - SET 5/8"x24" REBAR w/ PLASTIC CAP "JUDGE PLS 13934"
  - CC SET 30MM COPPER CAP "JUDGE PLS 13934"
  - ⊙ SET 5/8" REBAR WITH PLASTIC CAP "JUDGE PLS 13934" SEE NOTE 12
  - △ CALCULATED POINT, NOT FIELD LOCATED
  - ▨ NON-BUILDABLE LANDSCAPE/WATER FEATURE AREA
  - POB POINT OF BEGINNING
  - (RXN) REFERENCE NUMBER OF RECORDED DOCUMENTS REFERENCED ON SHEET 2

## PLAT NOTES:

1. ANY RESUBDIVISION OF THIS PLAT SHALL COMPLY WITH THE APPLICABLE REGULATIONS IN EFFECT AT THE TIME OF THE RESUBDIVISION.
2. MINIMUM BUILDING SETBACK DIMENSIONS IN THIS SUBDIVISION SHALL CONFORM TO THE APPLICABLE ZONING REGULATIONS IN EFFECT AT THE TIME OF ISSUANCE OF A BUILDING PERMIT.
3. IRRIGATION WATER HAS BEEN PROVIDED FROM MIDDLETON CANAL COMPANIES WHICH INCLUDE THE MIDDLETON MILL DITCH COMPANY, MIDDLETON IRRIGATION ASSOCIATION, INC. AND THE LEMP LATERAL, INC. IN COMPLIANCE WITH IDAHO CODE SECTION 31-3805(1)(b). ALL LOTS WITHIN THIS SUBDIVISION WILL BE ENTITLED TO IRRIGATION WATER RIGHTS AND WILL BE OBLIGATED FOR ASSESSMENTS FROM ONE OR MORE OF THE MIDDLETON CANAL COMPANIES LISTED.
4. A 30.00 FOOT WIDE EASEMENT FOR PUBLIC AND PRIVATE UTILITIES IS DEDICATED ALONG ALL LOT LINES COMMON TO STREET RIGHTS-OF-WAY. A 10.00 WIDE EASEMENT FOR PUBLIC AND PRIVATE UTILITIES IS DEDICATED ALONG THE LANDSCAPE / WATER FEATURE EASEMENT LINE ON THE BUILDABLE SIDE.
5. A 5.00 FOOT WIDE EASEMENT FOR PUBLIC AND PRIVATE UTILITIES IS DEDICATED ON EACH SIDE OF THE PORTION ALL INTERIOR LOT LINES LYING OUTSIDE OF THE LANDSCAPE / WATER FEATURE AREA..
6. LOTS 16 AND 17, BLOCK 1 ARE HEREBY DESIGNATED AS COMMON AREA LOTS TO BE OWNED AND MAINTAINED BY THE LAKES AT TELAGA HOMEOWNERS' ASSOCIATION. THESE LOTS ARE SUBJECT TO A BLANKET EASEMENT FOR PUBLIC UTILITIES, STORMWATER MANAGEMENT, AND PEDESTRIAN FACILITIES.
7. ANY FENCES, LANDSCAPING OR OTHER STRUCTURES INSTALLED WITHIN AN EASEMENT AREA MAY BE REMOVED BY THE CITY OF MIDDLETON OR UTILITY COMPANIES AND WILL BE REPLACED AT THE LANDOWNER'S EXPENSE.
8. LANDSCAPE / WATER FEATURE AREAS ARE TO BE MAINTAINED BY THE LAKES AT TELAGA HOMEOWNERS' ASSOCIATION.
9. ALL LOTS WITHIN THIS SUBDIVISION ARE SUBJECT TO THE COVENANTS CONDITIONS & RESTRICTIONS (CC&RS) RECORDED AS INSTRUMENT NO. 2008033408, IDAHO TOGETHER WITH ANY AMENDMENTS THERETO.
10. SEE SHEET TWO OF FOUR FOR NARRATIVE, RECORD DATA, AND ADDITIONAL LINE AND CURVE DATA.
11. LOTS 1 THROUGH 15 ARE SUBJECT TO A LANDSCAPE/WATER FEATURE EASEMENT (SEE LEGEND), TO BE GOVERNED AND MAINTAINED BY THE LAKES AT TELAGA HOMEOWNERS' ASSOCIATION.
12. THE MONUMENTS MARKING THE ANGLE POINTS IN THE INTERIOR LOT LINES COMMON WITH THE ANGLE POINTS IN THE LIMITS OF THE NON-BUILDABLE LANDSCAPE / WATER FEATURE AREA SERVE TO MONUMENT THE LOT LINES, EASEMENT LIMITS AND AS REFERENCES FOR THE REAR CORNERS OF THE LOTS. THEY WILL NOT BE MARKED AS REFERENCE MONUMENTS TO PREVENT CONFUSION.
13. THE SHARED SERVICES AGREEMENT FOR IRRIGATION AND DOMESTIC WATER (RECORDED AS INSTRUMENT NUMBER 2008030488) HAS BEEN SUPERCEDED (BY INSTRUMENT NUMBER 2022-048937).



