



AMENDED AGENDA
City Council Meeting
City of Middleton, Idaho

Date: Wednesday August 2, 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 Amended Agenda

Information Item:

1. Consultant Presentations: Comprehensive Plan Update. Ms. Stewart
 - a. Treasure Valley Planning Idaho
 - b. Downtown Redevelopment / Kimley-Horn / Planning Outpost
 - c. Planning & Facility Management
2. First Night Report – Chief Smith
3. Proposed September Joint Meeting with Board of County Commissioners (BOCC) and City Council. - Ms. Crofts
4. Middleton Road Realignment – Ms. Crofts
5. Election Information – Ms. Crofts

Action Items:

1. Consent Agenda (items of routine administrative business)
 - a. Consider approving minutes for City Council July 19, 2023, Regular meeting.
 - b. Consider ratifying payroll for July 28, 2023, in the amount of \$136,445.70.
 - c. Consider approving accounts payable through June 23, 2023, in the amount of \$202,223.31.
 - d. Consider approving the Findings of Facts, Conclusions of Law & Order (FCO) for City's Mill Creek Plaza rezone and comprehensive plan map amendment applications.
2. Consider approving transfer of beer and wine license from the Vault 21 to The Bank. – Ms. Crofts – Ms. Balderas
3. Consider authorizing the City to have discussions with the Middleton School District about the S. Cemetery Middle School drop off/pick up parking lot. – Council Members Murray & Huggins.
4. Consider approving a quote from Axon Enterprise, Inc for Taser Certification Plan program in an amount not to exceed \$12,027.22. – Chief Smith
5. Consider approving ORDINANCE 679 AMENDING TITLE 1, CHAPTER 15, SECTION 1-15-12, OF THE MIDDLETON CITY CODE, PERTAINING TO THE GENERAL REQUIREMENTS FOR VENDORS, SOLICITORS AND TEMPORARY MERCHANTS PERMITS AND AMENDING TITLE 4, CHAPTER 1, SECTION 4-1-1 OF THE MIDDLETON CITY CODE REGARDING BUILDING PERMIT REQUIREMENTS; PROVIDING FOR AN EFFECTIVE DATE; PROVIDING FOR SEVERABILITY; AND REPEALING ALL ORDINANCES, RESOLUTIONS, ORDERS AND PARTS THEREOF, IN CONFLICT HERewith. - Ms. Stewart

6. Consider approving the Summary of Ordinance 679 AMENDING TITLE 1, CHAPTER 15, SECTION 1-15-12, OF THE MIDDLETON CITY CODE, PERTAINING TO THE GENERAL REQUIREMENTS FOR VENDORS, SOLICITORS AND TEMPORARY MERCHANTS PERMITS AND AMENDING TITLE 4, CHAPTER 1, SECTION 4-1-1 OF THE MIDDLETON CITY CODE REGARDING BUILDING PERMIT REQUIREMENTS; PROVIDING FOR AN EFFECTIVE DATE; PROVIDING FOR SEVERABILITY; AND REPEALING ALL ORDINANCES, RESOLUTIONS, ORDERS AND PARTS THEREOF, IN CONFLICT HEREWITH. - Ms. Stewart
7. **Public Hearing:** Consider approving Resolution No. 484-23: A RESOLUTION OF THE MIDDLETON CITY COUNCIL, MIDDLETON, CANYON COUNTY, IDAHO, AMENDING THE CURRENT FEE SCHEDULE TO, ADD NEW FEES FOR FOOD TRUCK VENDOR TEMPORARY MERCHANTS PERMIT, ADDITIONAL CONSTRUCTION REINSPECTION FEES FOR FINAL PLAT/PROJECT CLOSE OUT AND BOND MANAGEMENT INTAKE AND REVIEW FEES, INCREASING BY MORE THAN 5% BUSINESS REGISTRATION FEES, BUILDING PERMIT FEES BASED ON 2021 BVD, SUBDIVISION APPLICATION FEES, AND ZONING APPLICATION FEES, INCREASING BY NOT MORE THAN 5% BULK WATER RATE FEES, HYDRANT METER RENTAL FEES, BACTERIA TESTING FEES, SEWER CONNECTION FEES, WATER CONNECTION FEES, WATER BASE RATE, WATER USE RATE, WASTEWATER BASE RATE, WASTEWATER (SEWER) USE RATE; AND PROVIDING AN EFFECTIVE DATE. THE FEE INCREASES OR NEW FEES ARE NECESSARY TO COVER INCREASED COSTS ASSOCIATED WITH THESE PROGRAMS/SERVICES. – Ms. Miles
8. Consider approving a proposed FY2024 budget to be published according to law prior to the City Council's August 16, 2023, public hearing to consider adopting an annual appropriations ordinance – Ms. Miles

Public Comments:

Mayor, Council and Staff Comments:

Adjourn:

Posted by:


Jennica Reynolds, Deputy Clerk

Date: July 31, 2023, 4:30 p.m.

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

1a

MIDDLETON CITY COUNCIL
JULY 19, 2023

The Middleton City Council Meeting was called to order on July 19, 2023, at 5:31 p.m. by Mayor Steve Rule.

Roll Call:

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

City Attorney Mr. Waterman, Public Works Director Mr. Van Gilder, Planning & Zoning Official Ms. Stewart, and Deputy Clerk Ms. Reynolds were present.

Pledge of Allegiance, Invocation: Jim Taylor

Action Items

A. Approve Agenda

Motion: Motion by Council Member Huggins to approve the Agenda dated July 14, 2023, 5:00 p.m. Motion seconded by Council Member O'Meara and approved unanimously.

Information Item:

1. Introduction of Jacob Sherrer for MURA – Mayor Rule

Mayor Rule introduced the item and Mr. Sherrer gave a brief introduction of himself. He is happy to serve on MURA.

2. Sewer System overview – Amy Woodruff, City Engineer.

Mayor Rule asked Ms. Woodruff to present a review of the city's Sewer System.

- Infiltration and Inflow (I&I): The city has identified and stopped 100,000 gallons per day of I&I. This is a significant savings to the residents because that water is no longer leaking into the sewer system and inadvertently being treated.
- There is a significant benefit to the city if the pilot study can show removal of temperature and other nutrients thorough the uptake in the alfalfa thus negating the need for costly chillers and nutrient removal.
- Middleton needs to upgrade the WWTP to meet the requirements for discharge back into the Boise River. All the cities along the Boise River (in the Treasure Valley) are looking at the new federal requirements and making appropriate upgrades. The previous upgrade before 2012 was 7 million dollars, which is nothing in the wastewater industry. The technology had been selected and it made the most sense for Middleton at that time but is not capable of meeting the limits anticipated.

Action Item:

1. Consent Agenda (items of routine administrative business)

- a. Consider approving minutes for City Council July 5, 2023, Regular meeting.
- b. Consider ratifying payroll for July 14, 2023 in the amount of \$101,556.12.
- c. Consider approving accounts payable through July 19, 2023, in the amount of \$311,839.95.
- d. Consider authorizing the Mayor to accept the quote for the repair of a WWTP headworks pump not to exceed the amount of \$13,209.69. – Mr. Van Gilder

Mayor Rule called the items. He asked Mr. Van Gilder to explain item 1d. Council Member Huggins said she had an email from Council President Kiser who had gone through the accounts payable in the packet. He noted that there was a large check to Integrity Solutions for the camera inspections that was authorized by Council previously and 3 large passthrough checks on this run.

Motion: Motion by Council Member Huggins to approve Consent Agenda Items 1 a, b, c & d. Motion seconded by Council Member O'Meara and approved unanimously.

- 2. Consider authorizing the Mayor to enter into an agreement with the Bloomquist family to accept the donation of a tree to be planted on City property, the placement of a plaque to commemorate that donation, and a plaque to be placed on the back of the "Welcome to Middleton" sign located in Centennial Grove Park. – Mr. Van Gilder**

Mayor Rule called the item and Mr. Van Gilder explained the agreement. Mr. Bloomquist passed away on August 2, 2022. The family has asked if they can place a plaque on the monument sign that he had built for his Eagle Scout project years ago. The family will also donate and plant a tree in Roadside Park.

Motion: Motion by Council Member Huggins authorize the Mayor to enter into an agreement with the Bloomquist family to accept the donation of a tree to be planted on City property, the placement of a plaque to commemorate that donation, and a plaque to be placed on the back of the "Welcome to Middleton" sign located in Centennial Grove Park. Motion seconded by Council Member O'Meara and approved unanimously.

- 3. Consider authorizing the Mayor to approve the Baer Design Group Inc. scope of work not to exceed the amount of \$34,000 to master plan River Walk Park. – Mr. Van Gilder**

Mayor Rule called the item and Mr. Van Gilder explained the item. This is necessary as it is the next logical step in the development of River Walk Park. It was noted that advancing the design will be helpful as the city applies for state grant funding which typically favor 100% design completed prior to grant application.

Motion: Motion by Council Member Huggins to authorize the Mayor to approve the Baer Design Group Inc. scope of work not to exceed the amount of \$34,000 to master plan River Walk Park. Motion seconded by Council Member O'Meara and approved unanimously.

- 4. Consider approval of the final plat for Estates at W. Highland, Phase #2. - Ms. Stewart**

Mayor Rule called the item Ms. Stewart gave a brief overview/report of the final plat. There are 2 phases of this subdivision. This is the last phase.

Motion: Motion by Council Member Huggins to approve the final plat for Estates at W. Highland, Phase #2. Motion seconded by Council Member O'Meara and approved unanimously.

- 5. Consider approving Resolution No. 483-23: A Resolution declaring the value of certain real property intended for conveyance; and declaring the intent to convey said real property by exchange; and calling for a public hearing to be held to take public testimony concerning said proposed conveyance. – Mayor Rule**

Mayor Rule called the item and explained this property exchange with the Higginson's is favorable to the city because the property borders the old walking path and train track that was donated to the city for tax credits during Mayor McKeever's administration. This exchange gives the city full needed right of way to construct Middleton Road. There is an agreement, but this resolution is the first step to get to the public hearing.

Council member O'Meara asked about the cost of moving the fence. Mayor Rule said that cost has been corrected to \$18,000. City feels it is in the City's best interest to let Higginson's build and construct the fence, rather than have the city construct the fence.

Council Member Murray asked if there have been any studies that have been conducted showing that the straightening of Middleton Rd will improve traffic flow.

Ms. Woodruff stated that the city has done extensive analysis and the straightening of Middleton Rd. provides an increasing capacity of 200%.

Mayor Rule stated that there are over 2,000 homes that are approved in Middleton now. The straightening of Middleton Rd is an attempt to route outside through traffic away from downtown Middleton to Nampa and Caldwell. This has been on the radar for decades.

Council Member O'Meara stated that this has been in planning for a long time. It would have behooved the City to acquire this land decades ago.

Mr. Van Gilder stated that there was a study conducted in 2016 identifying the Middleton Rd. corridor with plan to enlarge from 2 lanes to 4 lanes and enlarging or replacing the bridge to 4 lanes.

Council Member Huggins said the straightening of Middleton Rd has been part of the plans since before she became a part of Council. And finally, the City is getting the right of way.

Motion: Motion by Council Member Huggins to approve Resolution No. 483-23: A Resolution declaring the value of certain real property intended for conveyance; and declaring the intent to convey said real property by exchange; and calling for a public hearing to be held to take public testimony concerning said proposed conveyance. Motion seconded by Council Member O'Meara.

Roll Call Vote: Huggins – Yes, Murray – No, O'Meara – Yes. Approved 2 to 1.

6. Public Hearing: Application by City of Middleton for rezone and comprehensive plan map amendment with respect to parcels owned by the City of Middleton (Parcel No. R33900010A0 Middleton Road (approx. 21 acres) and Parcel No. R33910010 (approx. 7 acres)). City is requesting City Council to rezone Parcel R33900010A0 from R-3 (Single Family Residential) to M-U (Mixed Use) and rezone Parcel No. R33910010 from A-R (Agricultural Residential) to M-U (Mixed-Use) in anticipation of a future mixed-use project to be known as the Mill Creek Plaza. City is also requesting that the designation of "Public" on the Comprehensive Plan Future Land Use Map be changed to "Mixed-Use." - Ms. Stewart

Mayor Rule opened the Public Hearing at 6:25 p.m.

Planning & Zoning Official Ms. Stewart presented a PowerPoint of the staff report of the application. (Exhibit 1)

Mayor Rule said this is one of the steps moving forward to get this property staged properly prior to putting out the RFQ.

Council Member Murray stated he thought the 7 acres should be used as an area to re-route the Middle School traffic.

Council Member Huggins asked what the repercussions of changing the zoning now could be on potentially new council members and mayor given this is an election year.

Ms. Stewart said we are strictly talking about zoning right now and laying the foundation for the potential plaza. Any future council members or mayor could come in and change the zoning and change the plan.

Mayor Rule opened public testimony at 6:39 p.m.

No one testified.

Mayor Rule closed public testimony at 6:40 p.m.

Motion: Council Member Huggins moved based upon the facts and law presented to approve the Application by City of Middleton to rezone and parcel numbers R33910010 and R33900010A0 to Mixed-Use. Motion seconded by Council Member O'Meara.

Roll Call Vote: Huggins – Yes, Murray – No, O'Meara – Yes. Approved 2 to 1.

Motion: Council Member Huggins moved based upon the facts and law presented to approve the application by the City of Middleton to amend the Comprehensive Plan Future Land Use Map by changing the land use designation of parcels numbers R33910010 and R33900010A0 to Mixed-Use. Motion seconded by Council Member O'Meara.

Roll Call Vote: Huggins – Yes, Murray – No, O'Meara – Yes. Approved 2 to 1.

7. Consider approving Ordinance 678 OF THE CITY OF MIDDLETON, CANYON COUNTY, IDAHO, TO REZONE CERTAIN REAL PROPERTY SITUATED WITHIN MIDDLETON CITY LIMITS TO M-U (MIXED-USE); DIRECTING THAT COPIES OF THIS ORDINANCE BE FILED AS PROVIDED BY LAW; AND PROVIDING AN EFFECTIVE DATE. - Ms. Stewart

Mayor Rule called the item.

Motion: Motion by Council Member Huggins to read Ordinance 678 by Title Only. Motion seconded by Council Member O'Meara and approved unanimously.

Council Member Huggins read Ordinance 678 by Title Only.

Motion: Motion by Council Member Huggins to waive the 3-reading rule and adopt Ordinance 678. Motion seconded by Council Member O'Meara.

Roll Call Vote: Huggins – Yes, Murray – Yes, O'Meara – Yes. Approved unanimously.

8. Consider adopting Resolution 482-23 PURSUANT TO IDAHO CODE § 67-6509(C), OF THE CITY COUNCIL OF THE CITY OF MIDDLETON, IDAHO, AN IDAHO MUNICIPAL CORPORATION, REPLACING THE FUTURE LAND USE MAP. - Ms. Stewart

Mayor Rule called the item.

Motion: Motion by Council Member Huggins to approve Resolution 482-23 replacing the Future Land Use Map of the City's Comprehensive Plan with a new Future Land Use Map showing the use for the parcels proposed for the Mill Creek Plaza as Mixed-Use. Motion Seconded by Council Member O'Meara.

Roll Call Vote: Huggins – Yes, Murray – Yes, O'Meara – Yes. Approved unanimously.

Mayor Rule closed the Public Hearing at 6:44 p.m.

9. Consider approving ORDINANCE 679 AMENDING TITLE 1, CHAPTER 15, SECTION 1-15-12, OF THE MIDDLETON CITY CODE, PERTAINING TO THE GENERAL REQUIREMENTS FOR VENDORS, SOLICITORS AND TEMPORARY MERCHANTS PERMITS AND AMENDING TITLE 4, CHAPTER 1, SECTION 4-1-1 OF THE MIDDLETON CITY CODE REGARDING BUILDING PERMIT REQUIREMENTS; PROVIDING FOR AN EFFECTIVE DATE; PROVIDING FOR SEVERABILITY; AND REPEALING ALL ORDINANCES, RESOLUTIONS, ORDERS AND PARTS THEREOF, IN CONFLICT HEREWITH. - Ms. Stewart

Mayor Rule called the item. Ms. Stewart explained the changes.

City Attorney Mr. Waterman clarified the rough proportionality regarding mitigation and impact of development.

Discussion about the ordinance between Council and Ms. Stewart.

Council Member Huggins would like Council President Kiser to be able to weigh in on this ordinance before it is passed. She would like to not waive the 3-reading rule.

Motion: Motion by Council Member Huggins to read Ordinance 679 by Title Only for the 1st reading. Motion seconded by Council Member O'Meara.

Council Member Huggins read Ordinance 679 by Title Only for the 1st reading.

This Ordinance will be brought back before the Council for the 2nd reading at a future meeting.

(Tabled to Future meeting)

10. Consider approving the Summary of Ordinance 679 AMENDING TITLE 1, CHAPTER 15, SECTION 1-15-12, OF THE MIDDLETON CITY CODE, PERTAINING TO THE GENERAL REQUIREMENTS FOR VENDORS, SOLICITORS AND TEMPORARY MERCHANTS PERMITS AND AMENDING TITLE 4, CHAPTER 1, SECTION 4-1-1 OF THE MIDDLETON CITY CODE REGARDING BUILDING PERMIT REQUIREMENTS; PROVIDING FOR AN EFFECTIVE DATE; PROVIDING FOR SEVERABILITY; AND REPEALING ALL ORDINANCES, RESOLUTIONS, ORDERS AND PARTS THEREOF, IN CONFLICT HEREWITH. - Ms. Stewart

Public Comments:

Jim Taylor: In past administrations public comments were allowed to be made on individual items. He would like to see that reinstated. He also believes that council members should recuse themselves when there are items brought forward that could create a conflict of interest given their employment.

Mikel Galloway: Concerned there was not a unanimous vote to waive the permit fees for the

School District for the 5 portable classrooms at the last council meeting. All kids that go to Middleton schools are Middleton kids regardless of if they live in the City or County.

Mayor, Staff and Council Comments:

Council Member Murray: Concerned that the 7 acres came up as part of the rezone. He believes the 7 acres could have been used for a parking lot with the School District had it been brought up. Would like to have a more comprehensive discussion in the future.

Mayor Rule: Doesn't disagree with Council Member Murry. He said this zoning change came up as part of the RFQ discussion well after the parking lot discussion was presented to the council.

Council Member Huggins: Concerned the minutes reflect to "waive" the fees. That verbiage makes it sound like we made the fees zero. The fees of \$17,000 didn't go away, they are only being charged to the Middleton City Residents. Those fees still go out in wages, benefits and city employee's time. She would like there to be an information item as a council discussion regarding the percentage of other taxing districts that the city is willing pay for.

Mayor Rule: Months ago, Councilman Murray asked for an update to the Comprehensive Plan. The City received only one application and Mayor asked Ms. Stewart to get more. Currently the City is vetting 3 applicants to update the Comprehensive Plan and hope to have them presented to Council in the near future. It has taken longer to get going than anticipated.

Adjourn: Mayor Rule adjourned the meeting at 7:27 p.m.

ATTEST:

Mayor, Steve Rule

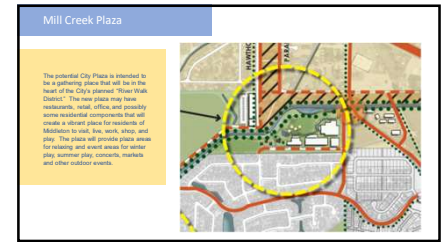
Jennica Reynolds, Deputy Clerk
Minutes Approved: August 2, 2023



1



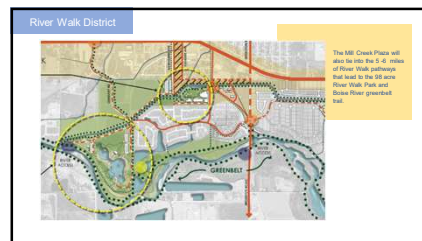
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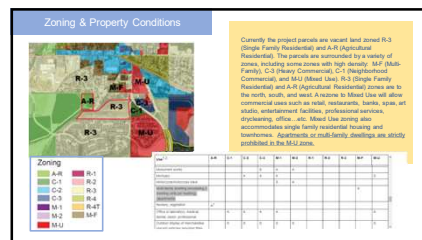
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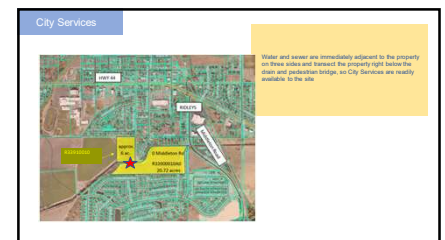
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7



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9

Rezone

Findings:

Planning Staff finds that the rezone will not adversely affect the City's ability to deliver services because the project is an in-fill project and City services, roads, infrastructure and schools already surround the site.