Line Table		
Line #	Direction	Length
L5	S89° 14' 14"E	99.44
L8	N87° 41' 09"W	80.66

Curve Table					
Curve #	Length	Radius	Delta	Chord Direction	Chord Length
C1	152.26	70.00	124°37'23"	S86° 55' 33"E	123.97
C2	597.58	415.00	82°30'13"	S47° 59' 08"E	547.28
C3	136.98	70.00	112°07'08"	S1° 18' 38"W	116.15
C4	673.99	415.00	93°03'11"	S55° 52' 52"W	602.33
C5	190.50	2035.00	5°21'49"	N80° 16' 27"W	190.43
C6	155.77	70.00	127°30'03"	N86° 51' 33"W	125.56

PLS 11120  
CP&F INST. NO.  
2021-019215 &  
2022-026135



**FORSGREN**  
*Associates Inc.*  
1109 WEST MYRTLE STREET, SUITE 300, BOISE, ID 83702  
PH: 208.342.3144 FAX: 208.383.0819

PLAT SHOWING

# FOUNTAIN SPRINGS SUBDIVISION

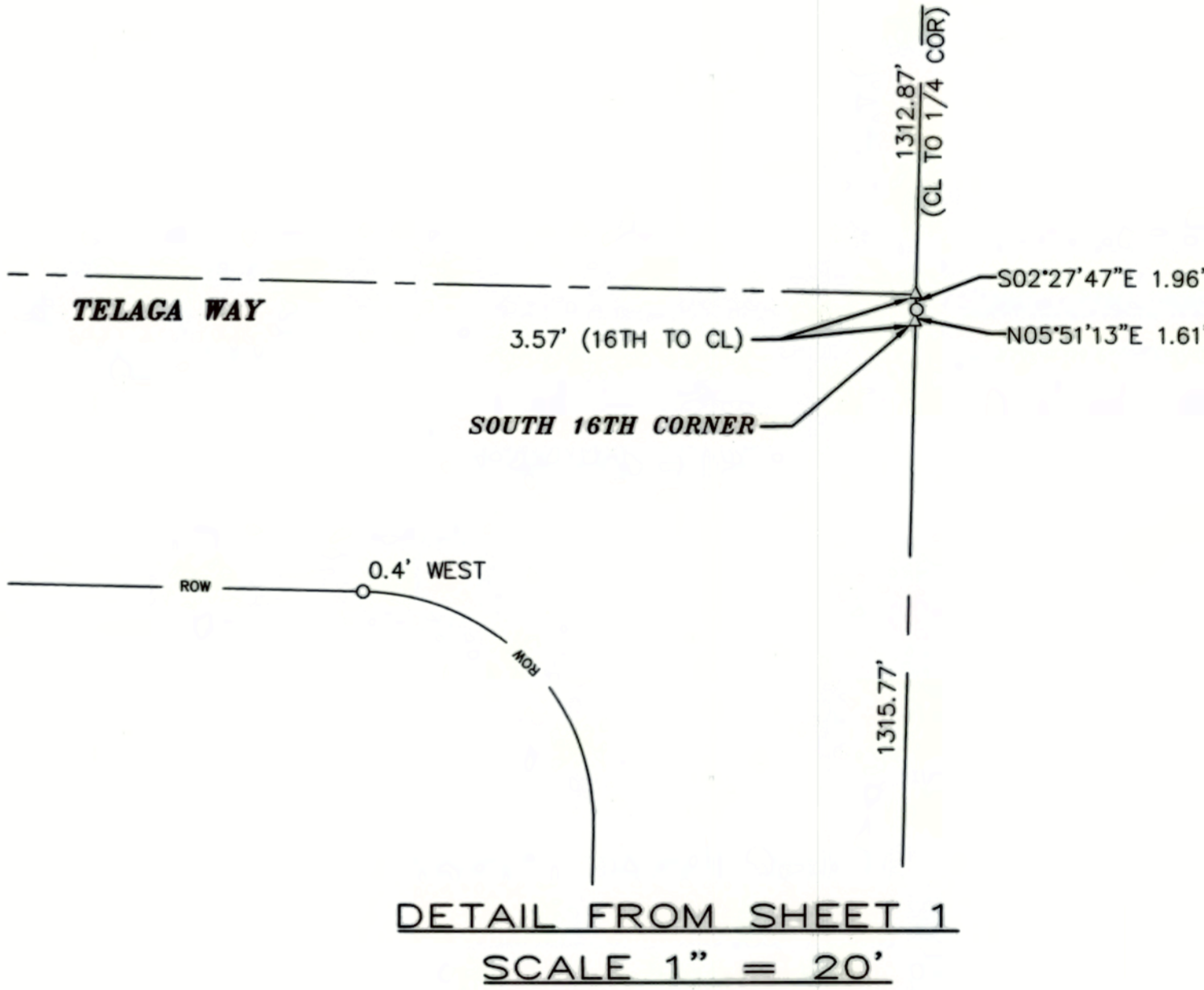
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LYING IN THE SE 1/4 OF SECTION 3, T. 4 N., R. 2 W., BOISE MERIDIAN  
CITY OF MIDDLETON, CANYON COUNTY, IDAHO  
2022

Curve Table					
Curve #	Length	Radius	Delta	Chord Direction	Chord Length
C1	152.26	70.00	124°37'23"	S86° 55' 33"E	123.97
C2	597.58	415.00	82°30'13"	S47° 59' 08"E	547.28
C3	136.98	70.00	112°07'08"	S1° 18' 38"W	116.15
C4	673.99	415.00	93°03'11"	S55° 52' 52"W	602.33
C5	190.50	2035.00	5°21'49"	N80° 16' 27"W	190.43
C6	155.77	70.00	127°30'03"	N86° 51' 33"W	125.56
C11	67.22	70.00	55°01'13"	S52° 07' 28"E	64.67
C12	85.04	70.00	69°36'10"	N65° 33' 51"E	79.90
C13	51.17	415.00	7°03'55"	N85° 42' 17"W	51.14
C14	163.74	415.00	22°36'21"	N70° 52' 09"W	162.68
C15	165.38	415.00	22°49'57"	N48° 08' 59"W	164.29
C16	152.62	415.00	21°04'18"	N26° 11' 52"W	151.77
C17	64.67	415.00	8°55'41"	N11° 11' 52"W	64.60
C18	10.94	415.00	1°30'38"	N10° 06' 36"E	10.94
C19	203.61	415.00	28°06'37"	N24° 55' 13"E	201.57
C20	171.05	415.00	23°36'54"	N50° 46' 58"E	169.84
C21	142.27	415.00	19°38'32"	N72° 24' 41"E	141.58
C22	141.02	415.00	19°28'11"	S88° 01' 57"E	140.34
C23	5.11	415.00	0°42'19"	S77° 56' 42"E	5.11
C24	125.15	2035.00	3°31'25"	N79° 21' 15"W	125.13

Curve Table					
Curve #	Length	Radius	Delta	Chord Direction	Chord Length
C25	65.35	2035.00	1°50'23"	N82° 02' 09"W	65.34
C26	69.43	70.00	56°49'32"	N51° 31' 18"W	66.61
C27	86.35	70.00	70°40'31"	S64° 43' 41"W	80.98
C28	286.37	146.00	112°22'59"	N2° 41' 38"E	242.62
C29	134.13	146.00	52°38'10"	N32° 34' 02"E	129.46
C30	152.25	146.00	59°44'46"	N23° 37' 27"W	145.44
C31	711.16	450.00	90°32'50"	N43° 57' 49"W	639.43
C32	794.02	450.00	101°05'51"	N51° 51' 32"E	694.95
C33	369.22	450.00	47°00'38"	N33° 42' 24"E	358.95
C34	354.97	450.00	45°11'45"	N79° 48' 35"E	345.83
C35	247.74	2000.00	7°05'50"	N81° 08' 27"W	247.58
C36	69.83	450.00	8°53'29"	N5° 45' 21"E	69.76