Planning Staff also finds that the rezone request is in harmony with the Comprehensive Plan. Specifically, it is in compliance with the following Goals & Strategies:

Goal 7: The rezone and subsequent project will "involve commercial development that provides employment opportunities for residents."

Goal 8: The project will "promote a vibrant community that attracts businesses and people. It will also improve the tourism economy in the City and will establish facilities that help utilize the river heritage and outdoor recreation areas."

Goal 16: Project "designs open spaces as part of large-scale developments and locates buildings/nearby public spaces to promote activity."

Goal 22: Project "establishes interesting gathering places that encourage walkability and promotes good health and positive social interaction."

City Staff is requesting that the 20-acre parcel that is currently zoned R-2 and the seven-acre parcel that is currently zoned A-1 be rezoned to M-2.

An application for rezone requires two findings before the Council can approve the application: (1) the rezone will not adversely affect the City's delivery of services and (2) the rezone request is not in conflict with the Comprehensive Plan. (State Code 67-4511)

10

Comprehensive Plan Amendment

Although the rezone and future Plaza project are in harmony with the Goals and Strategies of the City's Comprehensive Plan, it does not comply with the Future Land Use Map that shows the project parcels to be "Public." City Staff requests that the PLUM be amended to allow the project parcels as Mixed Use, which is defined in the Comprehensive Plan as a combination of Commercial and Residential uses.

In order to amend the Comprehensive Plan Maps, the Governing Board needs to find that the proposed amendment is in harmony with the Comprehensive Plan (MCC 1-14-3).

Main St

Area

- Commercial
- Residential
- Mixed Use
- Public
- Recreational

FINDINGS:

City Staff finds that an amendment to the PLUM changing the project parcels from "Public" to "Mixed Use" is in harmony with the stated goals in the Comprehensive Plan as shown on the previous slide.

11

Comments Received from Surrounding Landowners were attached as Exhibit A to the staff report and report.

Applicable Codes: Middleton City Code 1-14 and 9-2 and Idaho State Statute 67-4511

Notices & Neighborhood Meeting:	Date:
Newspaper Notification	7/3/2023
Radius notice to adjacent landowners	6/27/2023
Circulation to Agencies	6/27/2023
Sign Posting properly	6/26/2023
Neighborhood Meeting	5/25/2023

P&Z Commission Recommendation: The P&Z Commission considered City's applications at a public hearing on June 12, 2023. The Commission recommended approval of the application. FCR

12

Conclusions and Recommended Conditions of Approval:

Per State law and the Middleton City Code, any decision on a land use application must be based upon findings of facts and conclusions of law.

As to Findings of Facts: Planning Staff has set forth findings of facts above in parentheses.

As to Conclusions of Law: Planning Staff finds that City Council has the authority to hear these applications and to approve or deny the applications. 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 decision on the application.

If the Council is inclined to recommend approval of the applications, then Planning Staff & the P&Z Commission do not recommend any conditions of approval.

If the Council denies the applications, then Council should state what the applicant can do if anything, to obtain approval. (Middleton City Code 1-14-3)(8).

13



rezone and comprehensive plan map amendment with respect to parcels owned by the City of Middleton (Parcel No. R33900010A0 Middleton Road (approx. 21 acres) and Parcel No. R33910010 (approx. 7 acres)).

July 19, 2023 - City Council - Public Hearing

Please check

	Name	Address	Phone or Email	Please check			
				In Favor	Neutral	Opposed	Testify
1	Jia Taylor	1052 Trough Hill Rd	2086725821				
2							
3							
4							
5							
6							
7							
8							
9							



Public Comment Sign In

City Council - July 19, 2023

	Name	Address	Phone or Email	Topic/Agenda Item #
1	Jim Taylor	1052 Triumph Dr	208-602-8984	
2	Mike Galloway	8425 Sprucefield Dr	208-891-5018	
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1b

1c

1d

Middleton City Council

Findings of Facts, Conclusions of Law, and Order



In the Matter of the Request of the City of Middleton for rezone and Comprehensive Plan map amendment pertaining to parcels owned by the City of Middleton (Parcel No. R33900010A / 0 Middleton Road and Parcel No. R33910010):

A. Findings of Fact:

1. Hearing Facts: See Staff Report for the hearing date of July 19, 2023, 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 July 19, 2023, Exhibit "A".
3. Application and Property Facts: See Staff Report for the hearing date of July 19, 2023, Exhibit "A".
4. Required Findings per Middleton City Code 1-14-2(E)(7), Idaho State Statue Title 67, Chapter 65, Middleton City Code 1-14, 1-15 and 5-2. See Staff Report for the hearing date of July 19, 2023, Exhibit "A".

B. Conclusions of Law:

1. That the City of Middleton 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.
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 the City has kept a record of the application and related documents.
5. That codes and standards applicable to the applications are Idaho State Statue Title 67, Chapter 65, and Middleton City Code 1-14, 1-15 and 5-2.

C. Decision and Recommendation:

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 the City of Middleton to rezone Parcel No. R33900010A0 from R-3 (Single Family Residential) to M-U (Mixed Use), rezone the seven acres of Parcel No. R339100100 from A-R (Agricultural Residential) to M-U is approved.
2. The application of the City of Middleton to change the land use designation from

“Public” to “Mixed Use” on the Comprehensive Plan’s Future Land Use Map with respect to Parcel Nos. R33900010A0 and R339100100 is approved.

WRITTEN ORDER APPROVED ON: August____, 2023.

Steven J. Rule
Mayor, City of Middleton

Attest:

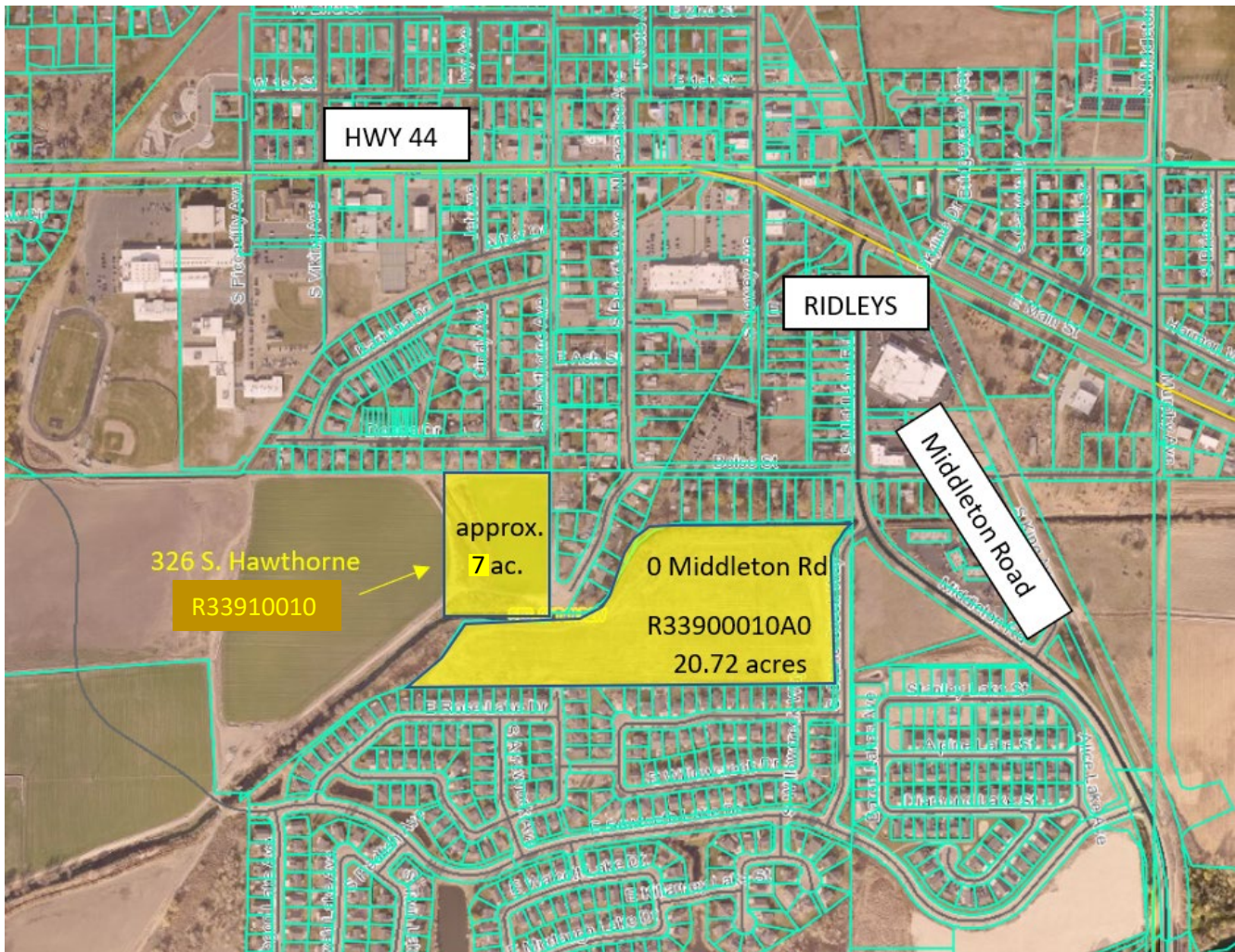
Roberta Stewart
Planning and Zoning Official

EXHIBIT "A"



STAFF REVIEW AND REPORT Middleton City Council

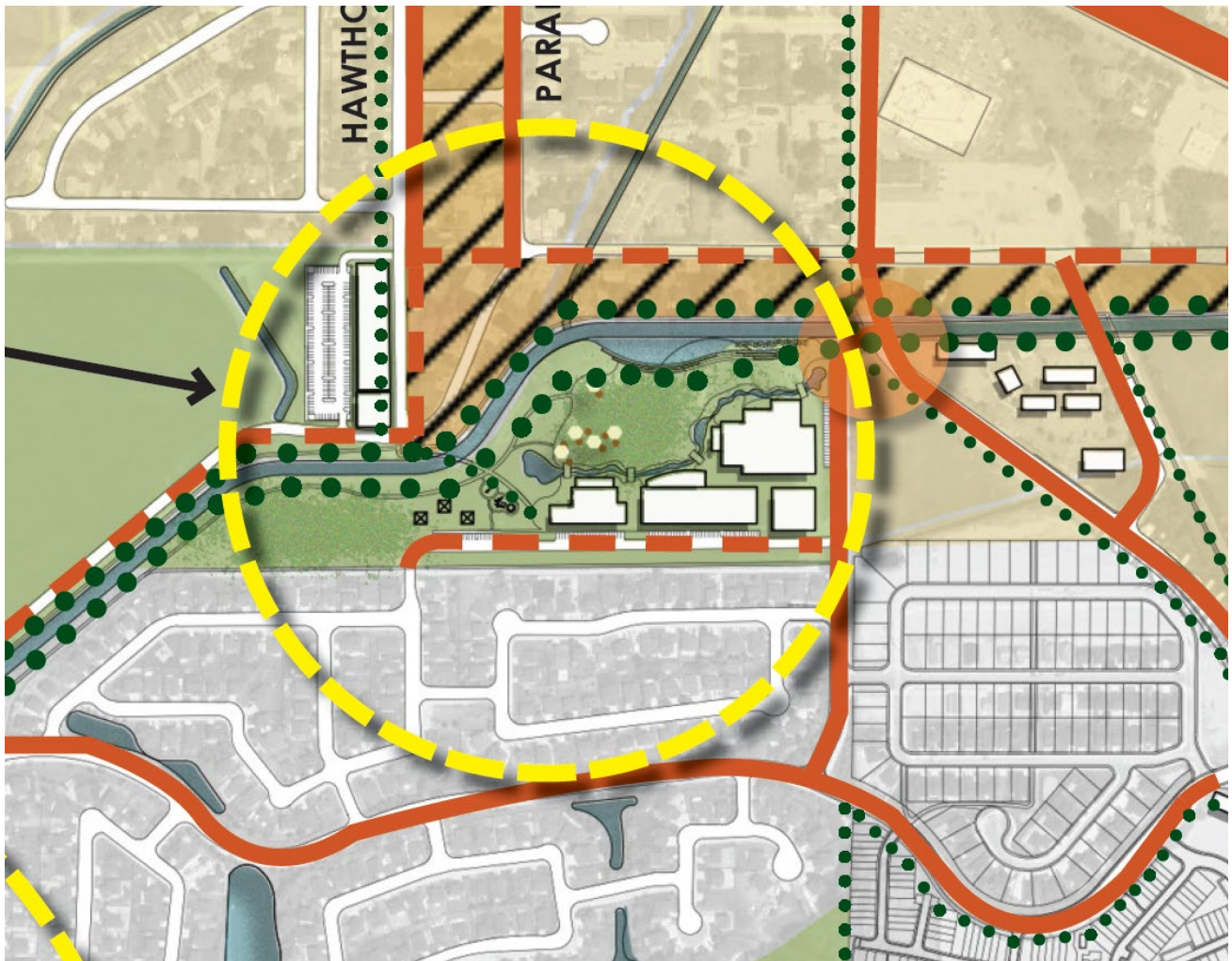
Mill Creek Plaza Rezone & Comprehensive Plan Map Amendment



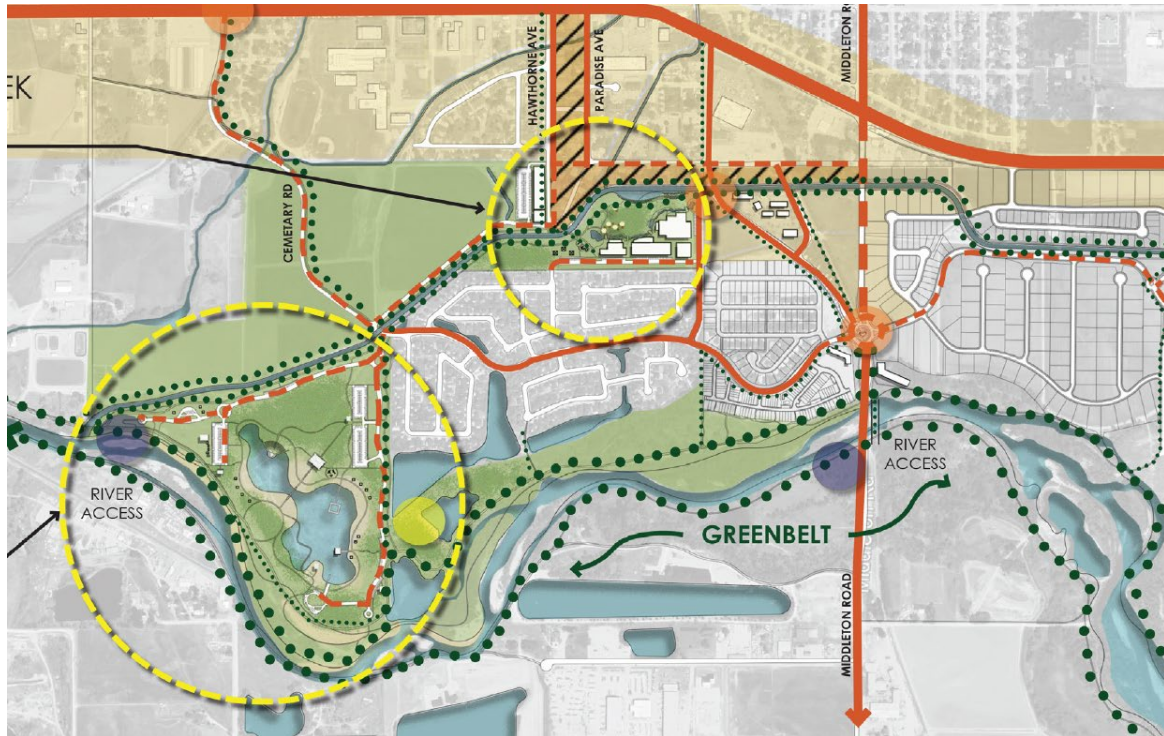
- A. City Council Hearing Date:** July 19, 2023
- B. Application Request & Project Description:** City application for rezone of two parcels owned by the City of Middleton (Parcel No. R33900010A / 0 Middleton Road (approx. 20.75 acres) and Parcel No. R33910010 (approx. 7 acres)). City Staff is

requesting the governing boards to rezone the properties from R-3 (Single Family Residential) and A-R (Agricultural Residential) to M-U (Mixed-Use) to pave the way for a future mixed-use project known as the Mill Creek Plaza. The Rezone request will also require a change to the Comprehensive Plan's Future Land Use Map ("FLUM") to change the designation on the FLUM from "Public" to "Mixed Use".

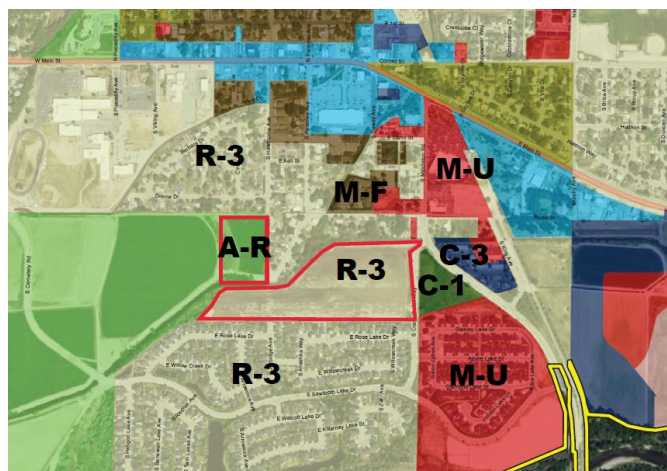
The new City Plaza is intended to be a gathering place that will be in the heart of the City's planned "River Walk District." The new plaza may have restaurants, retail, office, and possibly some residential components that will create a vibrant place for residents of Middleton to visit, live, shop, work and play. The plaza will provide plaza areas for relaxing and event areas for winter play, summer play, concerts, markets and other outdoor events.















The Mill Creek Plaza will also tie into the five to six miles of River Walk pathways that lead to the 98 acre River Walk Park and Boise River greenbelt trail.



- C. Current Zoning, Land Use & Property Condition:** Currently the project parcels are vacant land zoned R-3 (Single Family Residential) and A-R (Agricultural Residential). City leases the property to a farmer to grow alfalfa. The parcels are surrounded by a variety of zones, including some zones with high density: M-F (Multi-Family), C-3 (Heavy Commercial), C-1 (Neighborhood Commercial), M-U (Mixed Use), R-3 (Single Family Residential) and A-R (Agricultural Residential).



Zoning

	A-R		R-1
	C-1		R-2
	C-2		R-3
	C-3		R-4
	M-1		R-4T
	M-2		M-F
	M-U		

A rezone to Mixed Use will allow commercial uses such as retail, restaurants, banks, spas, art studio, entertainment facilities, professional services, office...etc. Mixed Use zoning also accommodates single family residential housing and townhomes. Apartments or multi-family dwellings are strictly prohibited in the M-U zone.

Use ^{1,2}	A-R	C-1	C-2	C-3	M-1	M-2	R-1	R-2	R-3	M-F	M-U
Monument works				S	A	A					
Mortuary			A	A	A						S
Motorcycle/motocross track					S	A					
Multi-family dwelling (exceeding 2 dwelling units per building) (apartments)										S	
Nursery, vegetation	A ⁷										
Office or laboratory, medical, dental, vision, professional		A	A	A	A						A
Outdoor display of merchandise (except vehicles requiring titles)		S	S	S	S	S					S

- D. City Services:** Water and sewer are immediately adjacent to the property on three sides and transect the property right below the drain and pedestrian bridge, so City Services are readily available to the site.
- E. Rezone:** Applicant is requesting that the 20.75 acre parcel that is currently zoned R-3 be rezoned to M-U and requesting that the seven acre property that is currently zoned A-R be rezoned to M-U.

An application for rezone requires two findings before the Council can approve the rezone: (1) the rezone will not adversely affect the City's delivery of services and (2) the rezone request is not in conflict with the Comprehensive Plan. (Idaho Code 67-6511)

FINDINGS:

Planning Staff finds that the rezone will not adversely affect the City's ability to deliver services because it is an in-fill project that is surrounded by City roads, schools, infrastructure, and utilities, including sewer and water.

Planning Staff also finds that the rezone request is in harmony with the Comprehensive Plan. Specifically, the rezone is in compliance with the following Goals & Strategies:

Goal 7: The rezone and subsequent project will "invite commercial development that provides employment opportunities for residents."

Goal 8: The project will "promote a vibrant community" that attracts businesses and people. It will also improve the tourism economy in the City and will establish facilities that help utilize the river frontage and outdoor recreation areas.

Goal 9, Strategy 2: The project “creates a river district between Whiffin Lane and Duff Lane south of Highway 44 and adjacent to the Boise River”.

Goal 10: Project “designs open spaces as part of large-scale developments and locates buildings near open, public spaces to promote activity”.

Goal 22: Project “establishes interesting gathering places that encourage walkability and promotes good health and positive social interaction.”