REFERENCES:

- (RN1) LAKES AT TELAGA SUBDIVISION PHASE 1, BOOK 37, PAGE 19.  
(RN2) THE LAKES SUBDIVISION-PHASE 1, BOOK 44, PAGE 19.  
(RN3) THE LAKES SUBDIVISION-PHASE 2, BOOK 46, PAGE 15.  
(RN4) CRESCENT LAKES SUBDIVISION, BOOK 52, PAGE 7.  
(RN5) WARRANTY DEED, INST. NO. 2020-012134.  
(RN6) QUITCLAIM DEED, INST. NO. 2020-044365  
(RN7) RECORD OF SURVEY INST. NO. 1996-010279  
(RN8) RECORD OF SURVEY INST. NO. 1996-041178  
(RN9) RECORD OF SURVEY INST. NO. 2000-35762  
(RN10) RECORD OF SURVEY INST. NO. 2005-39046  
(RN11) RECORD OF SURVEY INST. NO. 2006-01052  
(RN12) RECORD OF SURVEY INST. NO. 2006-18729  
(RN13) RECORD OF SURVEY INST. NO. 2006-20493  
(RN14) RECORD OF SURVEY INST. NO. 2007-015216  
(RN15) RECORD OF SURVEY INST. NO. 2007-017950  
(RN16) RECORD OF SURVEY INST. NO. 2010-053092  
(RN17) RECORD OF SURVEY INST. NO. 2017-016393  
(RN18) RECORD OF SURVEY INST. NO. 2017-024808  
(RN19) RECORD OF SURVEY INST. NO. 2021-024600



LINE TABLE		
LINE #	BEARING	DISTANCE
L1	N58°53'07"E	63.94'
L2	S53°29'51"E	56.37'
L3	N32°49'14"W	48.00'
L4	S0°44'41"W	30.00'
L5	S89°14'14"E	99.44'
L6	S89°14'14"E	25.00'
L7	S89°14'14"E	74.44'
L8	N87°41'09"W	80.66'
L9	N87°41'09"W	25.05'
L10	N66°53'28"E	70.00'
L11	S60°36'34"E	70.00'
L12	N30°41'12"E	70.00'
L13	S20°04'02"E	70.00'

NARRATIVE:

THE PURPOSE OF THIS SURVEY IS TO RETRACE THE EXTERIOR BOUNDARY OF THE PROPERTIES DESCRIBED IN WARRANTY DEED INSTRUMENT NUMBER 2020-012134 AND QUIT CLAIM DEED INSTRUMENT NUMBER 2020-044365, AND TO DIVIDE THE PROPERTY INTO RESIDENTIAL AND COMMON USE LOTS. THE DEED DESCRIPTIONS ARE FOR LOTS 1 THROUGH 3, BLOCK 4, LAKES AT TELAGA SUBDIVISION PHASE 1. THE WESTERLY BOUNDARY WAS PLATTED AS LOT 1, BLOCK 4, LAKES AT TELAGA SUBDIVISION PHASE 1. THE REMAINING EXTERIOR BOUNDARY OF THESE LOTS IS THE RIGHTS-OF-WAY OF TELAGA WAY AND SILVERWOOD WAY. THESE STREETS WERE CREATED BY THE PLATS OF THE LAKES OF TELAGA SUBDIVISION PHASE 1 AND THE LAKES SUBDIVISION-PHASE 1. THERE IS EXTENSIVE OBLITERATION OF ORIGINAL MONUMENTATION ALONG THE ROADWAYS. A COMBINATION OF CENTER LINE AND RIGHT-OF-WAY MONUMENTS WERE RECOVERED. AN ALIGNMENT WAS CREATED HOLDING THESE MONUMENTS, UTILIZING THE ORIGINAL PLATTED RIGHT-OF-WAY WIDTHS, AND CURVE RADI. ALL CURVES WERE HELD TANGENT. THE RESULT WAS THAT ALL FOUND MONUMENTS WERE ACCEPTED WITH MINIMAL DISTORTION OF RECORD DIMENSIONS. THE PLAT IS TIED TO THE EASTERLY BOUNDARY OF THE SOUTHEAST QUARTER OF SECTION 2. MONUMENTS FROM SEVERAL PLATS AND SURVEYS SHOW THE SOUTH SIXTEENTH COMMON TO SECTIONS 2 AND 3 AS AN ANGLE POINT. THIS SURVEY AND PLAT SHOWS THE SECTION LINE WITH THE RECORD ANGLE POINT, AS SHOWN ON SHEET 1 AND SHEET 2 OF THIS PLAT.