- F. Comprehensive Plan Map Amendment:** Although the rezone and future Plaza project are in harmony with the Goals and Strategies of the City’s Comprehensive Plan, it does not fit squarely with the Future Land Use Map that shows the project parcels to be “Public.” City Staff requests that the FLUM be amended to show the project parcels as Mixed Use, which is defined in the Comprehensive Plan as a combination of Commercial and Residential uses.



In order to amend the Comprehensive Plan Maps, Council must determine that the proposed amendment is in harmony with the Comprehensive Plan. (MCC 1-14-3)

City Staff finds that an amendment to the FLUM changing the project parcels from “Public” to “Mixed Use” is in harmony with the stated goals in the Comprehensive Plan. As shown above, the Comprehensive Plan contemplates a River District with commercial plaza and gathering place south of Hwy 44 between Whiffen and Duff Lane. Additionally, changing the FLUM from “Public” to “Mixed-Use” comports with Goals, 7, 8, 9, 10 & 22, as already stated above.

- G. Comments Received from Surrounding Landowners:** Public Comments received via email are attached as Exhibit “A”
- H. Comments from Agencies:** See Exhibit “B”
- I. Comments from City Engineer and Planning Staff:** None N/A

J. Notices & Neighborhood Meeting:	Dates:
Newspaper Notification	7/2/2023
Radius notice to adjacent landowners	6/27/2023
Circulation to Agencies	6/27/2023
Sign Posting property	6/26/2023
Neighborhood Meeting	5/25/2023

K. Applicable Codes and Standards:

Middleton City Code 1-14 and 5-2, and Idaho State Statute 67-6511.

- L. Planning & Zoning Recommendations:** The P&Z Commission considered City's applications for Rezone and Comprehensive Plan Map Amendment at a public hearing held on June 12, 2023. The Commission recommended approval of both applications with no additional conditions of approval noted. (The FCR has not be approved and finalized because the July 10, 2023 P&Z Meeting was canceled.)

M. Conclusions and Recommended Conditions of Approval:

Per State law and the Middleton City Code, City Council's decisions on a land use application must be based upon findings of facts and conclusions of law.

As to Findings of Facts, Planning Staff has set forth findings of facts above in parentheses.

As to Conclusions of Law, Planning Staff finds that the Council has the authority to hear these applications and to recommend approval or denial of the applications. 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 recommendation on the applications.

Rezone and Comprehensive Plan Map Amendment Applications: If City Council is inclined to approve the applications, then Planning Staff and the P&Z Commission do not recommend any conditions of approval.

If the Council denies the applications, then Council should state what the applicant can do, if anything, to obtain approval. (Middleton City Code 1-14(E)(8)).

Prepared by Roberta Stewart
Planning & Zoning Official

Dated: 7/12/2023

EXHIBIT "A"

Public Comments

From: [Connor Southerton](#)
To: [Roberta Stewart](#)
Subject: Neighborhood meeting for May 25th
Date: Tuesday, May 16, 2023 3:02:57 PM

for the rezoning of the lots near Middleton Road and Middleton Lakes Subdivision.

I cannot make the meeting, but wanted it known as a resident of Middleton Lakes. I am for the rezoning of that area to mixed use. I am also for the park and river walk behind the subdivision. Thank you! Let me know if I can do anything else to help.

--

Connor Southerton, Middle School Minister

eaglechristianchurch.com | 503.360.4198



From: [Brian Jordan](#)
To: [Roberta Stewart](#)
Subject: Rezoning S. Hawthorne
Date: Monday, May 15, 2023 10:17:24 AM

I am writing today about the cities plan to rezone South Hawthorne south of Donna st. I am 100% against this idea. We don't need any more traffic on Hawthorne. Paradise already has business on it, and the road already extends to the creek. We do not need businesses North of mill creek. South of the creek is fine, but this is a quiet neighborhood that does not need the extra traffic and the potential crime related to more traffic.

Thank you for your time

Brian Jordan
313 Cindy Ave

From: [Sioux Danes](#)
To: [Roberta Stewart](#)
Subject: rezone parcel number R33900010A0 AND R339100000
Date: Thursday, May 25, 2023 3:45:58 PM
Attachments: [park.pdf](#)

ABSOLURELY NOT!!!!!!

THIS IS TO BE PARK, NEEDS TO REMAIN BEING PARK, WE DO NOT NEED MORE HOUSES AND DEFINITELY NO MORE TRAFFIC!

FIRST THE MAYOR AND CITY COUNCIL PUT IN A ROCK QUARRY WHERE THE LOWER END OF THE PARK WAS TO BE WITHOUT NOTIFYING US AND NOW THIS!

YOU NEED MORE REVENUE, IT NEEDS TO BE BUSINESS IN A BUSINESS AREA. NOT STUFF MORE OF THIS DOWN OUR THROATS,

THEY ARE DESTROYING THIS PART OF OUR COMMUNITY AND THIS NEIGHBORHOOD. THIS IS JUST ONE OF THE SEVERAL INFARCTIONS THEY HAVE IMPOSED ON OUR NEIGHBORHOOD.

I ALSO REALIZE THAT IT WAS BY DESIGN THAT YOU PICKED THIS DATE FOR THE MEETING, SCHOOL IS OUT TODAY, PEOPLE ARE ATTENDING GRADUATIONS, LEAVING TOWN FOR THE THREE DAY WEEKEND,

GUARANTEEING LOW ATTENDANCE TO THE MEETING... I AM TIRED OF THESE SIDEWAYS POLITICS

ATTACHED YOU WILL FIND A MAP OF THE PARK.....

KEEP IT A PARK!!!!

EXHIBIT B

Comments from Agencies

Communities in Motion (CIM) Development Review Checklist

Development Name: Mill Creek

CIM Vision Category: Activity Center

Consistent with **CIM Vision**? NO

New Households: ±160 New Jobs: ±300



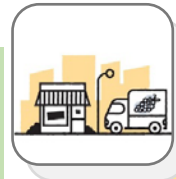
Safety

How safe and comfortable is the nearest major road (minor arterial or above) for bicyclists and pedestrians? Analysis is limited to existing roadway conditions.

N/A

Pedestrian level of stress N/A

Bicycle level of stress N/A



Economic Vitality

To what extent does the project enable people, government, and businesses to prosper?

Economic Activity Center Access ☒

Impact on Existing Surrounding Farmland ☒

Net Fiscal Impact N/A



Convenience

What services are available within 0.5 miles (green) or 1 mile (yellow) of the project?

Nearest bus stop ☒

Nearest public school ☒

Nearest public park ☒



Quality of Life

Checked boxes indicate that additional information is attached.

Active Transportation ☐

Automobile Transportation ☐

Public Transportation ☐

Roadway Projects ☐



Improves performance



Does not improve or reduce performance



Reduces performance

Comments:

The estimated number of jobs exceeds growth forecasted for this area. However, the proposal is a mix of residential and retail, which can reduce congestion by decreasing the amount of single occupancy vehicle trips generated and encourage non-motorized travel. On Middleton Road, Valley Regional Transit (VRT)'s [Transportation Development Plan 2023-2027](#) shows a future express bus route connecting Middleton, Star, Meridian, and Caldwell (FR-017-0). The project is currently in preliminary development. Consider working with VRT staff to site a future stop location on Middleton Road.

Who we are: The Community Planning Association of Southwest Idaho (COMPASS) is the metropolitan planning organization for Ada and Canyon Counties. This review evaluates whether land developments are consistent with [Communities in Motion](#), the regional long-range transportation plan for Ada and Canyon Counties. This checklist is not intended to be prescriptive, but rather a guidance document. Past checklists are available [online](#). See the [Development Review User Guide](#) for more information on the red, yellow, and green checklist thresholds.

Sent: 7/7/23



<https://compassidaho.org/>



info@compassidaho.org



COMPASS
COMMUNITY PLANNING ASSOCIATION
of Southwest Idaho

Complete Network Appendix

Checkmarks (✓) below indicate suggested changes to a site plan, based on the [COMPASS Complete Network Policy \(No. 2022-01\)](#). Both the Complete Network Policy and site-specific suggestions are intended to better align land use with identified transportation uses in the corridor. Please see the Complete Network [map](#) for primary and secondary uses for roadways (minor arterial and above) in Ada and Canyon Counties.

Corridor Name:	Middleton Road
Primary Use:	Public Transportation
Secondary Use:	Freight

Long-Term Funded and Unfunded Capital Projects

CIM Priority Corridor:	Middleton Road (Cherry Lane to State Highway 44) & State Highway 44 (Interstate 84 (Exit 25) to Star Road)
-------------------------------	--

Widening Middleton Road (Cherry Lane to State Highway 44) to five lanes is the number 1 local system priority in *Communities in Motion 2050* and is unfunded.

A future study will determine transportation needs along State Highway 44.

More information on transportation needs and projects based on forecasted future growth is available at: <https://cim2050.compassidaho.org/projects-and-priorities/project-priorities/>

Short-Term Funded Capital Projects

Study (PEL), SH-44, I-84 to Star Road, Canyon County

Regionally Significant: ☐ ☒ Inflated TIP Achievement:
Key #: 23630 Support

Requesting Agency: ITD

Project Year: 2023

Total Previous Allocations: \$0

Total Programmed Budget: \$3,000

Total Cost (Prev. + Prog.): \$3,000

Project Description

Conduct a Planning and Environmental Linkages (PEL) study to evaluate the environmental impacts of widening or realigning State Highway 44 between Interstate 84 and Star Road in Canyon County. (Included as a "hold." Construction is unfunded.)



Funding Source		STBG-State	Program				State Hwy - Early Development	Total	Local Match 7.34%	
Cost Year*	Preliminary Engineering	Preliminary Engineering Consulting	Right-of-Way	Utilities	Construction Engineering	Construction			Federal Share	Local Share
2023	0	3,000	0	0	0	0		3,000	2,780	220
Fund Totals:	0	3,000	0	0	0	0		3,000	2,780	220

Source: *The COMPASS Transportation Improvement Program (TIP). The TIP is a short-range (seven-year) budget of transportation projects for which federal funds are anticipated, along with non-federally funded projects that are regionally significant and is available at:*

<https://compassidaho.org/transportation-improvement-program/>



CITY OF MIDDLETON

PO Box 487, 1103 W. MAIN ST.,
MIDDLETON, ID 83644
208-585-3133
WWW.MIDDLETONIDAHO.US



ADMINISTRATION

BEER WINE
APPLICATION/LICENSE
REV 4/2023

ANNUALLY June 1 – May 31

- ☐ New License
☐ Renewal

☒ Transfer

SALE FOR ON-PREMISE CONSUMPTION

- () BEER (\$200.00)
() WINE (\$200.00)

SALE FOR OFF-PREMISE CONSUMPTION

- () BEER (\$50.00)
() WINE (\$200.00)

OFFICE USE ONLY:

RECEIPT

\$ _____

LICENSE

Applicant Name: Devendra Balderas

Business Name: The Bank Bar LLC

Business Address (Street/P.O. Box/City/Zip): 21 N. Dewey Ave Middleton ID 83644

Mailing Address (Street/P.O. Box/City/Zip): 1001 Condor Dr. Middleton ID 83644

Business phone: 2085855810 Other Phone: 2083533859

Email address: dev_balderas@yahoo.com

- Attach a detailed description of the premises to be licensed and interior and exterior site and floor plan.
- Attach a copy of your State and County Alcohol Beverage Licenses.
- Attach a copy of current Certificate of Inspection – Commercial Occupancy Fire & Life Safety from Middleton Fire Department.

7/14/23
Date

[Signature]
Applicant Signature

Devendra Balderas
Print Name

LICENSE

Application Approved by City Council on (date): _____

Application Denied: _____

License is hereby issued this _____ day of _____, 20____.

City Clerk

Notes: _____

June 23, 2023

Letter ID: L1227602880

Reference: 006040884-08

BANK BAR LLC
601 CONDOR DR
MIDDLETON ID 83644-5912



Dear Taxpayer,

Your application for an Idaho Seller's Permit has been accepted. You have been approved to file on a Monthly basis, and the number assigned to you is shown on the attached permit. Tax reporting forms (returns) are being sent to you in a separate mailing. You must file a return even if no tax is due.

After one year, you may file a written request to change your filing frequency.

Call us at (208) 334-7660 in Boise or toll free at (800) 972-7660, if you need help filing your returns or have questions about sales tax. You can also find sales tax information at tax.idaho.gov/sales.

aL116A

POST IN A VISIBLE PLACE
THIS PERMIT IS NOT TRANSFERABLE
IDAHO STATE TAX COMMISSION
SELLER'S PERMIT

THE BUSINESS NAMED BELOW HAS BEEN GRANTED THIS PERMIT, WHICH IS VALID UNTIL CANCELLED, REVOKED, OR SUSPENDED FOR CAUSE AS PROVIDED BY LAW.

ISSUED TO:

DEVENDRA R BALDERAS
BANK BAR LLC
21 N DEWEY AVE
MIDDLETON, ID 83644-5900



Permit Number: 006040884

Issue Date: 06/23/2023

Effective Date: 07/01/2023

0101L1227602880

State of Idaho

Idaho State Police

Cycle Tracking Number: 143808

Premises Number: 2C-24313

Retail Alcohol Beverage License

License Year: 2024

License Number: 24313

This is to certify, that The Bank Bar LLC

doing business as: The Bank Bar

is licensed to sell alcoholic beverages as stated below at:

21 N Dewey Ave, Middleton, Canyon County

Acceptance of a license by a retailer shall constitute knowledge of and agreement to operate by and in accordance to the Alcohol Beverage Code, Title 23. Only the licensee herein specified shall use this license.

County and city licenses are also required in order to operate.

Liquor	No
Beer	Yes <u>\$20.00</u>
Wine by the bottle	No
Wine by the glass	Yes <u>\$20.00</u>
Kegs to go	No
Growlers	Yes <u>\$0.00</u>
Restaurant	No
On-premises consumption	Yes <u>\$0.00</u>
Multipurpose arena	No
Plaza	No

TOTAL FEE: \$40.00

License Valid: 07/12/2023 - 05/31/2024

Expires: 05/31/2024

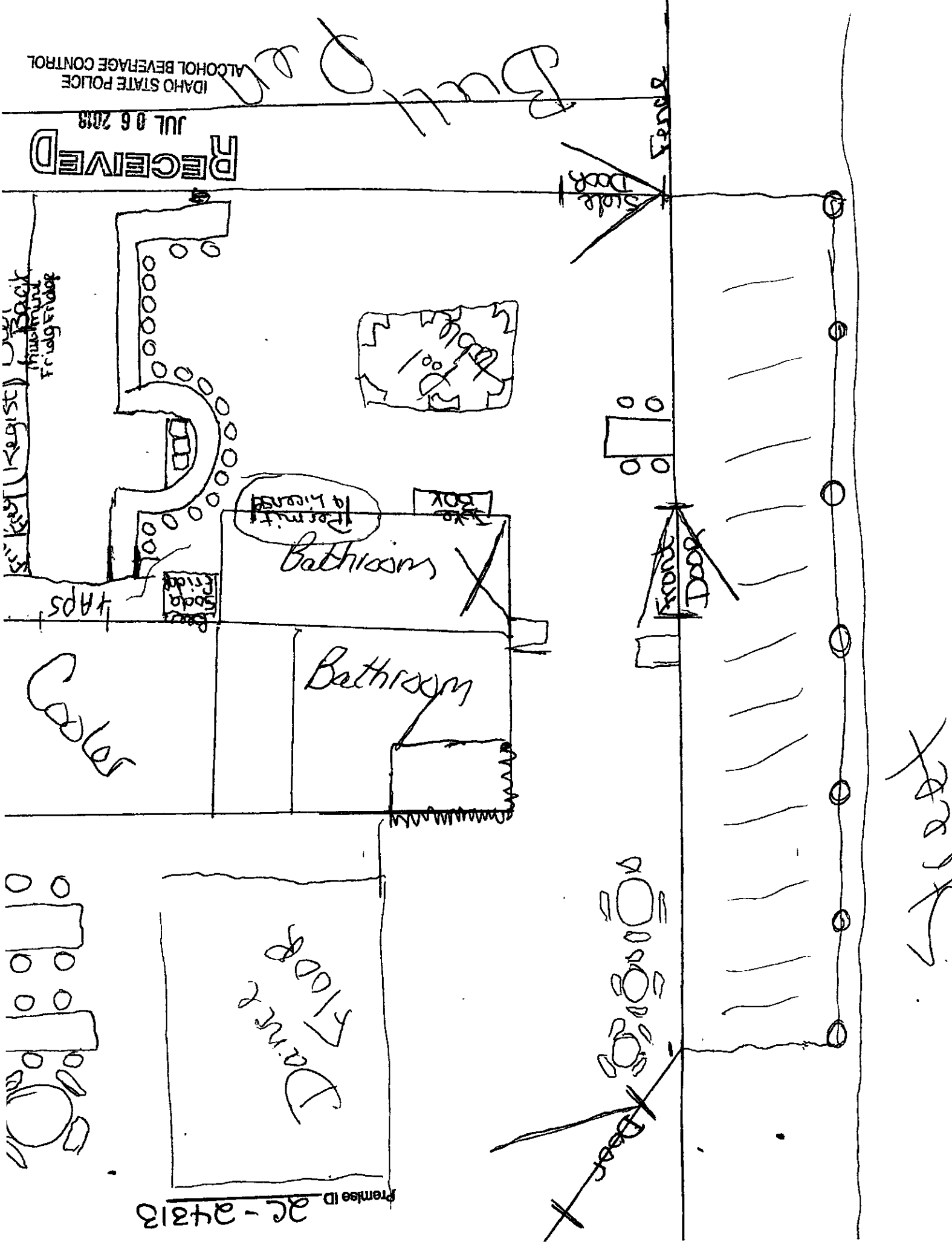
Dewey
 Signature of Licensee, Corporate Officer, LLC Member or Partner

THE BANK BAR LLC
 THE BANK BAR
 601 CONDOR DR

MIDDLETON, ID 83644

Mailing Address





RECEIVED
JUL 06 2018
IDAHO STATE POLICE
ALCOHOL BEVERAGE CONTROL

Premise ID
AC-24313

Back



CITY OF MIDDLETON

Retail Alcoholic Beverage License No. 2023-06

THIS IS TO CERTIFY THAT SILVIA K LANE, doing business as The Vault 21 Club located at 21 N Dewey Ave, Middleton, Idaho 83644, a business within the corporate limits of the City of Middleton, Idaho, is licensed to sell Alcoholic Beverages as stated below subject to the provisions of the laws of the State of Idaho, in particular Idaho Code Title 23, and further, subject to the provisions of Middleton City Code §3-4. Said license was ratified by the Middleton City Council on May 17, 2023.

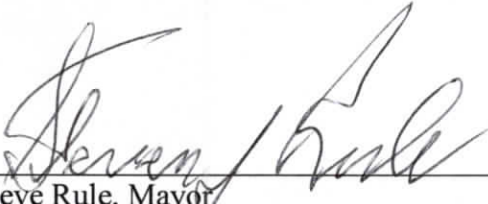
Beer X Wine X

Authorized Dates of License: June 1, 2023, to May 31, 2024

Fees Paid:

Beer for On-Premise Consumption	<u>\$200.00</u>
Wine for On-Premise Consumption	<u>\$200.00</u>

TOTAL FEE \$400.00 Receipt No. 1.247103



Steve Rule, Mayor

5-24-2023

Date



Jeff Smith, Chief of Police

5-22-23

Date

*This license is not transferable or assignable.
PLEASE POST PROMINENTLY IN PLACE OF BUSINESS*

P.O. Box 487 ▪ 1103 W. Main St. ▪ Middleton, ID 83644 ▪ (208) 585-3133
utilities@middletonidaho.us ▪ www.middleton.id.gov



Idaho State Police

Alcohol Beverage Control
700 S. Stratford Dr. Ste 115
Meridian, ID 83642
Phone: (208) 884-7060

AFFIDAVIT – RELEASE OF LICENSE

I/we, the undersigned, regarding herein named license:

Alcohol License No.: 24313; Premises ID No.: 2C-24313

doing business as The Vault 21 Club located in the city of Middleton

County of Canyon, State of Idaho, transferred on this 28 day of June

2023 the use of said license to the following person(s) or entity (new applicant name(s)):

Devendra Balderras 21 W Dewey Ave Middleton Id.
Name Address 83644

Name Address

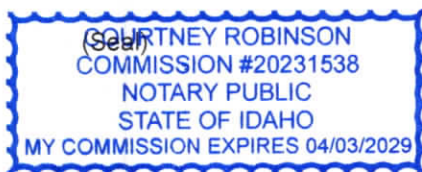
Name Address

DISCLAIMER: This affidavit cannot be construed to affect any agreements between assignor(s) and assignee(s).

Assignor's Signature(s):

Silvia K. Lane

On this 28 day of June, 2023, before me, the undersigned, a notary public in and for the State of Idaho, personally appeared Silvia K. Lane known to me to be the person(s) whose name(s) is/are subscribed to the foregoing instrument and acknowledged to me that (s)he/they executed the same.