PLAT SHOWING

# FOUNTAIN SPRINGS SUBDIVISION

A RESUBDIVISION OF LOTS 1 THROUGH 3, BLOCK 4  
LAKES AT TELAGA SUBDIVISION PHASE 1,  
LYING IN THE SE 1/4 OF SECTION 3, T. 4 N., R. 2 W., BOISE MERIDIAN  
CITY OF MIDDLETON, CANYON COUNTY, IDAHO  
2022

OWNERS CERTIFICATE

KNOW ALL MEN BY THESE PRESENTS, THAT SKYLINE HOMES AND DEVELOPMENT, LLC IS THE OWNER OF THE REAL PROPERTY HEREINAFTER DESCRIBED AND IT IS THEIR INTENTION TO INCLUDE THESE LANDS IN THIS PLAT:

ALL OF LOTS 1 THROUGH 3, BLOCK 4, LAKES AT TELAGA SUBDIVISION PHASE 1, LYING IN THE SE 1/4 OF SECTION 3, T. 4 N., R. 2 W., BOISE MERIDIAN, CITY OF MIDDLETON, CANYON COUNTY, IDAHO, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT A FOUND ALUMINUM CAP MARKING THE SECTION CORNER COMMON TO SECTIONS 2, 3, 10 AND 11, T. 4 N., R. 2 W., B.M., CITY OF MIDDLETON, CANYON COUNTY, IDAHO;

THENCE ALONG THE LINE COMMON TO SECTIONS 3 AND 2, NORTH 01°19'21" EAST, 1315.77' FEET TO THE SOUTH 16TH CORNER COMMON TO SECTIONS 2 AND 3;

THENCE CONTINUING ALONG SAID LINE NORTH 01°17'06" EAST, 1316.43 FEET TO A FOUND ALUMINUM CAP MARKING THE 1/4 CORNER COMMON TO SECTIONS 2 AND 3;

THENCE SOUTH 57°39'47" WEST, 1620.21 FEET TO A FOUND 5/8" REBAR WITH NO CAP (PLACED PLASTIC CAP, "JUDGE PLS 13934"), MARKING THE NORTHWEST CORNER OF LOT 1, BLOCK 4, WHICH IS ALSO COMMON TO LOT 13, BLOCK 4 OF THE LAKES SUBDIVISION-PHASE 1, AS RECORDED IN BOOK 44 OF PLATS, AT PAGE 19, RECORDS OF CANYON COUNTY, IDAHO AND LYING ON THE SOUTHERLY RIGHT OF WAY TELAGA WAY, THE POINT OF BEGINNING;

THENCE ALONG THE NORTHERLY AND EASTERLY BOUNDARY OF BLOCK 4, ALSO BEING THE SOUTHERLY AND WESTERLY RIGHT OF WAY OF TELAGA WAY, THE FOLLOWING COURSES AND DISTANCES:

SOUTH 89°14'14" EAST, 99.44 FEET TO A SET 5/8" REBAR WITH A PLASTIC CAP STAMPED "JUDGE PLS 13934", MARKING THE BEGINNING OF A NON-RADIAL CURVE TO THE LEFT;

152.26 FEET ALONG THE ARC OF SAID CURVE, HAVING A RADIUS OF 70.00 FEET, A CENTRAL ANGLE OF 124°37'23", AND A CHORD WHICH BEARS SOUTH 86°55'33" EAST, 123.97 FEET TO A SET 5/8" REBAR WITH A PLASTIC CAP STAMPED "JUDGE PLS 13934", MARKING THE END OF THE NON-TANGENT CURVE;

ON A NON-TANGENT BEARING, SOUTH 89°14'14" EAST, 247.52 FEET TO FOUND 1/2" REBAR WITH AN ILLEGIBLE CAP (REPLACED WITH A 5/8" REBAR WITH PLASTIC CAP STAMPED "JUDGE PLS 13934"), MARKING THE BEGINNING OF A TANGENT CURVE TO THE RIGHT;