Courtney Robinson
Notary Public
Residing at Meridian, ID
My Commission Expires 4/3/2029

Idaho State Police

Premises No.: 2C-24313

Retail Alcohol Beverage License

License Year: 2024

License Number: 24313

This is to certify, that **Silvia K Lane**
doing business as: **The Vault 21 Club**

is licensed to sell alcoholic beverages as stated below at:
21 N Dewey Ave, Middleton, Canyon County

Acceptance of a license by a retailer shall constitute knowledge of and agreement to operate by and in accordance to the Alcohol Beverage Code, Title 23. Only the licensee herein specified shall use this license. County and city licenses are also required in order to operate.

Liquor	No
Beer	Yes <u>\$50.00</u>
Wine by the bottle	No
Wine by the glass	Yes <u>\$100.00</u>
Kegs to go	No
Growlers	Yes <u>\$0.00</u>
Restaurant	No
On-premises consumption	Yes <u>\$0.00</u>
Multipurpose arena	No
Plaza	No

TOTAL FEE: \$150.00

SILVIA K LANE
THE VAULT 21 CLUB
2205 S KIMBALL AVE
CALDWELL, ID 83605
Mailing Address

Valid

06/01/2023 - 05/31/2024

Expires

05/31/2024

2023300

STATE OF IDAHO

dba: THE BANK BAR

is licensed hereby as a retailer of alcohol beverage, as stated below, to the provisions of Title 23, Idaho Code and the laws of the State of Idaho and regulations and ordinances of Board of County Commissioners in regard to the sale of alcoholic beverage at: 21 N DEWEY AVE, MIDDLETON, ID 83644

License valid until May 31, 2024

Beer	DRAFT, bottled or canned, ON or OFF premises consumption	\$5.00
------	--	--------

\$5.00

Wine **WTNE by the drink: (This covers Retail & By the Drink)** **\$5.00**

\$5.00

Signature of Licensee or Officer of Corporation

APPROVED by the Board of County Commissioners this _____ day of _____, 20____.

25th day of July, 2023

Mail To: 601 CONDOR DR, MIDDLETON, ID 83644

Chris Jamarot

Clerk

Ernest Walton

Chairman

(THIS LICENSE MUST BE CONSPICUOUSLY DISPLAYED)



CITY OF MIDDLETON

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

Date: July 20, 2022

To: City Administrator Becky Crofts

From: Public Works Director Jason Van Gilder

Re: South Cemetery Middle School Drop Off Concept Development

Council discussions at the 7/6/2022 Council meeting, requested that City staff work with engineering to develop conceptual costs for a parking facility south of the Middle School suitable for parents to pick-up and drop off students. The ultimate intent is to resolve traffic congestion on SR44 in front of the Middle School at the pick-up and drop off times.

Design parameters

The south cemetery parking lot concept, as we understand it, is to construct a vehicular parking area on the south side of the irrigation canal along the south side of the Middle School campus. Initial size of the parking area was assumed to be approximately the size of the parking lot currently located north of the school. The area depicted in figure 1 is approximately 2.25 acres and contains approximately 225 parking stalls.



Students would access the area by crossing the irrigation ditch over a existing culvert. Safety improvements at this crossing or improvements between the school and the parking lot are not considered here.

The new parking lot was discussed in the council meeting as being gravel surfaced for the initial iteration to minimize initial construction costs and to expedite construction.

Design Considerations – Land Allocations

In addition to the parking lot area identified above, it would be necessary to construct an access into the parking area. (Note: For this many vehicles would a 2nd access be necessary. A second entrance is not included.) (Note: It is assumed a fire protection loop and area lighting would be necessary. A placeholder value is included for both items.) There may be requirements for buffers between areas used for land application of treated wastewater effluent and public contact which could necessitate the purchase of additional



land buffer around the parking lot area. This memo assumes total land area would approach 4 acres.

The area currently identified for this effort is presently owned by the City's wastewater utility. Currently the land is in use as a pilot study demonstrating the ability of the land to accept Wastewater Treatment plant effluent for land application purposes. Any reappropriation of this land would require a modification to the pilot project study currently underway to account for the reduction in the number of acres under irrigation in the study.

The pilot study currently has drip irrigation facilities operating in this area. Conversion of the property to a parking lot would incur costs in capping and removing the existing systems. Upon return of the land to agricultural purposes, the irrigation facilities would need to be reinstalled. (Note: Returning the land to agricultural uses would require removal of gravel fill materials and the installation of topsoil. This cost is not included in estimates below.) The city has an agreement for the farming of this land that would need to be altered to account for the reduced agricultural acreage.

The acres necessary to fully implement a land application WWTP effluent program is likely to exceed the land amount currently owned by the sewer utility, meaning a permanent parking lot installation would require an offsetting property purchase for the land application operation.

(Note: Portions of the land are in floodplain. Need to verify an implications.)

Design Considerations – Approach Design

A commercial driveway approach along S. Cemetery Road and an access road into the parking lot would need to be designed. This would require reconstruction of the trail section crossing of the driveway. (Note: Final Acceptance of the S. Cemetery project has not been completed. Verify if work can commence at modifying the sidewalk and roadway prior to final acceptance.)

Design Considerations – Traffic Flow

Given the Middleton School District Boundaries, apart from the portion of vehicles traveling to the developments off of Sawtooth Road, vehicles leaving the proposed parking lot are likely to be accessing SR44.

Currently, SR44 access would entail one of two routes. The south route eventually requires a left hand turn from Crane Creek Road onto Middleton Road before reaching the light at S. Middleton and SR 44. The north route leads to the intersection of S. Cemetery Road and SR44. Both routes require problematic movements and may cause similar traffic impacts to those currently experienced.



Design Considerations – Physical Construction

Gravel could be purchased from the City's gravel pit under the terms of the existing agreement suitable for subbase materials.

The existing topsoil (along with vegetation, irrigation equipment) would need to be removed and disposed of. A suitable subbase should be installed and compacted prior to a gravel surfacing.

The 225 parking stalls identified above is based on a striped asphalt configuration. A gravel surfacing is not likely to facilitate a painted parking lines. Without painted lines, actual parking is likely to be considerably less than the 225 stalls identified. The efficiency of entering and exiting the lot could become problematic at peak times. A collection of parking attendants may be necessary for efficient operation though staffing for such an effort has not been identified.

Snow removal from the parking lot may be problematic in a gravel parking lot.

The gravel surfacing could also be a substantial source of dust in the spring, summer, and fall.

It is likely the gravel parking lot will develop rutting, puddles, and mud without significant maintenance efforts. Costs for ongoing staffing, equipment, and materials should be considered if gravel is to be considered.

If a chip seal, pavement or other impervious surface is selected, appropriate stormwater management facilities will also be necessary. A pervious pavement application may be appropriate but local experience with that approach is limited.

Note that surface disturbing activities in excess of 1 acre require a construction NPDES permit.

The necessity of providing accessible travel routes or disabled parking spaces in the parking lot has not been determined. It may be that ADA requirements necessitate not only a paved parking area, but also a hard surfaced route from the school facility to the parking lot.

Design Considerations – Staffing

Discussions at the council meeting alluded to the re-assignment of the crossing guard from SR44 to the south lot for assistance in ensuring student safety. It seems likely that a crossing guard will still be necessary at SR44 due to the number of students walking home. (Note: This assumes that a significant portion of the students currently crossing SR44 are crossing for a purpose other than to meet a vehicle parked on the north side of SR-44.) The crossing guard also stops traffic to allow all of the busses in the Middle School parking lot to turn left onto SR44. These considerations likely necessitate that any staffing needed at the south parking lot would be in addition to the crossing guard currently stationed north of the parking lot.



Design Considerations – Effectiveness

The effectiveness of improving traffic flow on SR44 is presumed to be in proportion to the number of pickups and drop-offs that migrate from north of the middle school to the new parking lot. (Note: This assumption considers the impact of the Piccadilly cross walk to be negligible relative to the pickup and drop off parking. The assumption also assumes impacts of additional traffic loads at S. Middleton light and S. Cemetery intersection would be negligible. Both of these assumptions may not be correct or are likely oversimplifications.)

Assuming that the school CANNOT effectively mandate that all students must access the campus only through a single access point on the south side of the campus, the south parking lot alternative will need to prove more attractive option for parents than other currently available pick up and drop off options. (Note: It is considered unlikely parking at the adjacent church, Greater Middleton Parks, Piccadilly Park's Park and Ride, other local businesses, and area on-street parking can be eliminated.)

In a perverse incentivization, to the extent that the south parking lot is effective in drawing users away from SR44, it only makes the parking options north of the school more attractive to the remaining system users.

One possible variation on this approach would be to move school bus loading and/or staff parking to the south parking lot. Although this might assure the optimal utilization of the south parking lot, it likely does little to reduce SR44 congestion during peak load times.

Design Considerations – Other minor considerations

Routing Middle School students to the south also requires students travel in closer proximity to the Alternative School in the southwest corner of the campus. That school has different ages and schedules from the Middle School that make intermixing students problematic.

Litter pickup, trash services, and parking lot security should be considered but are not otherwise addressed here.

Cost Considerations

Land:

Short Term: Pilot Project Study Plan Modifications:	\$5,000
Short Term: Irrigation System Reconfiguration:	\$5,000
Long Term Land Acquisition: 4 ac farm land near pilot project:	\$1,000,000

Construction:

Topsoil Removal: 2.25 acres x 18" depth = 3,630 yd ³ x \$15/yd ³ =	\$54,450
Soil Replacement: 3,630 yd ³ x \$20/yd ³ =	\$72,600
Gravel Surfacing: 2.25 acres x 6" = 1,815 yd ³ x \$28/yd ³ =	\$50,820



South Cemetery Middle School Drop Off
Concept Development Memo
July 20, 2022

35' Concrete Access Approach:	\$25,000
Asphalt Access Road: $200 \text{ LF} \times 35' = 7,000 \text{ ft}^2 \times \$10/\text{ft}^2 =$	\$70,000
Striping & Signage for approach:	\$5,000

Waterline and Hydrants:	\$50,000
Site Lighting: (power drop, poles, lights, maintenance)	\$80,000
Amenities: Benches, fencing, bridge across irrigation.	\$50,000
Engineering, Construction Inspection, Contingency: 10%, 10%, 20%:	\$183,200

Paving Additive:

Storm Drainage:	\$25,000
Asphalt: $2.25 \text{ ac} = 98,010 \text{ ft}^2 \times \$9/\text{ft}^2 =$	\$882,090
Striping:	\$15,000
Engineering, Construction Inspection, Contingency: 10%, 10%, 20%	\$368,800

Cost Summary:

Interim Land:	\$10,000
Permanent land:	\$1,000,000
Gravel parking Lot:	\$641,070
Paving:	\$1,290,900
On-Going Maintenance and Operations:	TBD

Existing Middleton Middle School Parking Lot

Approximatley 3.0 acres in size

W Main St
Middleton Middle School
W Main St

Middleton Skatepark

KRAVIZ



400 ft

Middleton Middle School Drop-Off/Pick Up Project

This display shows a 2.1 acre paved area and provides an 80' straight access portion out to Cemetery Road





Axon Enterprise, Inc.
17800 N 85th St.
Scottsdale, Arizona 85255
United States
VAT: 86-0741227
Domestic: (800) 978-2737
International: +1.800.978.2737

Q-500135-45133.882CE

ISSUED 07/26/2023

Quote Expiration: 08/15/2023

Estimated Contract Start Date: 09/01/2023

Account Number: 472380

Payment Terms: N30

Delivery Method:

SHIP TO	BILL TO
Delivery: Invoice-1103 W Main St 1103 W Main St Middletown, ID 83644-5543 USA	Middletown Police Department - ID 1103 W Main St Middletown ID 83644-5543 USA Email:

SALES REPRESENTATIVE	PRIMARY CONTACT
Cade Edwards Phone: Email: cedwards@axon.com Fax:	Nathan Hilkey Phone: (208) 585-2320 Email: nhilkey@middletowncity.com Fax:

Quote Summary

Program Length	31 Months
TOTAL COST	\$7,151.06
ESTIMATED TOTAL W/ TAX	\$7,151.06

Discount Summary

Average Savings Per Year	\$1,549.44
TOTAL SAVINGS	\$4,002.72

Payment Summary

Date	Subtotal	Tax	Total
Aug 2023	\$7,151.06	\$0.00	\$7,151.06
Total	\$7,151.06	\$0.00	\$7,151.06

Pricing

Quote Unbundled Price:	\$11,153.78
Quote List Price:	\$7,151.06
Quote Subtotal:	\$7,151.06

All deliverables are detailed in Delivery Schedules section lower in proposal

Item	Description	Qty	Term	Unbundled	List Price	Net Price	Subtotal	Tax	Total
Program									
20245	TASER 7 CERTIFICATION PLAN TRUE UP	2	29		\$51.00	\$51.00	\$2,958.00	\$0.00	\$2,958.00
T7Cert	TASER 7 Certification Bundle	2	31	\$132.19	\$67.63	\$67.63	\$4,193.06	\$0.00	\$4,193.06
Total							\$7,151.06	\$0.00	\$7,151.06

Delivery Schedule

Hardware

Bundle	Item	Description	QTY	Estimated Delivery Date
TASER 7 Certification Bundle	20008	TASER 7 HANDLE, YLW, HIGH VISIBILITY (GREEN LASER), CLASS 3R	2	08/01/2023
TASER 7 Certification Bundle	20018	TASER BATTERY PACK, TACTICAL	2	08/01/2023
TASER 7 Certification Bundle	20161	TASER 7 HOLSTER - SAFARILAND, LH-CART CARRIER	2	08/01/2023
TASER 7 Certification Bundle	22175	TASER 7 LIVE CARTRIDGE, STANDOFF (3.5-DEGREE) NS	6	08/01/2023
TASER 7 Certification Bundle	22175	TASER 7 LIVE CARTRIDGE, STANDOFF (3.5-DEGREE) NS	4	08/01/2023
TASER 7 Certification Bundle	22176	TASER 7 LIVE CARTRIDGE, CLOSE QUARTERS (12-DEGREE) NS	6	08/01/2023
TASER 7 Certification Bundle	22176	TASER 7 LIVE CARTRIDGE, CLOSE QUARTERS (12-DEGREE) NS	4	08/01/2023
TASER 7 Certification Bundle	22177	TASER 7 HOOK-AND-LOOP TRN (HALT) CARTRIDGE, STANDOFF NS	4	08/01/2023
TASER 7 Certification Bundle	22178	TASER 7 HOOK-AND-LOOP TRN (HALT) CARTRIDGE, CLOSE QUART NS	4	08/01/2023
TASER 7 Certification Bundle	22179	TASER 7 INERT CARTRIDGE, STANDOFF (3.5-DEGREE) NS	2	08/01/2023
TASER 7 Certification Bundle	22181	TASER 7 INERT CARTRIDGE, CLOSE QUARTERS (12-DEGREE) NS	2	08/01/2023
TASER 7 Certification Bundle	22175	TASER 7 LIVE CARTRIDGE, STANDOFF (3.5-DEGREE) NS	4	08/01/2024
TASER 7 Certification Bundle	22176	TASER 7 LIVE CARTRIDGE, CLOSE QUARTERS (12-DEGREE) NS	4	08/01/2024
TASER 7 Certification Bundle	22175	TASER 7 LIVE CARTRIDGE, STANDOFF (3.5-DEGREE) NS	4	08/01/2025
TASER 7 Certification Bundle	22176	TASER 7 LIVE CARTRIDGE, CLOSE QUARTERS (12-DEGREE) NS	4	08/01/2025
TASER 7 Certification Bundle	22177	TASER 7 HOOK-AND-LOOP TRN (HALT) CARTRIDGE, STANDOFF NS	4	08/01/2025
TASER 7 Certification Bundle	22178	TASER 7 HOOK-AND-LOOP TRN (HALT) CARTRIDGE, CLOSE QUART NS	4	08/01/2025
TASER 7 Certification Bundle	22175	TASER 7 LIVE CARTRIDGE, STANDOFF (3.5-DEGREE) NS	4	02/28/2026
TASER 7 Certification Bundle	22175	TASER 7 LIVE CARTRIDGE, STANDOFF (3.5-DEGREE) NS	4	02/28/2026
TASER 7 Certification Bundle	22176	TASER 7 LIVE CARTRIDGE, CLOSE QUARTERS (12-DEGREE) NS	4	02/28/2026
TASER 7 Certification Bundle	22176	TASER 7 LIVE CARTRIDGE, CLOSE QUARTERS (12-DEGREE) NS	4	02/28/2026

Software

Bundle	Item	Description	QTY	Estimated Start Date	Estimated End Date
TASER 7 Certification Bundle	20248	TASER 7 EVIDENCE COM LICENSE	2	09/01/2023	03/31/2026
TASER 7 Certification Bundle	20248	TASER 7 EVIDENCE COM LICENSE	1	09/01/2023	03/31/2026

Services

Bundle	Item	Description	QTY
TASER 7 Certification Bundle	20246	TASER 7 DUTY CARTRIDGE REPLACEMENT ACCESS PROGRAM	2

Warranties

Bundle	Item	Description	QTY	Estimated Start Date	Estimated End Date
TASER 7 Certification Bundle	80374	EXT WARRANTY, TASER 7 BATTERY PACK	2	08/01/2024	03/31/2026
TASER 7 Certification Bundle	80395	EXT WARRANTY, TASER 7 HANDLE	2	08/01/2024	03/31/2026

Payment Details

Aug 2023					
Invoice Plan	Item	Description	Qty	Subtotal	Tax Total
Upfront Cost	20245	TASER 7 CERTIFICATION PLAN TRUE UP	2	\$2,958.00	\$0.00 \$2,958.00
Upfront Cost	T7Cert	TASER 7 Certification Bundle	2	\$4,193.06	\$0.00 \$4,193.06
Total				\$7,151.06	\$0.00 \$7,151.06

Tax is estimated based on rates applicable at date of quote and subject to change at time of invoicing. If a tax exemption certificate should be applied, please submit prior to invoicing.

Standard Terms and Conditions

Axon Enterprise Inc. Sales Terms and Conditions

Axon Master Services and Purchasing Agreement:

This Quote is limited to and conditional upon your acceptance of the provisions set forth herein and Axon's Master Services and Purchasing Agreement (posted at www.axon.com/legal/sales-terms-and-conditions), as well as the attached Statement of Work (SOW) for Axon Fleet and/or Axon Interview Room purchase, if applicable. In the event you and Axon have entered into a prior agreement to govern all future purchases, that agreement shall govern to the extent it includes the products and services being purchased and does not conflict with the Axon Customer Experience Improvement Program Appendix as described below.

ACEIP:

The Axon Customer Experience Improvement Program Appendix, which includes the sharing of de-identified segments of Agency Content with Axon to develop new products and improve your product experience (posted at www.axon.com/legal/sales-terms-and-conditions), is incorporated herein by reference. By signing below, you agree to the terms of the Axon Customer Experience Improvement Program.

Acceptance of Terms:

Any purchase order issued in response to this Quote is subject solely to the above referenced terms and conditions. By signing below, you represent that you are lawfully able to enter into contracts. If you are signing on behalf of an entity (including but not limited to the company, municipality, or government agency for whom you work), you represent to Axon that you have legal authority to bind that entity. If you do not have this authority, please do not sign this Quote.

Signature

Date Signed

7/26/2023





Axon Enterprise, Inc.
17800 N 85th St.
Scottsdale, Arizona 85255
United States
VAT: 86-0741227
Domestic: (800) 978-2737
International: +1.800.978.2737

Q-500123-45133.879CE

Issued: 07/26/2023

Quote Expiration: 08/15/2023

Estimated Contract Start Date: 09/01/2023

Account Number: 472380

Payment Terms: N30

Delivery Method:

SHIP TO	BILL TO
Delivery: Invoice-1103 W Main St 1103 W Main St Middleton, ID 83644-5543 USA	Middleton Police Department - ID 1103 W Main St Middleton ID 83644-5543 USA Email:

SALES REPRESENTATIVE	PRIMARY CONTACT
Cade Edwards Phone: Email: cedwards@axon.com Fax:	Nathan Hilkey Phone: (208) 585-2320 Email: nhilkey@middletoncity.com Fax:

Quote Summary

Program Length	20.4516 Months
TOTAL COST	\$4,876.16
ESTIMATED TOTAL W/ TAX	\$4,876.16

Discount Summary

Average Savings Per Year	\$306.66
TOTAL SAVINGS	\$522.64

Payment Summary

Date	Subtotal	Tax	Total
Aug 2023	\$4,876.16	\$0.00	\$4,876.16
Total	\$4,876.16	\$0.00	\$4,876.16

Pricing

Quote Unbundled Price: \$5,398.80
 Quote List Price: \$4,731.20
 Quote Subtotal: \$4,876.16

All deliverables are detailed in Delivery Schedules section lower in proposal

Item	Description	Qty	Term	Unbundled	List Price	Net Price	Subtotal	Tax	Total
Program									
73352	BWC HARDWARE FINANCING TRUE UP PAYMENT	2	10		\$23.30	\$23.30	\$466.00	\$0.00	\$466.00
BWCantIAP	Body Worn Camera TAP Bundle	2	20	\$47.29	\$30.60	\$32.13	\$1,285.08	\$0.00	\$1,285.08
A la Carte Hardware									
AB3C	AB3 Camera Bundle	2			\$749.00	\$749.00	\$1,498.00	\$0.00	\$1,498.00
A la Carte Software									
73683	10 GB EVIDENCE.COM A-LA-CART STORAGE	40	20		\$0.56	\$0.59	\$470.40	\$0.00	\$470.40
ProLicense	Pro License Bundle	1	20		\$39.55	\$41.77	\$835.38	\$0.00	\$835.38
BasicLicense	Basic License Bundle	1	20		\$15.21	\$16.07	\$321.30	\$0.00	\$321.30
Total							\$4,876.16	\$0.00	\$4,876.16

Delivery Schedule

Hardware

Bundle	Item	Description	QTY	Estimated Delivery Date
AB3 Camera Bundle	11534	USB-C to USB-A Cable for AB3 or Flex 2	3	08/01/2023
AB3 Camera Bundle	73202	AXON BODY 3 - NA10 - US - BLK - RAPIDLOCK	2	08/01/2023
Body Worn Camera TAP Bundle	73309	AXON CAMERA REFRESH ONE	2	04/15/2025

Software

Bundle	Item	Description	QTY	Estimated Start Date	Estimated End Date
Basic License Bundle	73683	10 GB EVIDENCE.COM A-LA-CART STORAGE	1	09/01/2023	05/14/2025
Basic License Bundle	73840	EVIDENCE.COM BASIC ACCESS LICENSE	1	09/01/2023	05/14/2025
Pro License Bundle	73683	10 GB EVIDENCE.COM A-LA-CART STORAGE	3	09/01/2023	05/14/2025
Pro License Bundle	73746	PROFESSIONAL EVIDENCE.COM LICENSE	1	09/01/2023	05/14/2025
A la Carte	73683	10 GB EVIDENCE.COM A-LA-CART STORAGE	40	09/01/2023	05/14/2025

Warranties

Bundle	Item	Description	QTY	Estimated Start Date	Estimated End Date
Body Worn Camera TAP Bundle	80464	EXT WARRANTY, CAMERA (TAP)	2	08/01/2024	05/14/2025

Payment Details

Aug 2023

Invoice Plan	Item	Description	Qty	Subtotal	Tax	Total
Uprfront Cost	73352	BWC HARDWARE FINANCING TRUE UP PAYMENT	2	\$466.00	\$0.00	\$466.00
Uprfront Cost	73683	10 GB EVIDENCE.COM A-LA-CART STORAGE	40	\$470.40	\$0.00	\$470.40
Uprfront Cost	AB3C	AB3 Camera Bundle	2	\$1,498.00	\$0.00	\$1,498.00
Uprfront Cost	BasicLicense	Basic License Bundle	1	\$321.30	\$0.00	\$321.30
Uprfront Cost	BWCamTAP	Body Worn Camera TAP Bundle	2	\$1,285.08	\$0.00	\$1,285.08
Uprfront Cost	ProLicense	Pro License Bundle	1	\$835.38	\$0.00	\$835.38
Total				\$4,876.16	\$0.00	\$4,876.16

Tax is estimated based on rates applicable at date of quote and subject to change at time of invoicing. If a tax exemption certificate should be applied, please submit prior to invoicing.

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Signature

Date Signed

7/26/2023



ORDINANCE NO. 679

AN ORDINANCE ENACTED BY THE MIDDLETON CITY COUNCIL AMENDING TITLE 1, CHAPTER 15, SECTION 1-15-12, OF THE MIDDLETON CITY CODE, PERTAINING TO THE GENERAL REQUIREMENTS FOR VENDORS, SOLICITORS AND TEMPORARY MERCHANTS PERMITS AND AMENDING TITLE 4, CHAPTER 1, SECTION 4-1-1 OF THE MIDDLETON CITY CODE REGARDING BUILDING PERMIT REQUIREMENTS; 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. That Title 1, Chapter 15, Section 1-15-12 of the Middleton City Code is hereby amended as follows:

1-15-12: VENDORS, SOLICITORS AND TEMPORARY MERCHANTS PERMIT:

In addition to all other regulations in this chapter, vendors, solicitors and temporary merchants shall be subject to the following:

A. Application:

1. All Applicants for a Vendors, Solicitors and Temporary Merchant Permit shall submit an application on a form prepared by the City and pay the application fee approved by City Council. The Vendors, Solicitors and Temporary Merchants Permit is an annual permit that expires every December 31st regardless of the date issued.

2. The provisions of this section shall not apply to:

a. Traveling salespersons for local businesses:

b. Newspaper Subscriptions: The sale of a newspaper subscription in which the seller is a person engaged in both the delivery and sale of the newspaper;

c. School Students, Fundraising: The occasional sale of admission by local school students to a function of their school or fundraising sales by local service clubs and groups such as Elks, Kiwanis, Lions, Boy or Girl Scouts;

d. Political Funds, Membership: Any political group seeking funds or membership;

e. Garage, Yard Sales: Garage, yard or similar sales by individuals at their residence or place of business not exceeding two (2) separate sales in one calendar year, not to exceed three (3) days each, which sales shall not include business inventory or items that have been purchased for the purpose of resale at another garage sale;

f. Special Events: Any activity conducted pursuant to a special events permit.

3. No. person shall be issued a license when that person:

a. Is under the age of 18 years old;

b. Is required to register as a sex offender, pursuant to the sexual offender registration notification and community right-to-know act, Idaho Code section 18-8301 et seq., and the juvenile sex offender registration notification and community right-to-know act, Idaho Code section 18-8401 et seq.;

c. Is currently on probation or parole for any felony.

d. Has had a similar license revoked by the City or any other City or County in the State of Idaho.

BA. Bond Requirement applicable to door-to-door solicitors only:

1. Amount; Guarantee: Before any City business registration is issued for engaging in the business of "vendor", "solicitor", or "temporary merchant", as defined in chapter 3 of this title:

a. Every individual shall deposit with the City a surety bond, a cashier's check or a letter of credit from a financial institution in the amount of one thousand dollars (\$1,000.00).

b. Every entity, which has employees or agents acting in the capacity of vendor, solicitor, canvasser or temporary merchant, shall deposit with the City a surety bond covering all such employees or agents and running to the City, or a cashier's check or irrevocable letter of credit in the amount of one thousand dollars (\$1,000.00) per employee or agent to a maximum of five thousand dollars (\$5,000.00). The surety bond must be one issued by an agent upon which service of process may be made in the State of Idaho.

2. Action Brought: Action on the surety bond, cashier's check or irrevocable letter of credit may be brought directly by any person damaged by a registrant's violation of any provision of this chapter.

3. Bond Reimbursement: After expiration of a City business registration, the City shall, upon application of the registrant, return the bond or cashier's check within sixty (60) calendar days after receipt of application for return, unless the City has been notified of the pendency of any claim or cause of action by any person upon the bond, cashier's check or irrevocable letter of credit.

CB. Restrictions:

1. Location: No registrant hereunder shall have an exclusive right to any location and shall not operate in any congested area, public road right-of-way, park or facility, or where his operations might impede or inconvenience the public, without written City authorization. For the purpose of this chapter, the judgment of a public safety officer, exercised in good faith, shall be deemed conclusive as to whether the area is congested or the public impeded or inconvenienced.

2. Zoning: Any business activity conducted by a registrant may only be conducted in an area of the City properly zoned for such activity.

3. Removal Of Trash: All trash or debris accumulating within twenty feet (20') of any vending stand shall be collected by the vendor and deposited in trash containers. All vendors selling food or beverages must provide trash receptacles adjacent to or as part of their stands.

4. Prohibited Areas: Vendor carts, stands, trailers and motor vehicles are prohibited within thirty feet (30') of a fire hydrant, fire escape, bus stop, loading zone, fire station, police station or hospital, and within public rights-of-way, unless otherwise permitted.

DG. Unlawful Conduct: No registrant hereunder shall:

1. Misrepresent the purpose of, or affiliation of those engaged in, the solicitation.
2. Continue efforts to solicit from an individual once that individual informs the solicitor that he does not wish to give anything to or buy anything from that solicitor.
3. Represent the issuance of any registration under this chapter as an endorsement or recommendation of the solicitation.
4. Enter upon any premises when the same is posted with a sign stating "No Peddlers Allowed" or "No Solicitation Allowed" or other words to such effect.
5. Commit fraud, make misrepresentations or false statements in the course of carrying on the business. (Ord. 594, 8-16-2017; amd. Ord. 609, 7-3-2018)

E. Revocation of License.

1. City Administration and/or City Council have the power to revoke any license granted in accordance with this chapter for any of the following causes:

- a. Fraud, misrepresentation or false statement contained in the application or during the course of conducting business or trade;
- b. Any other violation of this chapter;
- c. Conviction of any crime involving a felony;
- d. Conducting business in an unlawful manner or in such a manner as to constitute a breach of the peace or to constitute a menace to the health, safety or general welfare of the public.

F. Appeals.

Appeals may be submitted in writing to the Clerk's Office within five days of the denial of a license. The Clerk's Office shall have up to five days to determine the final disposition.

G. Requirements for Mobile Food Truck Service and Vending Carts/Trailers:

1. In addition to the requirements of this chapter, food truck vendors, including vending carts and trailers, must provide the additional documents:
 - a. Landowner permission to prepare and vend food from the landowner's parcel.
 - b. Southwest District Health license to vend from a food truck, cart or trailer.
 - c. Proof of inspection and approval from the Middleton Fire Rural District to vend from a food truck, cart or trailer.
 - d. Sanitary sewer plan, including plan for gray water disposal.

e. When vending on City owned property, proof of Workers' compensation insurance, general liability insurance with a minimum coverage of \$1,000,000.00 and automobile insurance with a minimum coverage of \$1,000,000.00.

2. Food Truck, Cart and Trailer Vendors must also comply with the following requirements:

a. Only one food truck/cart/trailer per tax parcel, except City may allow up to three such vendors at any City Park.

b. Hours for vending are 6 a.m. to 10 p.m., except in City Parks where the hours are dawn to dusk. No over-night parking is allowed, and all vending accoutrements must be removed at the end of the day.

c. No connections to City utilities.

d. No tables, chairs, benches or other furniture can be placed on site for sit-down dining.

e. No food trucks/carts/trailers on vacant lots unless the lot is paved with asphalt or concrete.

f. No generator noise or other noise that would rise to the level of a nuisance as defined by MCC 8-1-5.

g. Food trucks, carts and trailers shall have a clean appearance at all times.

h. Food trucks, carts and trailers cannot occupy parking stalls on a lot to the degree that the existing business on site will have less than the number of parking stalls required by MCC 4-5-11.

H. Enforcement Authority.

Any law enforcement officer or city licensing officer shall be authorized to enforce this chapter.

Section 2. That Title 4, Chapter 1, Section 4-1-1 of the Middleton City Code is hereby amended as follows:

4-1-1: GENERAL REQUIREMENTS:

...

N. Demolition Permit: A demolition permit is required from the City if a portion of a non-agricultural structure is to be demolished. No permit is required if an entire structure is to be demolished.

O. Street Frontage: If a building permit changes the use of a parcel, building or structure, or if it increases the intensity of the use, building, or structure, then frontage improvements for the road(s) bordering the project parcel will be required unless an exemption is granted pursuant to subsection "1" below. All required frontage improvements shall be in compliance with City codes and standards and the City's Supplement to the ISPWC in effect at the time of building permit issuance.

1. An exemption from the foregoing frontage requirements may be granted by the City if the Building Official determines that there is a lack of proportionality between the frontage improvements and the impact of development. The Building Official's decision to require frontage improvements may be appealed by submitting a written appeal to the City Clerk within ten (10) days of being notified in writing of the frontage requirement. City Council shall hear the appeal within forty five (45) days of the submittal of appeal and shall render a decision within thirty (30) days of the hearing on the appeal.

Section 3. This ordinance shall be in full force and effect from and after its passage, approval, and publication, according to law.

Section 4. 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 5. 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.

ATTEST:

Steven J. Rule, Mayor

City Clerk (or Deputy)

**ORDINANCES OF THE CITY OF MIDDLETON
NOTICE OF ADOPTION AND SUMMARY OF
AMENDED AND RESTATED ORDINANCE NO. 679**

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 15, SECTION 1-15-12 REGARDING ADDITIONAL REQUIREMENTS FOR VENDORS, SOLICITORS AND TEMPORARY MERCHANTS AND AMENDING THE MIDDLETON CITY CODE TITLE 4, CHAPTER 1, SECTION 4-1-1 REGARDING BUILDING PERMITS AND REQUIREMENT OF FRONTAGE IMPROVEMENTS; 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 15, Section 1-15-12 of the Middleton City Code by providing additional requirements for those seeking a Vendors, Solicitors and/or Temporary Merchants Permit.

Section 2. Amends Title 4, Chapter 1, Section 4-1-1 of the Middleton City Code by requiring frontage improvements if a building permit changes or intensifies the use on a parcel.

Sections 3 - 5. 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. 679 provides an effective date, which shall be on the _____ day of _____, 2023. Ordinance No. 679 was passed by the Council and approved by the Mayor on the 19th day of July, 2023. 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 19th day of July 2023, for publication on the _____ day of _____, 2023, pursuant to Idaho Code § 50-901A.

Steven J. Rule, Mayor

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. 679 and provides adequate notice to the public as to the contents of such ordinance.

DATED this ____ day of _____, 2023.

Douglas Waterman, Attorney for City of Middleton

LEGAL NOTICE**NOTICE OF PUBLIC HEARING
MIDDLETON CITY COUNCIL**

LEGAL NOTICE IS HEREBY GIVEN that the Middleton City Council will hold a public hearing on Wednesday, August 2, 2023, 5:30 pm at City Hall, 1103 W Main Street., Middleton ID, to consider the following:

A RESOLUTION OF THE MIDDLETON CITY COUNCIL, MIDDLETON, CANYON COUNTY, IDAHO, AMENDING THE CURRENT FEE SCHEDULE TO, ADD NEW FEES FOR FOOD TRUCK VENDOR TEMPORARY MERCHANTS PERMIT, ADDITIONAL CONSTRUCTION REINSPECTION FEES FOR FINAL PLAT/PROJECT CLOSE OUT AND BOND MANAGEMENT INTAKE AND REVIEW FEES, INCREASING BY MORE THAN 5% BUSINESS REGISTRATION FEES, BUILDING PERMIT FEES BASED ON 2021 BVD, SUBDIVISION APPLICATION FEES, AND ZONING APPLICATION FEES, INCREASING BY NOT MORE THAN 5% BULK WATER RATE FEES, HYDRANT METER RENTAL FEES, BACTERIA TESTING FEES, SEWER CONNECTION FEES, WATER CONNECTION FEES, WATER BASE RATE, WATER USE RATE, WASTEWATER BASE RATE, WASTEWATER (SEWER) USE RATE; AND PROVIDING AN EFFECTIVE DATE. THE FEE INCREASES OR NEW FEES ARE NECESSARY TO COVER INCREASED COSTS ASSOCIATED WITH THESE PROGRAMS/SERVICES

All are invited to attend the hearing and offer comments. Written comments may be submitted to Middleton City Clerk, P.O. Box 487, Middleton, ID 83644, and bcrofts@middletoncity.com prior to or at the hearing.

Please call (208) 585-3133 at least five days prior to the hearing so the City can arrange to assist physical challenges or language translation.

ADMINISTRATIVE FEE		Current Fees	Proposed Fees
Bulk Water Rate and Public Works			Fill Station Truck Inspection
\$26 & 3.34/1000 gal		\$25 Insp. \$3.50/1000 gal	
Hydrant Meter rental		\$5.00/day & \$3.34/1000 gal	\$5.00/day & \$3.50/1000 gal
Bacteria Testing Fee - metered at bulk water rate		\$3.34/1000 gal	\$3.50/1000 gal
Business Registration		\$25/annually	\$30/annually
CONNECTION FEE			
Sewer Connection*			
5/8" x 3/4" per Equivalent Dwelling Unit (Res 411-18)		\$6,682.39	\$7,016.51
1"		\$8,328.29	\$8,744.70
1 1/2"		\$18,483.41	\$19,407.58
2"		\$32,345.15	\$33,962.40
3"		\$73,932.55	\$77,629.17
4"		\$130,758.71	\$137,296.64
**Fee is based on water meter size since at least 98% of water discharges through the sewer system."			
Water Connection** per Equivalent Dwelling Unit			
5/8" x 3/4" (Res 411-18)		\$4,060.34	\$4,263.36
1"		\$10,394.37	\$10,914.09
1 1/2"		\$23,387.33	\$24,556.70
2"		\$41,575.28	\$43,654.04
3"		\$93,543.82	\$98,221.01
4"		\$166,303.31	\$174,618.47
** Fee is based on "draft," i.e., the pipe diameter area available for flow, and not based on the cost to install the device.			
BUILDING FEE			
Building Permit	Value of improvements based on Building Valuation Data 2018 Attachment A		Value of improvements based on Building Valuation Data 2021 Attachment A
On-Site Storage Container Permit			Permit required, no fee
PERMIT FEE			
Food Truck Vendors Temporary Merchants Permit			\$125 annually
SUBDIVISION FEE			
Extension request (plat)	\$200		\$210
Preliminary plat permit application	1 - 49 lots \$4,000 50 - 299 lots \$4,500 300+ lots \$7,500		1 - 49 lots \$4,200 50 - 299 lots \$4,725 300 + lots \$7,875
Construction drawing permit application/Public Works Inspection	1 - 49 lots \$5,500 50 - 299 lots \$6,500 300+ lots \$11,500		1 - 49 lots \$6,575 50 - 299 lots \$7,625 300 + Lots \$12,875
Additional Construction Reinspection			
Final plat / Project Close Out	\$1,000		\$2,000
Bond Management Intake and Review			\$480
UTILITY BILLING FEE			
Water Base Rate	\$12.26		\$12.87
Water Use Rate	\$2.02/1,000 Gallons		\$2.12/1,000 Gallons
Wastewater Base Rate	40.01/Month		\$42.01/Month
Wastewater (Sewer) Use Rate	\$3.71/1000 gallons times the monthly average Nov-March		\$3.90/1,000 gallons times the monthly average Nov-Mar.
ZONING FEE			
Administrative lot split / boundary line adjustment	\$500		\$550
Annexation and zoning	\$650 includes publication		\$750
Appeal	\$320		\$340.00
Comprehensive Plan Amendment			
(with or without rezone/annex&zoning)	\$650 includes publication		\$750
De-annexation	\$650 includes publication		\$750
Design review			
P&Z Review up to and including 2,000 sq. ft.	\$375		
P&Z Review over 2,000 sq. ft.	\$750		\$750
Staff Review	\$50		
Development Agreement	\$1100 includes publication		\$3,000
Special use permit	\$550 includes publication costs		\$750
Variance	\$550 includes publication costs		\$750

RESOLUTION 484-23

A RESOLUTION OF THE MIDDLETON CITY COUNCIL, MIDDLETON, CANYON COUNTY, IDAHO, AMENDING THE CURRENT FEE SCHEDULE TO, ADD NEW FEES FOR FOOD TRUCK VENDOR TEMPORARY MERCHANTS PERMIT, ADDITIONAL CONSTRUCTION REINSPECTION FEES FOR FINAL PLAT/PROJECT CLOSE OUT AND BOND MANAGEMENT INTAKE AND REVIEW FEES, INCREASING BY MORE THAN 5% BUSINESS REGISTRATION FEES, BUILDING PERMIT FEES BASED ON 2021 BVD, SUBDIVISION APPLICATION FEES, AND ZONING APPLICATION FEES, INCREASING BY NOT MORE THAN 5% BULK WATER RATE FEES, HYDRANT METER RENTAL FEES, BACTERIA TESTING FEES, SEWER CONNECTION FEES, WATER CONNECTION FEES, WATER BASE RATE, WATER USE RATE, WASTEWATER BASE RATE, WASTEWATER (SEWER) USE RATE; AND PROVIDING AN EFFECTIVE DATE. THE FEE INCREASES OR NEW FEES ARE NECESSARY TO COVER INCREASED COSTS ASSOCIATED WITH THESE PROGRAMS/SERVICES.