597.58 FEET ALONG THE ARC OF SAID CURVE, HAVING A RADIUS OF 415.00 FEET, A CENTRAL ANGLE OF 82°30'13", AND A CHORD WHICH BEARS SOUTH 47°59'08" EAST, 547.28 FEET TO A SET 5/8" REBAR WITH A PLASTIC CAP STAMPED "JUDGE PLS 13934", MARKING THE BEGINNING OF A NON-RADIAL CURVE TO THE LEFT;

136.98 FEET ALONG THE ARC OF SAID CURVE, HAVING A RADIUS OF 70.00 FEET, A CENTRAL ANGLE OF 112°07'08", AND A CHORD WHICH BEARS SOUTH 01°18'38" WEST, 116.15 FEET TO A SET 5/8" REBAR WITH A PLASTIC CAP, STAMPED "JUDGE PLS 13934", MARKING THE BEGINNING OF A NON-RADIAL CURVE TO THE RIGHT AND THE WESTERLY RIGHT OF WAY OF SILVERWOOD WAY;

THENCE LEAVING THE WESTERLY RIGHT OF WAY OF TELAGA WAY AND CONTINUING ALONG EASTERLY AND SOUTHERLY BOUNDARY OF BLOCK 4, ALSO BEING THE WESTERLY AND NORTHERLY RIGHT OF WAY OF SILVERWOOD WAY THE FOLLOWING COURSES AND DISTANCES:

673.99 FEET ALONG THE ARC OF A CURVE TO THE RIGHT, HAVING A RADIUS OF 415.00 FEET, A CENTRAL ANGLE OF 93°03'11", A CHORD WHICH BEARS SOUTH 55°52'52" WEST, 602.33 FEET TO A FOUND 5/8" REBAR WITH A PLASTIC CAP STAMPED "PLS 8793", MARKING THE BEGINNING OF A REVERSE CURVE;

190.50 FEET (FORMERLY 190.98 FEET) ALONG THE ARC OF SAID CURVE, HAVING A RADIUS OF 2035.00 FEET, A CENTRAL ANGLE OF 05°21'49", AND A CHORD WHICH BEARS NORTH 80°16'27" WEST, 190.43 FEET TO TO A SET 5/8" REBAR WITH A PLASTIC CAP STAMPED "JUDGE PLS 13934", MARKING THE BEGINNING OF A NON-RADIAL CURVE TO THE LEFT;

155.77 FEET ALONG THE ARC OF SAID CURVE, HAVING A RADIUS OF 70.00 FEET, A CENTRAL ANGLE OF 127°30'03", AND A CHORD WHICH BEARS NORTH 86°51'43" WEST, 125.56 FEET TO A SET 5/8" REBAR WITH A PLASTIC CAP STAMPED "JUDGE PLS 13934", MARKING THE END OF THE NON-TANGENT CURVE;

NORTH 87°41'09" WEST, 80.66 FEET TO A FOUND 5/8" REBAR WITH A PLASTIC CAP STAMPED "PLS 8793" MARKING THE SOUTHWEST CORNER OF LOT 1, BLOCK 4, ALSO BEING THE SOUTHEAST CORNER OF LOT 4, BLOCK 4 OF THE LAKES SUBDIVISION-PHASE 1;

THENCE ALONG THE COMMON BOUNDARY OF LAKES AT TELAGA SUBDIVISION PHASE 1 AND THE LAKES SUBDIVISION-PHASE 1 THE FOLLOWING COURSES AND DISTANCES:

NORTH 01°27'06" WEST, 300.50 FEET TO A SET 5/8" REBAR WITH PLASTIC CAP STAMPED "JUDGE PLS 13934";

NORTH 06°34'23" EAST, 185.31 FEET TO A SET 5/8" REBAR WITH PLASTIC CAP STAMPED "JUDGE PLS 13934";

NORTH 00°45'34" EAST, 304.77 FEET TO THE POINT OF BEGINNING.

THIS DESCRIPTION IS INTENDED TO INCLUDE ALL OF LOTS 1 THROUGH 3, BLOCK 4, LAKES AT TELAGA SUBDIVISION PHASE 1 AND NO OTHER PROPERTY.