WHEREAS, Idaho Code §50-1030 authorizes a municipality to collect fees pertaining to services offered/performed by the City; and,

WHEREAS, the Mayor and Council of the City of Middleton believe that it is in the City's best interest to update its current fee schedule for services provided by the City of Middleton;

WHEREAS, on August 2, 2023 the City Council of the City of Middleton, Idaho, held a public meeting properly noticed under Idaho Code, to consider addition of new fees, increase certain existing fees by amounts that do exceed five percent (5%) of the fee and to increase certain existing fees by amounts that do not exceed five percent (5%) of the fee beginning October 1, 2023. The fee increases are necessary to cover increased costs associated with these programs/services;

NOW, THEREFORE, BE IT RESOLVED BY THE MAYOR AND CITY COUNCIL OF THE CITY OF MIDDLETON, CANYON COUNTY, IDAHO, as follows:

	<i>Current Fees</i>	<i>Proposed Fees</i>
ADMINISTRATIVE	FEE	
Bulk Water Rate and Public Works Fill Station Truck Inspection	\$26 & 3.34/1000 gal	<u>\$25 Insp.</u>
	\$5.00/day &	<u>\$5.00/day &</u>
Hydrant Meter rental	\$3.34/1000 gal	<u>\$3.50/1000 gal</u>
Bacteria Testing Fee - metered at bulk water rate	\$3.34/1000 gal	<u>\$3.50/1000 gal</u>
Business Registration	\$25/annually	<u>\$30/annually</u>
CONNECTION	FEE	
Sewer Connection*		

5/8" x 3/4" per Equivalent Dwelling Unit (Res 411-18)	\$ 6,682.39	<u>\$7,016.51</u>
1"	\$ 8,328.29	<u>\$8,744.70</u>
1 1/2"	\$ 18,483.41	<u>\$19,407.58</u>
2"	\$ 32,345.15	<u>\$33,962.40</u>
3"	\$ 73,932.55	<u>\$77,629.17</u>
4"	\$ 130,758.71	<u>\$137,296.64</u>

* Fee is based on water meter size since at least 98% of water discharges through the sewer system.

Water Connection** per Equivalent Dwelling Unit

5/8" x 3/4" (Res 411-18)	\$ 4,060.34	<u>\$4,263.36</u>
1"	\$ 10,394.37	<u>\$10,914.09</u>
1 1/2"	\$ 23,387.33	<u>\$24,556.70</u>
2"	\$ 41,575.28	<u>\$43,654.04</u>
3"	\$ 93,543.82	<u>\$98,221.01</u>
4"	\$ 166,303.31	<u>\$174,618.47</u>

** Fee is based on "draft", i.e., the pipe diameter area available for flow, and not based on the cost to install the device.

BUILDING	FEE
Building Permit	<u>Value of improvements based on Building Valuation Data 2021 Attachment A</u> <u>Value of improvements based on Building Valuation Data 2018 Attachment A</u>
On-Site Storage Container Permit	<u>Value of improvements based on Building Valuation Data 2021 Attachment A</u> <u>Permit required, no fee</u>

PERMIT		FEE
<u>Food Truck Vendors Temporary Merchants Permit</u>		<u>\$125 annually</u>
SUBDIVISION		FEE
Extension request (plat)		\$200 <u>\$210</u>
Preliminary plat permit application	1 - 49 lots \$4,000	<u>1 - 49 lots \$4,200</u>
	50 - 299 lots \$4,500	<u>50 - 299 lots \$4,725</u>
	300+ lots \$7,500	<u>300 + lots \$7,875</u>
Construction drawing permit application/ <u>Public Works Inspection</u>	1 - 49 lots \$5,500	<u>1 - 49 lots \$6,575</u>
	50 - 299 lots \$6,500	<u>50 - 299 lots \$7,625</u>
	300+ lots \$11,500	<u>300 + Lots \$12,875</u>
<u>Additional Construction Reinspection</u>		
Final plat / <u>Project Close Out Bond Management Intake and Review</u>	\$1,000	<u>\$2,000</u>
		<u>\$480</u>
UTILITY BILLING		FEE
Water Base Rate	\$12.26	<u>\$12.87</u>
		<u>\$2.12/1,000</u>
Water Use Rate	\$2.02/1,000 Gallons	<u>Gallons</u>
Wastewater Base Rate	40.01/Month	<u>\$42.01/Month</u>
		<u>\$3.90/1,000</u>
	\$3.71/1000 gallons times the monthly average Nov-March	<u>gallons times the monthly average Nov-Mar.</u>
Wastewater (Sewer) Use Rate		
ZONING		FEE
Administrative lot split / boundary line adjustment	\$500	<u>\$550</u>
	\$650 includes publication	<u>\$750</u>
Annexation and zoning Appeal	\$320	<u>\$340.00</u>
Comprehensive Plan Amendment (with or without rezone/annex&zoning)	\$650 includes publication	<u>\$750</u>
	\$650 includes publication	<u>\$750</u>
De-annexation		<u>\$750</u>

Design review		
P&Z Review up to and including 2,000 sq. ft.	\$375	
P&Z Review over 2,000 sq. ft.	\$750	
Staff Review	\$50	
	\$1100 includes	
Development Agreement	publication	<u>\$3,000</u>
	\$550 includes	
Special use permit	publication costs	<u>\$750</u>
	\$550 includes	
Variance	publication costs	<u>\$750</u>

NOW, THEREFORE, BE IT RESOLVED BY THE MAYOR AND CITY COUNCIL OF THE CITY OF MIDDLETON, CANYON COUNTY, IDAHO, as follows:

Section 1: This Resolution is effective August 2, 2023.

Section 2: The City Clerk is directed to update the fee schedule to reflect revised fee amounts.

PASSED BY THE COUNCIL OF THE CITY OF MIDDLETON, IDAHO THIS 2nd day of August 2023.

CITY OF MIDDLETON

Rob Kiser, Council President

ATTEST:

Jennica Reynolds, Deputy Clerk

Building Valuation Data – FEBRUARY 2023

The International Code Council is pleased to provide the following Building Valuation Data (BVD) for its members. The BVD will be updated at six-month intervals, with the next update in August 2023. ICC strongly recommends that all jurisdictions and other interested parties actively evaluate and assess the impact of this BVD table before utilizing it in their current code enforcement related activities.

The BVD table provides the “average” construction costs per square foot, which can be used in determining permit fees for a jurisdiction. Permit fee schedules are addressed in Section 109.2 of the 2021 *International Building Code* (IBC) whereas Section 109.3 addresses building permit valuations. The permit fees can be established by using the BVD table and a Permit Fee Multiplier, which is based on the total construction value within the jurisdiction for the past year. The Square Foot Construction Cost table presents factors that reflect relative value of one construction classification/occupancy group to another so that more expensive construction is assessed greater permit fees than less expensive construction.

ICC has developed this data to aid jurisdictions in determining permit fees. It is important to note that while this BVD table does determine an estimated value of a building (i.e., Gross Area x Square Foot Construction Cost), this data is only intended to assist jurisdictions in determining their permit fees. This data table is not intended to be used as an estimating guide because the data only reflects average costs and is not representative of specific construction.

This degree of precision is sufficient for the intended purpose, which is to help establish permit fees so as to fund code compliance activities. This BVD table provides jurisdictions with a simplified way to determine the estimated value of a building that does not rely on the permit applicant to determine the cost of construction. Therefore, the bidding process for a particular job and other associated factors do not affect the value of a building for determining the permit fee. Whether a specific project is bid at a cost above or below the computed value of construction does not affect the permit fee because the cost of related code enforcement activities is not directly affected by the bid process and results.

Building Valuation

The following building valuation data represents average valuations for most buildings. In conjunction with IBC Section 109.3, this data is offered as an aid for the building official to determine if the permit valuation is underestimated. Again it should be noted that, when using this data, these are “average” costs based on typical construction methods for each occupancy group and type of construction. The average costs

include foundation work, structural and nonstructural building components, electrical, plumbing, mechanical and interior finish material. The data is a national average and does not take into account any regional cost differences. As such, the use of Regional Cost Modifiers is subject to the authority having jurisdiction.

Permit Fee Multiplier

Determine the Permit Fee Multiplier:

1. Based on historical records, determine the total annual construction value which has occurred within the jurisdiction for the past year.
2. Determine the percentage (%) of the building department budget expected to be provided by building permit revenue.
- 3.

$$\text{Permit Fee Multiplier} = \frac{\text{Bldg. Dept. Budget} \times (\%)}{\text{Total Annual Construction Value}}$$

Example

The building department operates on a \$300,000 budget, and it expects to cover 75 percent of that from building permit fees. The total annual construction value which occurred within the jurisdiction in the previous year is \$30,000,000.

$$\text{Permit Fee Multiplier} = \frac{\$300,000 \times 75\%}{\$30,000,000} = 0.0075$$

Permit Fee

The permit fee is determined using the building gross area, the Square Foot Construction Cost and the Permit Fee Multiplier.

$$\text{Permit Fee} = \text{Gross Area} \times \text{Square Foot Construction Cost} \times \text{Permit Fee Multiplier}$$

Example

Type of Construction: IIB

Area: 1st story = 8,000 sq. ft.
2nd story = 8,000 sq. ft.

Height: 2 stories

Permit Fee Multiplier = 0.0075

Use Group: B

1. Gross area:
Business = 2 stories x 8,000 sq. ft. = 16,000 sq. ft.
2. Square Foot Construction Cost:
B/IIB = \$233.85/sq. ft.
3. Permit Fee:
Business = 16,000 sq. ft. x \$233.85/sq. ft x 0.0075
= \$28,062

Important Points

- The BVD is not intended to apply to alterations or repairs to existing buildings. Because the scope of alterations or repairs to an existing building varies so greatly, the Square Foot Construction Costs table does not reflect accurate values for that purpose. However, the Square Foot Construction Costs table can be used to determine the cost of an addition that is basically a stand-alone building which happens to be attached to an existing building. In the case of such additions, the only alterations to the existing building would involve the attachment of the addition to the existing building and the openings between the addition and the existing building.
- For purposes of establishing the Permit Fee Multiplier, the estimated total annual construction value for a given time period (1 year) is the sum of each building's value (Gross Area x Square Foot Construction Cost) for that time period (e.g., 1 year).
- The Square Foot Construction Cost does not include the price of the land on which the building is built. The Square Foot Construction Cost takes into account everything from foundation work to the roof structure and coverings but does not include the price of the land. The cost of the land does not affect the cost of related code enforcement activities and is not included in the Square Foot Construction Cost.

Square Foot Construction Costs^{a, b, c}

Group (2021 International Building Code)	IA	IB	IIA	IIB	IIIA	IIIB	IV	VA	VB
A-1 Assembly, theaters, with stage	338.88	327.46	319.76	307.63	289.42	280.47	298.24	268.37	259.83
A-1 Assembly, theaters, without stage	310.12	298.70	291.00	278.87	260.66	251.71	269.48	239.62	231.07
A-2 Assembly, nightclubs	275.09	266.93	259.34	250.54	234.96	228.26	241.54	213.57	206.65
A-2 Assembly, restaurants, bars, banquet halls	274.09	265.93	257.34	249.54	232.96	227.26	240.54	211.57	205.65
A-3 Assembly, churches	314.65	303.24	295.53	283.41	265.65	256.70	274.02	244.61	236.06
A-3 Assembly, general, community halls, libraries, museums	268.44	257.02	248.32	237.19	218.26	210.31	227.80	197.22	189.68
A-4 Assembly, arenas	309.12	297.70	289.00	277.87	258.66	250.71	268.48	237.62	230.07
B Business	263.16	253.51	244.15	233.85	213.00	204.65	224.67	187.98	179.49
E Educational	280.42	270.83	263.70	252.34	235.54	223.64	243.64	205.87	199.45
F-1 Factory and industrial, moderate hazard	161.70	154.21	144.70	139.94	124.72	118.51	133.72	103.40	96.83
F-2 Factory and industrial, low hazard	160.70	153.21	144.70	138.94	124.72	117.51	132.72	103.40	95.83
H-1 High Hazard, explosives	150.85	143.36	134.84	129.08	115.17	107.96	122.87	93.86	N.P.
H234 High Hazard	150.85	143.36	134.84	129.08	115.17	107.96	122.87	93.86	86.28
H-5 HPM	263.16	253.51	244.15	233.85	213.00	204.65	224.67	187.98	179.49
I-1 Institutional, supervised environment	264.93	255.57	246.84	238.11	217.64	211.63	238.15	195.82	189.67
I-2 Institutional, hospitals	438.26	428.62	419.26	408.96	386.98	N.P.	399.78	361.97	N.P.
I-2 Institutional, nursing homes	304.86	295.22	285.86	275.55	256.23	N.P.	266.37	231.21	N.P.
I-3 Institutional, restrained	298.67	289.02	279.66	269.36	250.30	240.95	260.18	225.29	214.80
I-4 Institutional, day care facilities	264.93	255.57	246.84	238.11	217.64	211.63	238.15	195.82	189.67
M Mercantile	205.22	197.06	188.47	180.67	164.83	159.13	171.67	143.44	137.53
R-1 Residential, hotels	267.42	258.06	249.33	240.60	220.62	214.60	240.64	198.79	192.64
R-2 Residential, multiple family	223.61	214.25	205.52	196.79	177.77	171.76	196.82	155.95	149.80
R-3 Residential, one- and two-family ^d	211.77	205.84	200.99	197.13	190.36	183.32	193.75	177.67	167.37
R-4 Residential, care/assisted living facilities	264.93	255.57	246.84	238.11	217.64	211.63	238.15	195.82	189.67
S-1 Storage, moderate hazard	149.85	142.36	132.84	128.08	113.17	106.96	121.87	91.86	85.28
S-2 Storage, low hazard	148.85	141.36	132.84	127.08	113.17	105.96	120.87	91.86	84.28
U Utility, miscellaneous	115.48	108.95	102.64	98.13	88.49	81.89	93.86	69.76	66.48

- Private Garages use Utility, miscellaneous
- For shell only buildings deduct 20 percent
- N.P. = not permitted
- Unfinished basements (Group R-3) = \$31.50 per sq. ft.

Middleton 2021 Building Value Data

		Residential	Commercial			Residential	Commercial
		Plan Review	Plan Review			Plan Review	Plan Review
Valuation	Permit Fee	25%	65%	Valuation	Permit Fee	25%	65%
0-3,000	131.52	32.88	85.49	51-52,000	1039.18	259.8	675.47
3-4,000	153.64	38.41	99.87	52-53,000	1050.24	262.56	682.66
4-5,000	175.77	43.94	114.25	53-54,000	1061.3	265.32	689.84
5-6,000	197.88	49.71	128.62	54-55,000	1072.37	260.09	697.04
6-7,000	220	55	143	55-56,000	1083.42	270.86	704.22
7-8,000	242.12	60.53	157.38	56-57,000	1094.48	273.62	711.41
8-9,000	264.24	60.06	171.76	57-58,000	1105.54	276.38	718.6
9-10,000	286.36	71.59	134.13	58-59,000	1116.59	279.15	725.78
10-11,000	308.48	77.12	200.51	59-60,000	1127.66	281.92	732.98
11-12,000	330.59	82.65	214.88	60-61,000	1138.72	284.68	740.17
12-13,000	352.72	81.18	229.69	61-62,000	1149.78	287.44	747.36
13-14,000	374.83	93.71	243.64	62-63,000	1160.83	290.21	754.54
14-15,000	396.96	99.24	258.02	63-64,000	1171.89	292.97	761.73
15-16,000	414.97	103.74	269.73	64-65,000	1182.96	295.74	768.92
16-17,000	441.18	110.3	286.77	65-66,000	1193.7	298.42	775.9
17-18,000	463.31	115.83	301.15	66-67,000	1205.07	301.27	783.29
18-19,000	485.42	121.36	315.52	67-68,000	1216.13	304.03	790.48
19-20,000	507.55	126.89	329.91	68-69,000	1227.19	306.8	797.67
20-21,000	524.92	131.23	341.2	69-70,000	1238.26	309.56	804.87
21-22,000	551.78	137.94	358.66	70-71,000	1249.31	312.33	812.05
22-23,000	573.9	143.47	373.03	71-72,000	1260.37	315.09	819.24
23-24,000	596.02	149	387.41	72-73,000	1271.43	317.86	826.43
24-25,000	618.92	157.31	402.3	73-74,000	1282.48	320.62	833.61
25-26,000	634.89	158.72	412.79	74-75,000	1293.55	323.39	840.81
26-27,000	650.84	162.71	423.05	75-76,000	1304.61	326.15	848
27-28,000	667	166.75	433.55	76-77,000	1315.67	328.92	855.18
28-29,000	682.76	170.69	443.79	77-78,000	1326.72	331.68	862.37
29-30,000	698.71	174.68	454.16	78-79,000	1337.78	334.44	869.56
30-31,000	714.67	178.67	464.53	79-80,000	1348.85	337.21	876.75
31-32,000	730.62	182.66	474.9	80-81,000	1359.91	339.98	883.94
32-33,00	746.59	186.65	485.28	81-82,000	1370.96	347.69	891.12
33-34,000	762.54	190.63	495.65	82-83,000	1382.02	325.7	898.31
34-35,000	778.5	194.62	506.02	83-84,000	1393.08	348.27	905.5
35-36,000	794.45	198.61	516.39	84-85,000	1404.15	351.04	912.7
36-37,000	810.41	202.6	526.77	85-86,000	1415.2	353.8	919.88
37-38,000	826.37	206.59	537.14	86-87,000	1426.26	356.56	927.07
38-39,000	842.32	210.58	547.51	87-88,000	1445.52	361.38	939.59
39-40,000	858.29	214.57	557.89	88-89,000	1448.37	362.09	941.44
40-41,000	874.24	218.56	568.26	89-90,000	1459.44	364.86	948.64
41-42,000	890.61	222.65	578.9	90-91,000	1470.5	367.62	955.82
42-43,000	906.15	226.54	589	91-92,000	1481.56	370.39	930.01
43-44,000	922.52	230.63	599.64	92-93,000	1492.61	373.15	970.2
44-45,000	938.07	234.52	609.74	93-94,000	1503.67	375.92	977.38
45-46,000	943.09	235.77	613	94-95,000	1514.74	378.68	984.58
46-47,000	969.99	242.5	630.49	95-96,000	1525.78	381.44	991.76
47-48,000	985.94	246.48	640.86	96-97,000	1536.85	384.21	998.95
48-49,000	1001.9	250.47	651.23	97-98,000	1547.91	386.98	1006.14
49-50,000	1058.85	264.71	688.25	98-99,000	1558.97	389.74	1013.33
50-51,000	1028.13	257.03	668.28	99-100,000	1,570.04	392.51	1020.53

City of Middleton FY'24 Budget Review



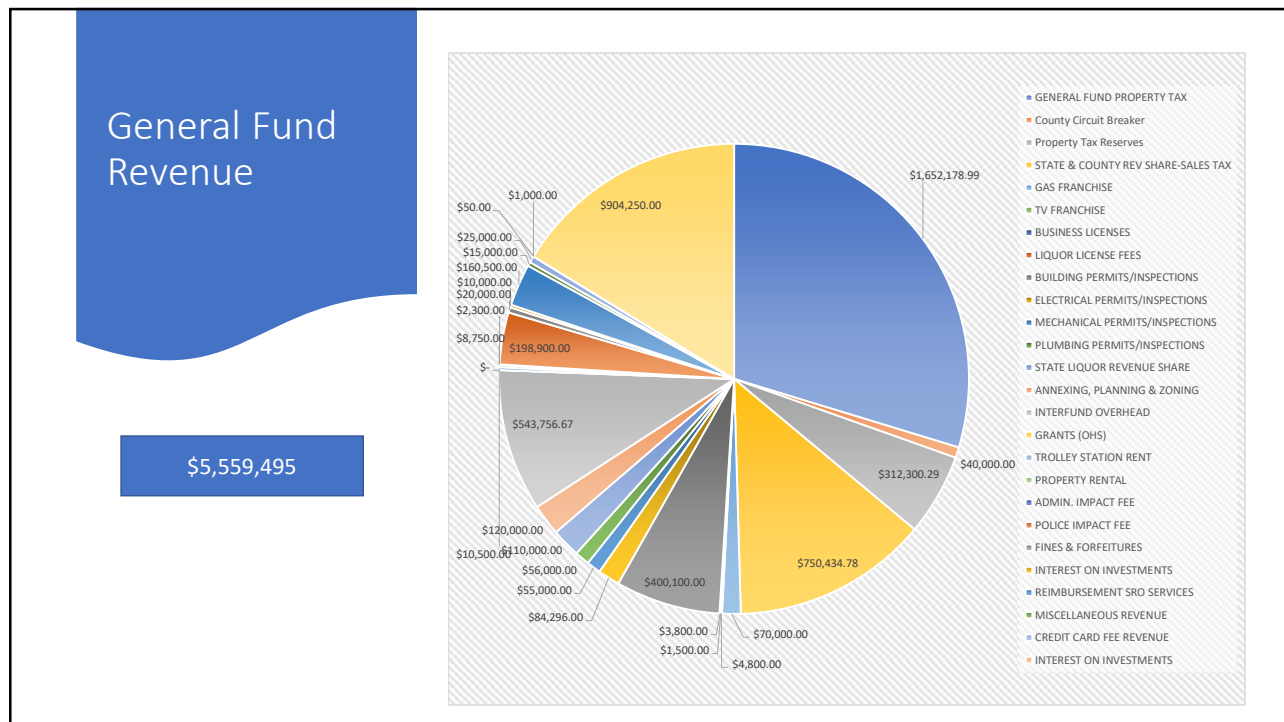
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FY'24 Budget Overview