CONTAINING 14.801 ACRES, MORE OR LESS.

ALL LOTS IN THIS SUBDIVISION WILL BE ELIGIBLE TO RECEIVE WATER FROM THE CITY OF MIDDLETON WATER SYSTEM AND THE CITY OF MIDDLETON HAS AGREED IN WRITING TO SERVE ALL OF THE LOTS IN THE SUBDIVISION. THE EASEMENTS ON THIS PLAT ARE NOT DEDICATED TO THE PUBLIC, BUT THE RIGHT TO USE SAID EASEMENTS ARE HEREBY PERPETUALLY RESERVED FOR UTILITIES AND ANY OTHER USES SHOWN HEREON.

\_\_\_\_\_  
DATE  
MEMBER, SKYLINE HOMES AND DEVELOPMENT, LLC

ACKNOWLEDGEMENT

STATE OF IDAHO)  
COUNTY OF \_\_\_\_\_) SS  
ON THIS \_\_\_\_\_ DAY OF \_\_\_\_\_, IN THE YEAR 2022  
BEFORE ME, A NOTARY PUBLIC IN AND FOR THE STATE OF IDAHO, PERSONALLY  
APPEARED \_\_\_\_\_, KNOWN OR IDENTIFIED TO ME TO BE A  
MEMBER OF SKYLINE HOMES AND DEVELOPMENT, LLC (AN IDAHO LIMITED  
LIABILITY COMPANY) AND THE PERSON WHO EXECUTED THE INSTRUMENT ON  
BEHALF OF SAID LIMITED LIABILITY COMPANY.

IN WITNESS WHEREOF, I HEREUNTO SET MY HAND AND AFFIX MY OFFICIAL SEAL  
THE DAY AND YEAR IN THIS CERTIFICATE FIRST ABOVE WRITTEN.

NOTARY PUBLIC IN AND FOR THE STATE OF IDAHO  
MY COMMISSION EXPIRES \_\_\_\_\_  
RESIDING IN \_\_\_\_\_

CERTIFICATE OF SURVEYOR:

I, THOMAS A. JUDGE DO HEREBY CERTIFY THAT I AM A REGISTERED LAND SURVEYOR LICENSED BY THE STATE OF IDAHO, AND THAT THIS MAP HAS BEEN PREPARED FROM AN ACTUAL SURVEY MADE ON THE GROUND UNDER MY DIRECT SUPERVISION, THAT THIS MAP IS AN ACCURATE REPRESENTATION OF SAID SURVEY AND THAT IT IS IN CONFORMITY WITH THE LAWS, RULES, AND STANDARD OF CARE PERTAINING TO PLATS AND SURVEYS IN THE STATE OF IDAHO.

THOMAS A. JUDGE  
 LICENSE NO. 13934

PLAT SHOWING  
**FOUNTAIN SPRINGS SUBDIVISION**

ALL OF LOTS 1 THROUGH 3, BLOCK 4  
LAKES AT TELAGA SUBDIVISION PHASE 1,  
LYING IN THE SE 1/4 OF SECTION 3, T. 4 N., R. 2 W., BOISE MERIDIAN  
CITY OF MIDDLETON, CANYON COUNTY, IDAHO  
2022

CERTIFICATION AND APPROVAL OF  
SOUTHWEST DISTRICT HEALTH DEPT.

SANITARY RESTRICTIONS AS REQUIRED BY IDAHO CODE, TITLE 50, CHAPTER 13 HAVE BEEN SATISFIED  
QUALIFIED LICENSED PROFESSIONAL ENGINEER (QLE) REPRESENTING THE CITY OF MIDDLETON, AND THE QLE  
APPROVAL OF THE DESIGN PLANS AND SPECIFICATIONS AND THE CONDITIONS IMPOSED ON THE DEVELOPER  
FOR CONTINUED SATISFACTION OF THE SANITARY RESTRICTIONS. BUYER IS CAUTIONED THAT AT THE TIME OF  
THIS APPROVAL, NO DRINKING WATER EXTENSIONS OR SEWER EXTENSIONS WERE CONSTRUCTED. BUILDING  
CONSTRUCTION CAN BE ALLOWED WITH APPROPRIATE BUILDING PERMITS IF DRINKING WATER EXTENSIONS OR  
SEWER EXTENSIONS HAVE SINCE BEEN CONSTRUCTED OR IF THE DEVELOPER IS SIMULTANEOUSLY  
CONSTRUCTING THOSE FACILITIES. IF THE DEVELOPER FAILS TO CONSTRUCT FACILITIES, THEN SANITARY  
RESTRICTIONS MAY BE REIMPOSED, IN ACCORDANCE WITH SECTION 50-1326, IDAHO CODE, BY THE ISSUANCE  
OF A CERTIFICATE OF DISAPPROVAL, AND NO CONSTRUCTION OF ANY BUILDING OR SHELTER REQUIRING  
DRINKING WATER OR SEWER/SEPTIC FACILITIES SHALL BE ALLOWED.