\$19,479,707

	FY 2022 ACTUAL	2023 BUDGETED	2024 PROPOSED
FUND NAME	EXPENDITURE	EXPENDITURE	EXPENDITURE
GENERAL FUND:			
Elected Officials	\$137,991	\$149,770	\$158,752
City Administration	\$1,134,972	\$1,318,294	\$1,431,582
Police	\$1,169,570	\$1,697,918	\$1,959,865
Building/Code Enforcement & Safety	\$428,983	\$493,724	\$434,680
Buildings & Grounds	\$68,233	\$111,383	\$101,031
City Parks	\$251,454	\$520,722	\$1,193,117
Transfer's Out	\$257,500	\$267,990	\$281,390
General Fund Total	\$3,448,702	\$4,559,801	\$5,560,417
OTHER FUNDS			
Transportation	\$1,769,595	\$4,864,044	\$5,707,223
Library	\$219,625	\$303,578	\$311,140
Other Funds Total	\$1,989,220	\$5,167,622	\$6,018,363
ENTERPRISE FUNDS:			
Solid Waste	\$691,381	\$728,197	\$856,336
Water	\$1,239,362	\$2,262,936	\$1,808,058
Wastewater	\$3,005,817	\$6,244,573	\$3,807,384
Storm Water	\$62,181	\$96,000	\$76,000
Enterprise Fund Total	\$4,998,741	\$9,331,706	\$6,547,778
MISCELLANEOUS FUNDS			
Impact Fees	\$80,671	\$2,236,500	\$1,353,150
Total Miscellaneous Funds	\$80,671	\$2,236,500	\$1,353,150
TOTAL EXPENDITURES ALL FUNDS	\$10,517,334	\$21,295,629	\$19,479,707

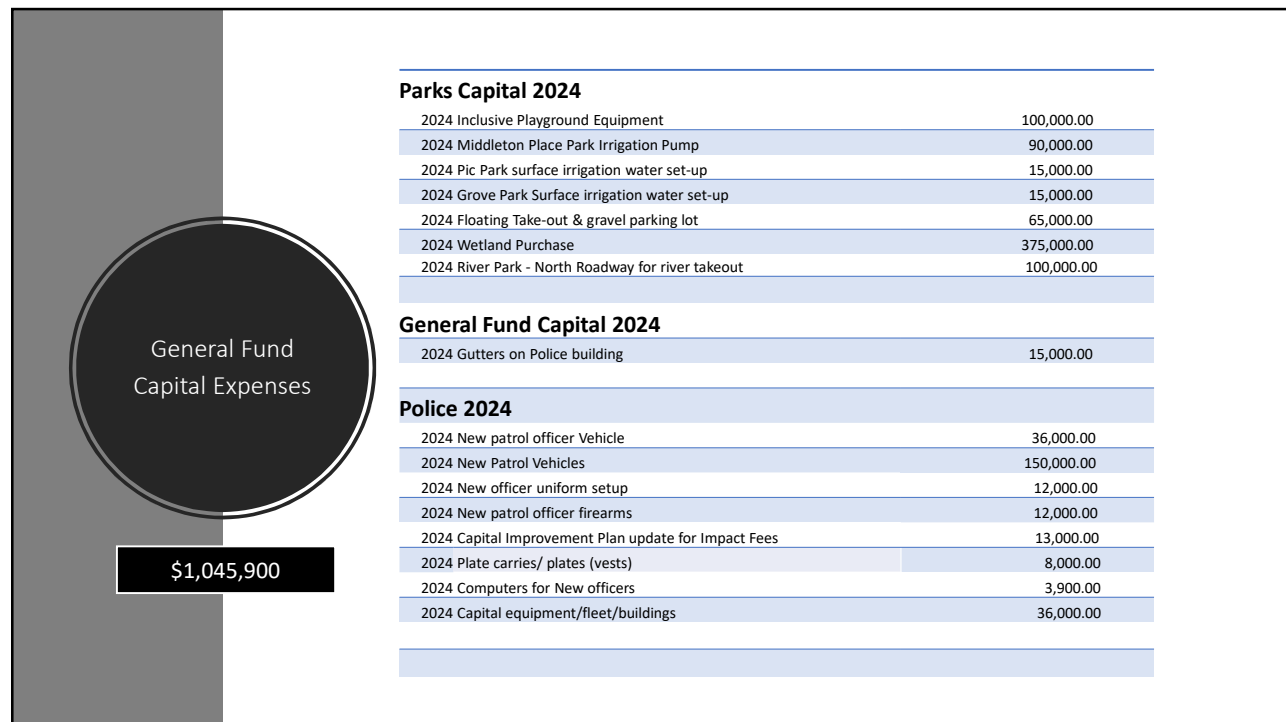
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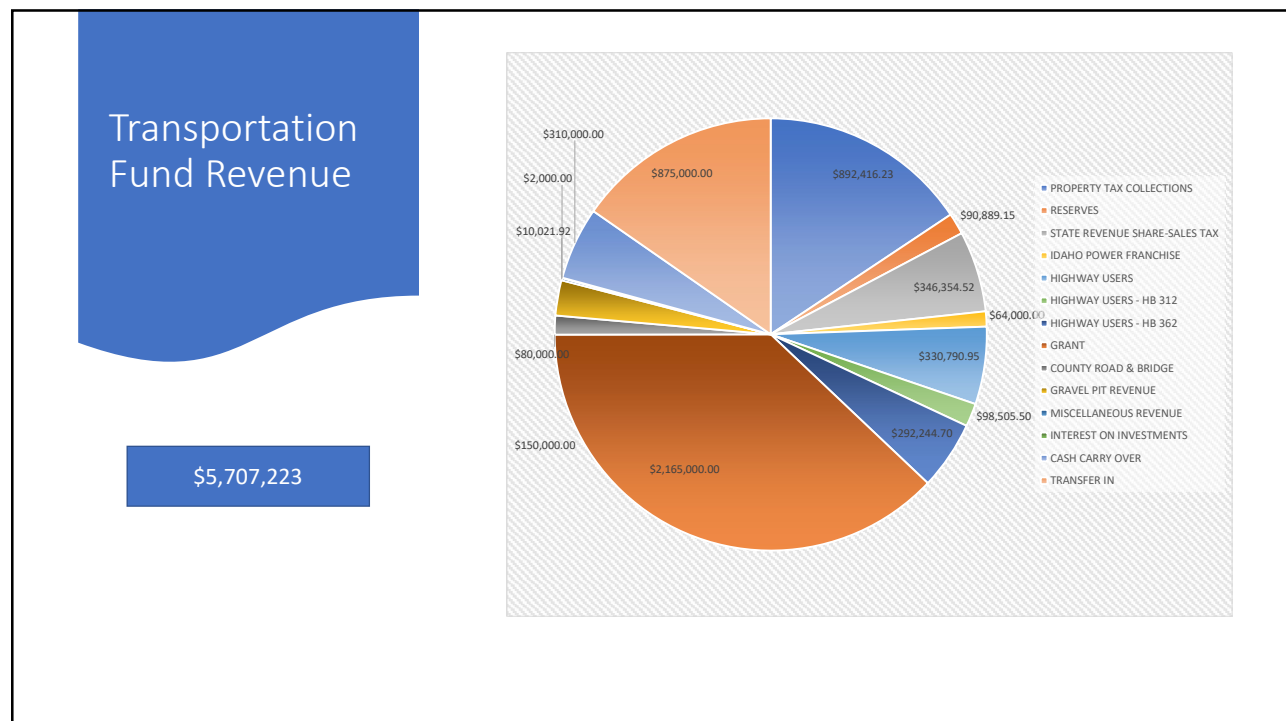
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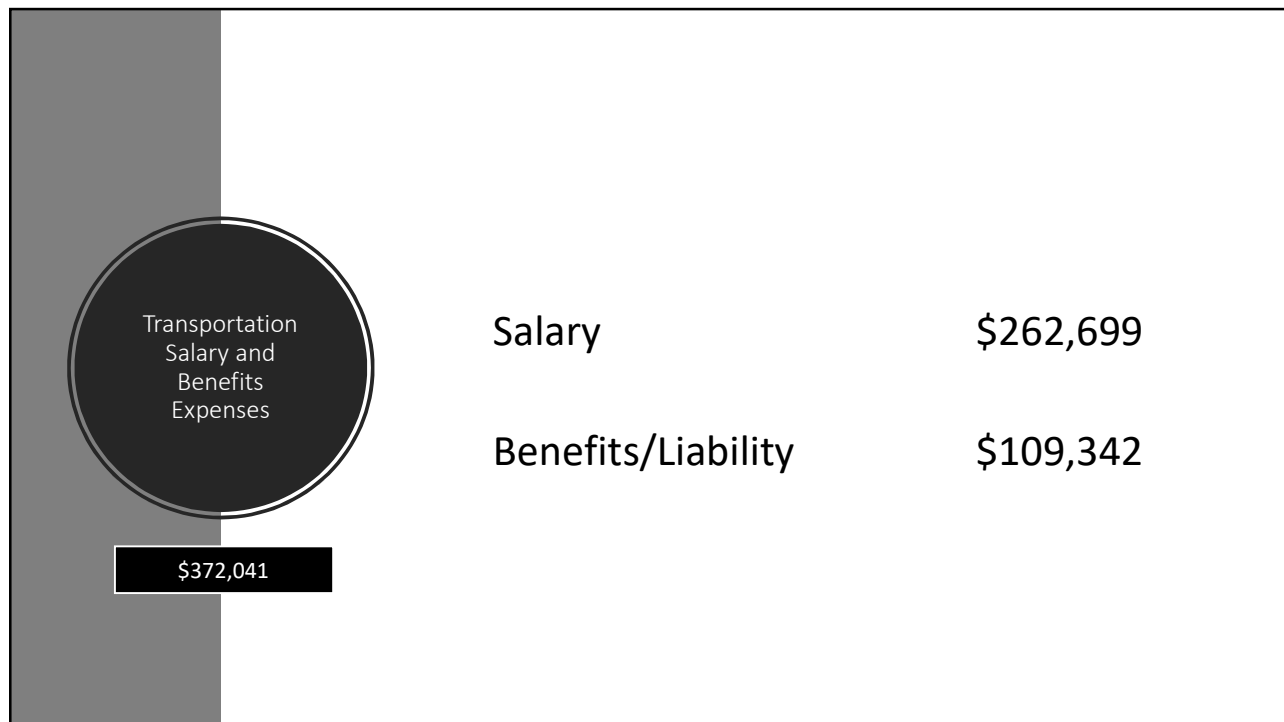
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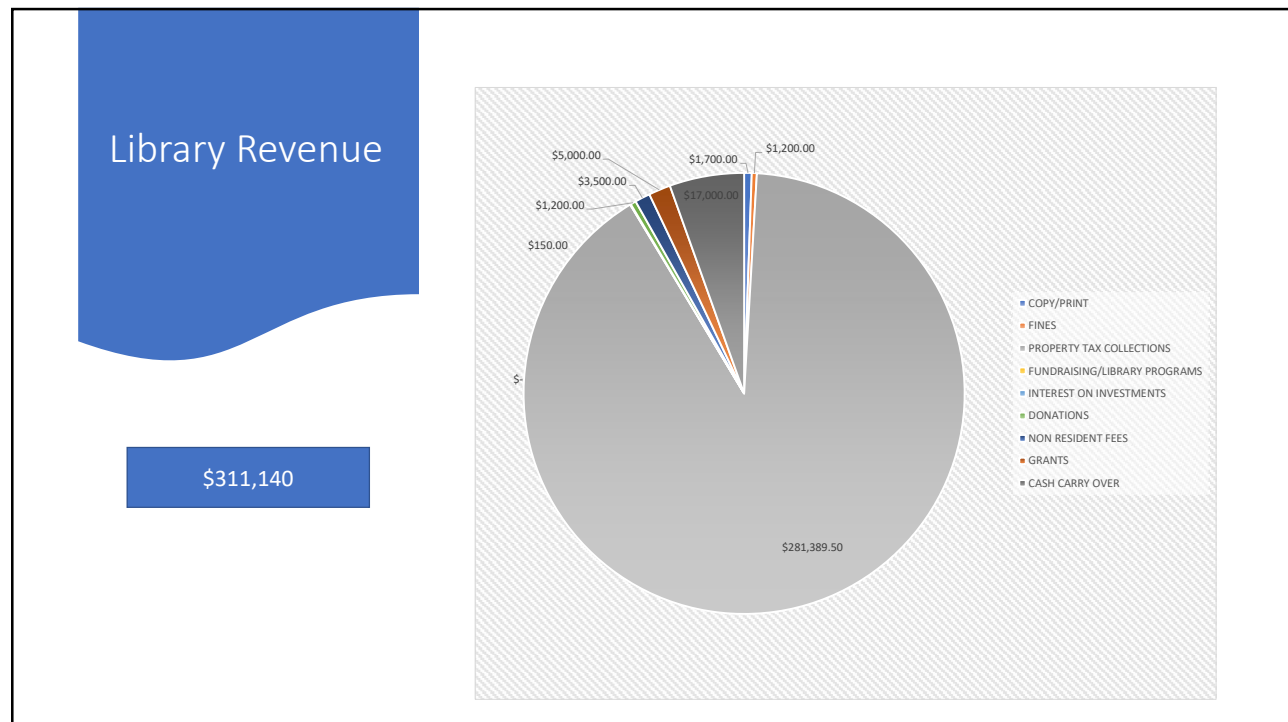
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Transportation Capital and Major Maintenance Expenses

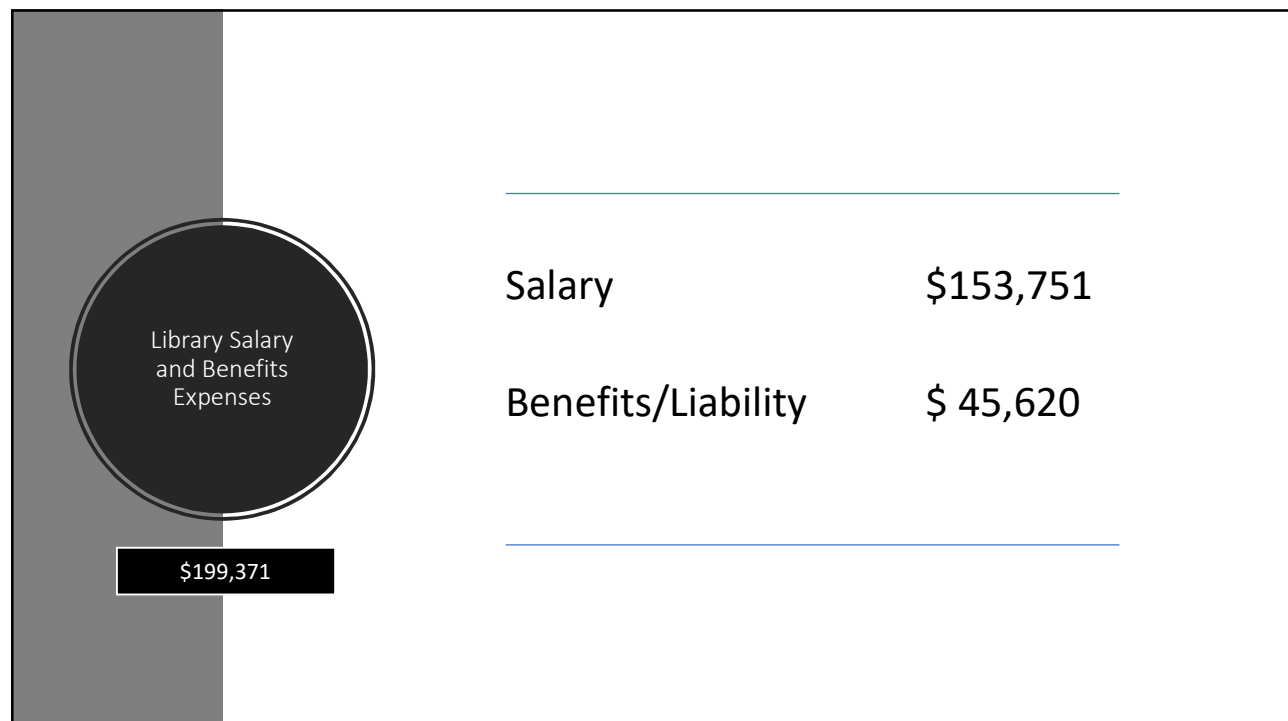
\$4,466,760

Transportation Capital 2024	
2024 Hartley Traffic Signal - Impact Fee	\$85,000.00
2024 Compass Grant for Sidewalks	\$165,000.00
2024 Capital Equipment / Buildings	\$130,000.00
2024 Center construction of round-about at Middleton Road	\$150,000.00
2024 Straightening Middleton Road Construction Boise to SH44	\$250,000.00
2024 S. Cemetery Construction Signal	\$2,000,000.00
2024 CAPITAL TOTAL	\$2,780,000.00
Major Maintenance 2024	
2024 Road repairs E. of N. Middleton Rd. - West of the park Harmon area	\$286,400.00
2024 Pavement for aging water/sewer line replacement (Boise overlay)	\$73,356.32
2024 Dewey Culvert Replacement (lining)	\$320,000.00
2024 Road seal coating	\$100,000.00
2024 Chip seal S. Cemetery	\$120,000.00
2024 Swale repair	\$5,400.00
2024 Misc. Repairs - Unexpected items	\$37,300.00
2024 Misc. Sidewalk, curb, & gutter repairs	\$20,000.00
2024 LED street light replacement	\$21,600.00
2024 Providence Ave. Culvert Slip Line (under road)	\$75,000.00
2024 Highland Drive culvert	\$75,000.00
2024 General Maintenance	\$70,000.00
MAJOR MAINTENANCE TOTAL 2024	\$1,204,056.32
Land Acquisition 2024	
2024 ROW - SH44/Middleton Road Savings	\$482,703.47
LAND ACQUISITION TOTAL	\$482,703.47