Jul Nyg d 08/15/2022  
HEALTH DISTRICT SIGNATURE DATE

CERTIFICATE OF REVIEWING SURVEYOR

I, THE UNDERSIGNED IDAHO PROFESSIONAL LAND SURVEYOR HAVE CHECKED THIS PLAT IN ACCORDANCE WITH  
50-1305 IDAHO CODE, AND DO HEREBY CERTIFY THAT IT COMPLIES WITH THE LAWS, RULES, AND STANDARD  
OF CARE RELATING TO PLATS AND SURVEYS IN THE STATE OF IDAHO.

Dan Hoff 08/17/22  
50-1305 REVIEWING SURVEYOR DATE

APPROVAL OF CITY ENGINEER

I, THE UNDERSIGNED, CITY ENGINEER, IN AND FOR THE CITY OF MIDDLETON, CANYON COUNTY, IDAHO HEREBY  
APPROVE THIS PLAT.

\_\_\_\_\_  
CITY ENGINEER DATE

CERTIFICATE OF COUNTY TREASURER

I, THE UNDERSIGNED, COUNTY TREASURER IN AND FOR THE COUNTY OF CANYON, STATE OF IDAHO, PER THE  
REQUIREMENTS OF 50-1308 IDAHO CODE, HEREBY CERTIFY THAT ANY AND ALL CURRENT AND/OR DELINQUENT  
COUNTY PROPERTY TAXES FOR THE PROPERTY INCLUDED IN THIS SUBDIVISION HAVE BEEN PAID IN FULL. THIS  
CERTIFICATION IS VALID FOR THE NEXT THIRTY (30) DAYS ONLY.

\_\_\_\_\_  
CANYON COUNTY TREASURER DATE

ACCEPTANCE AND APPROVAL OF CITY COUNCIL

I, THE UNDERSIGNED, CITY CLERK IN AND FOR THE CITY OF MIDDLETON, CANYON COUNTY, IDAHO DO HEREBY  
CERTIFY THAT AT A REGULAR MEETING OF THE CITY COUNCIL HELD ON THE \_\_\_\_\_ DAY OF \_\_\_\_\_  
2022, THIS PLAT WAS ACCEPTED AND APPROVED.

\_\_\_\_\_  
CITY CLERK, MIDDLETON, IDAHO DATE



SHEET 4 OF 4

**FORSGREN**  
Associates Inc.  
917 SOUTH LUSK STREET, SUITE 300, BOISE, ID 83706  
PH: 208.342.3144 FAX: 208.383.0819



## 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 5-4-10-7 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.

### RECITALS

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:**

...

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**

...

- 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	RRR	TOD	M-F	M-U
...													
Flea Market				S	S	S							
Flex Space			A	A	A	A							S
Furniture Manufacturer				A	A	A							
...													
Mining/mineral extraction	S	S	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							
...													

Notes:

...

9. 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 (5300') 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

...

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:

<b>Arterials And Collectors</b>	<b>Half Road Right-Of-Way</b>	<b>Total Road Right-Of-Way</b>
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 5-4-10-7 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 10:** This ordinance shall be in full force and effect from and after its passage, approval, and publication, according to law.

**Section 11:** 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 12:** 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 \_\_\_\_\_, 2023.**

**APPROVED BY THE MAYOR OF THE CITY OF MIDDLETON, IDAHO, this \_\_\_\_ day of \_\_\_\_\_, 2023.**

\_\_\_\_\_  
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 5-4-10-7 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 5-4-10-7 of the Middleton City Code to clarify uses that are subject to a landscape buffer.

**Sections 10 through 12.** 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:

\_\_\_\_\_  
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