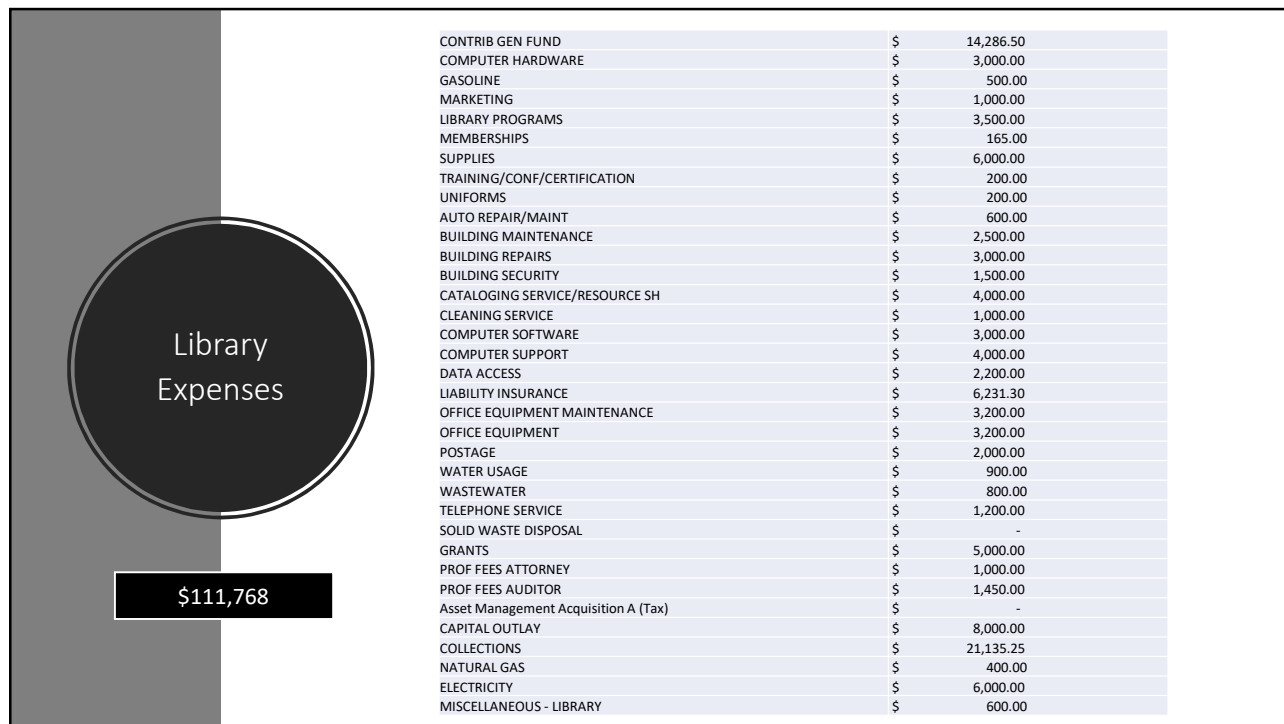
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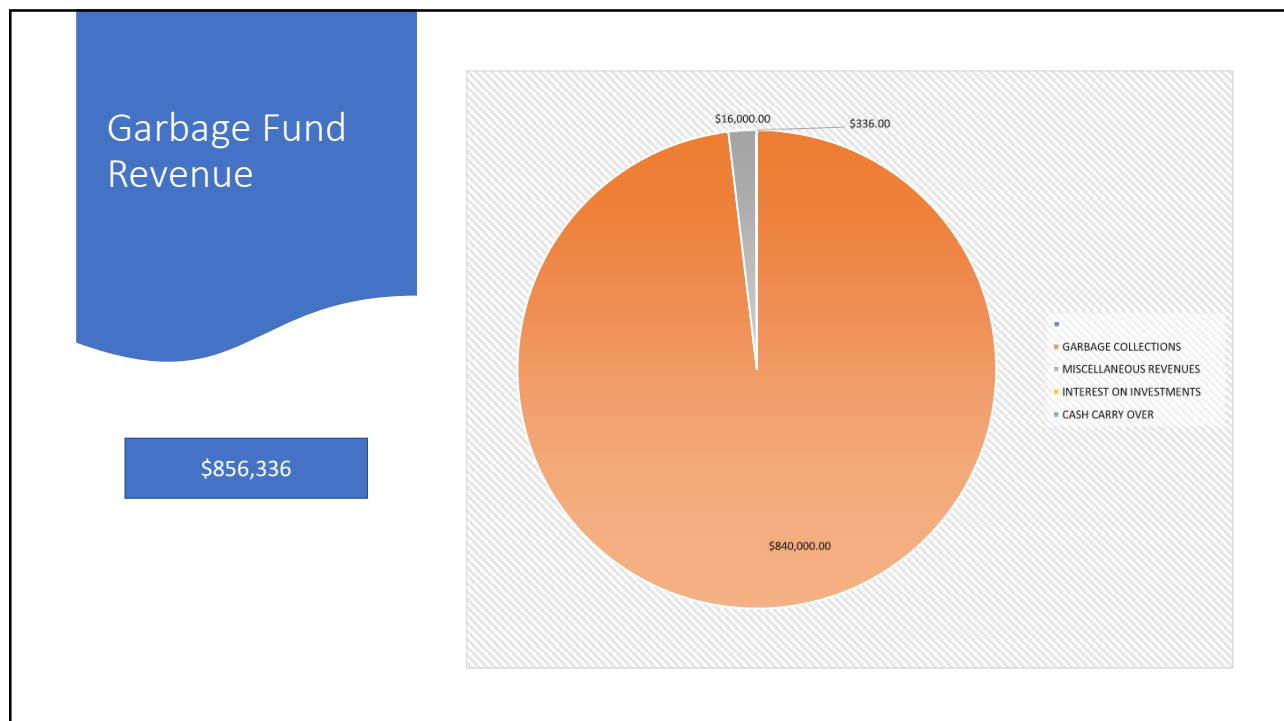
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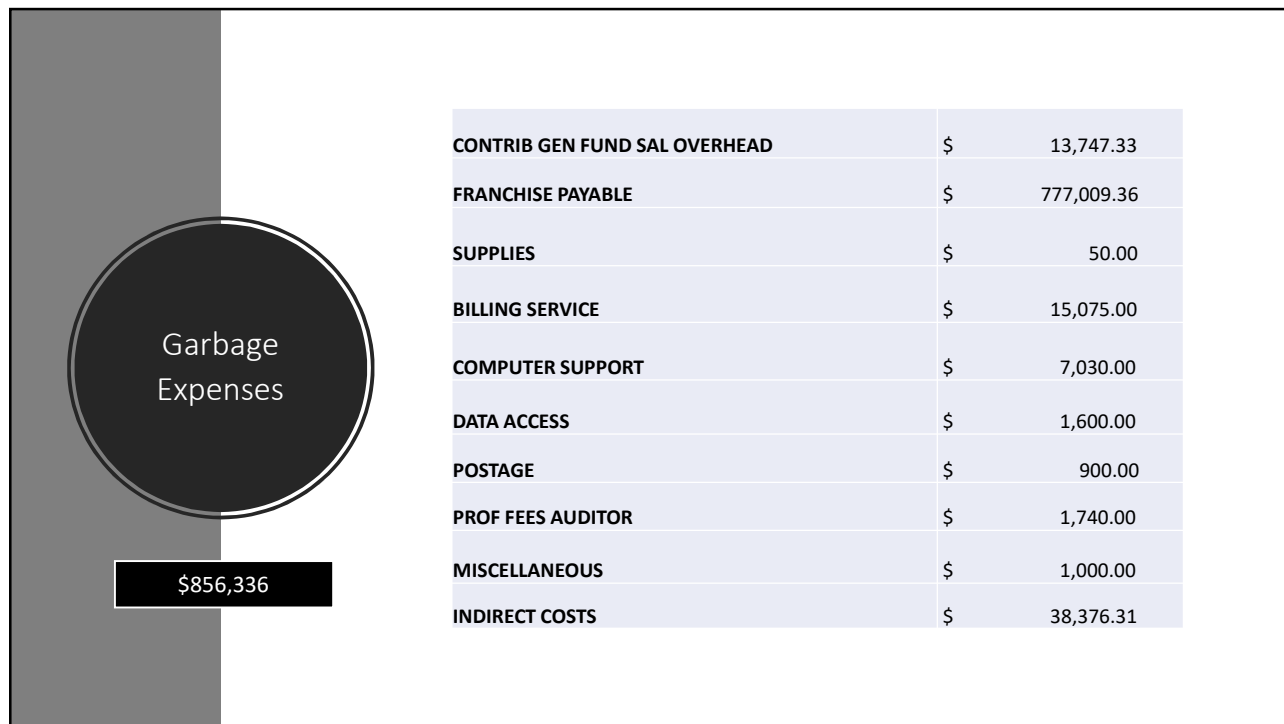
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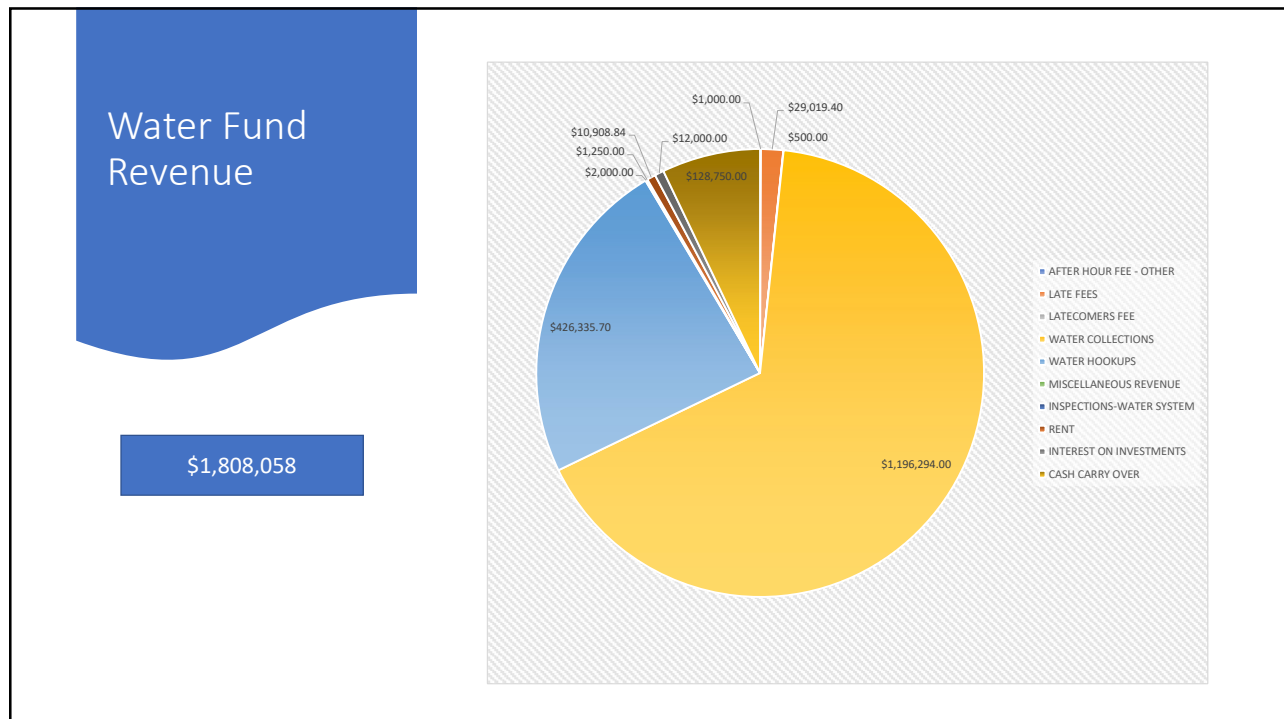
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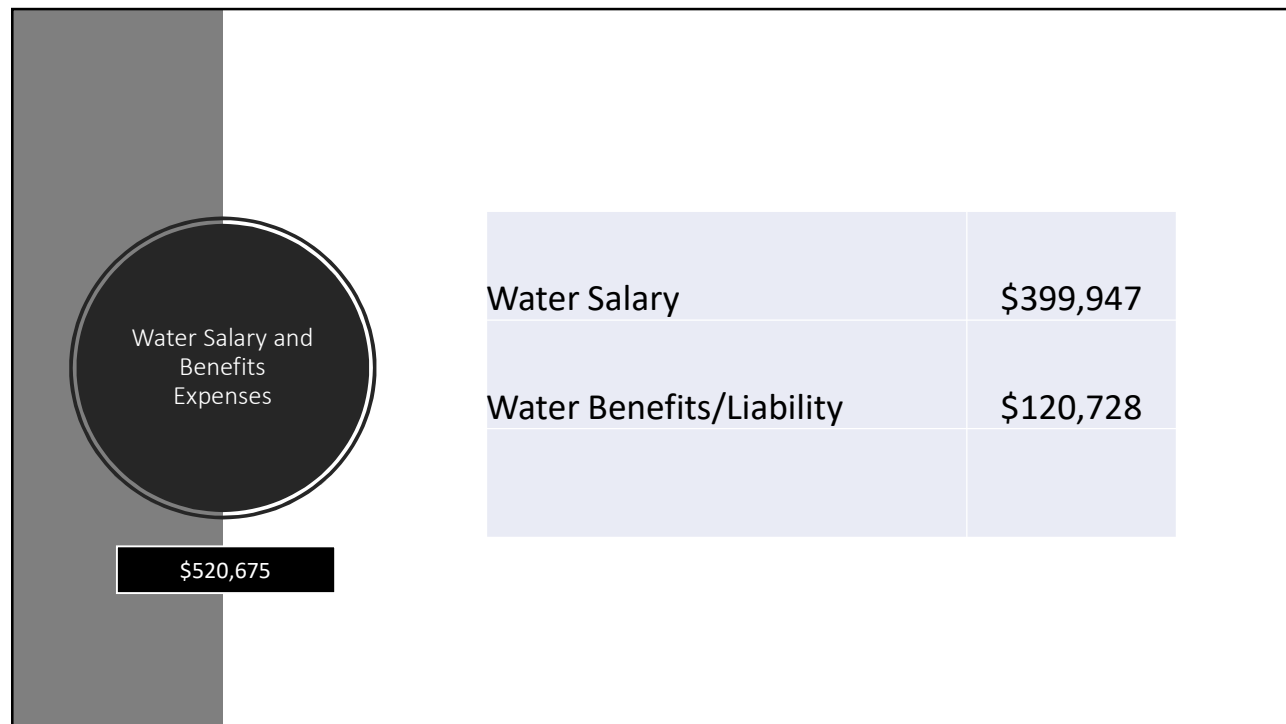
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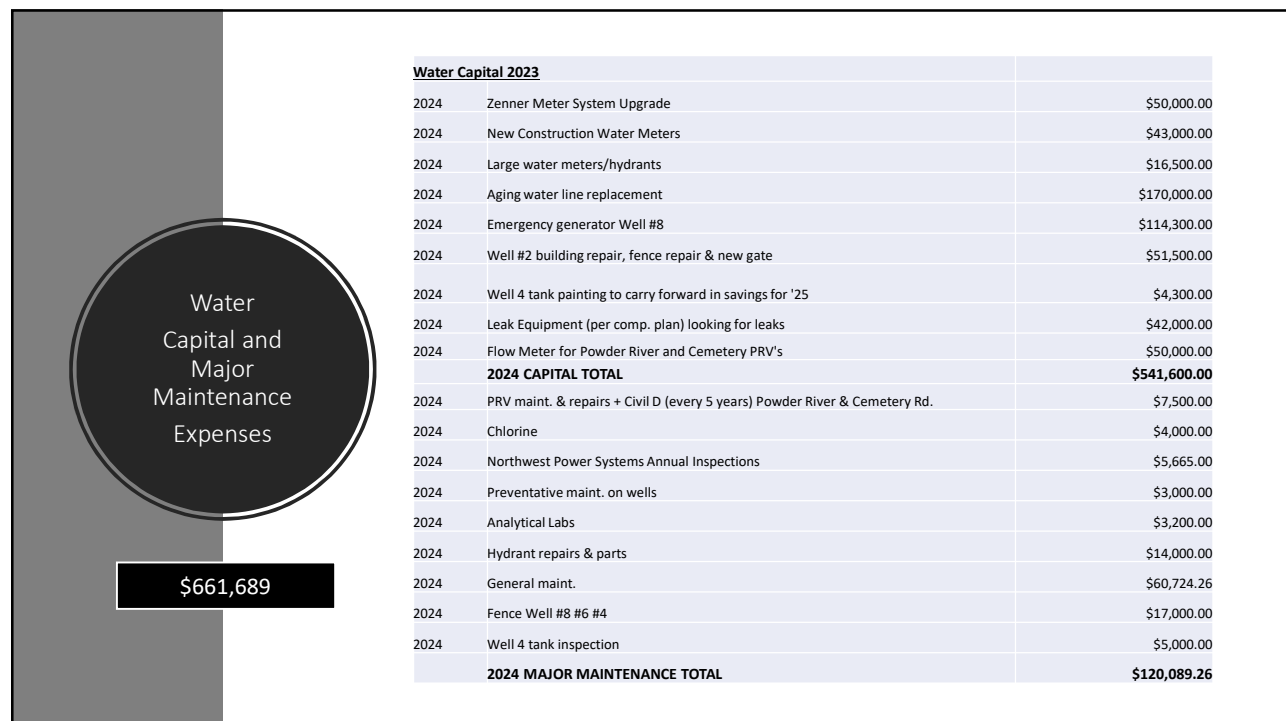
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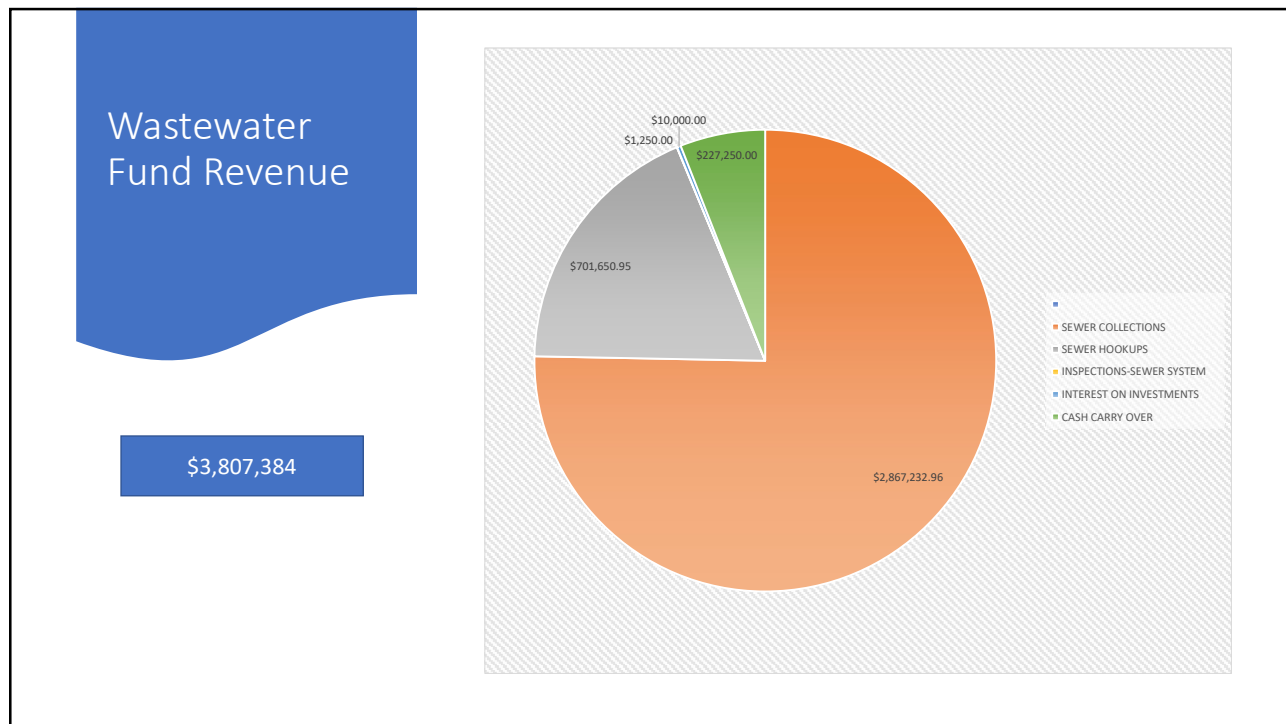
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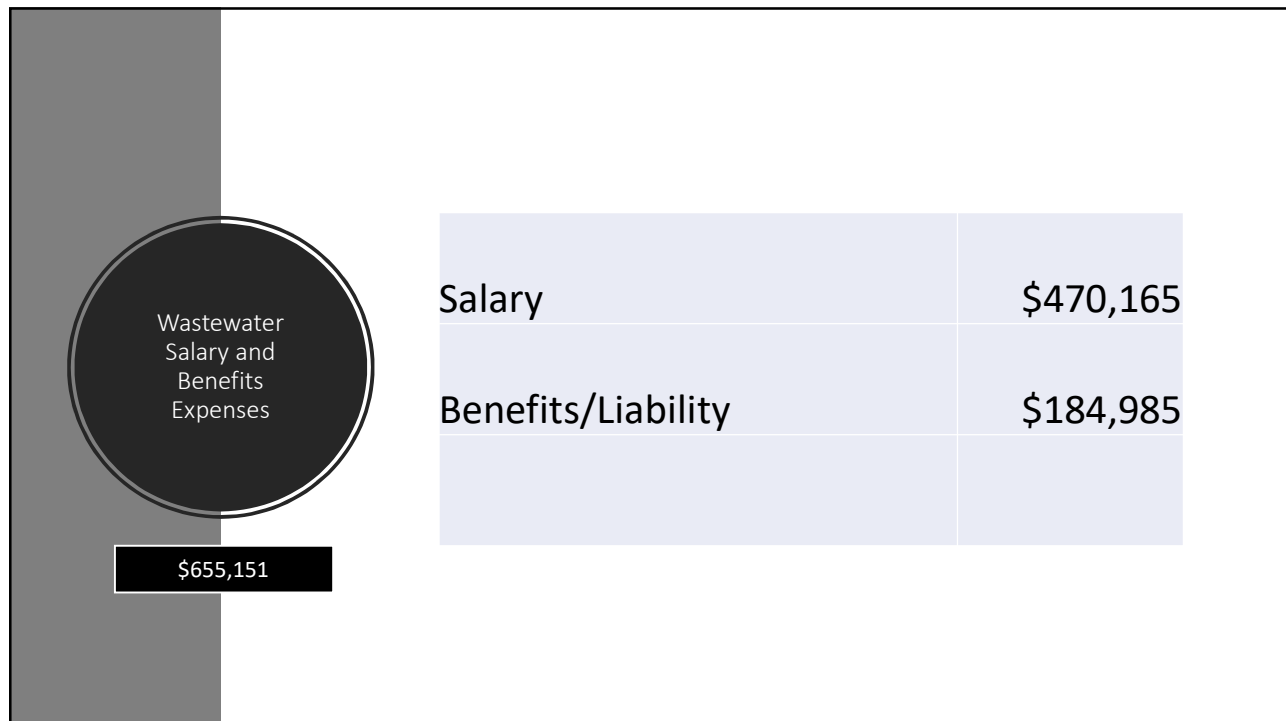
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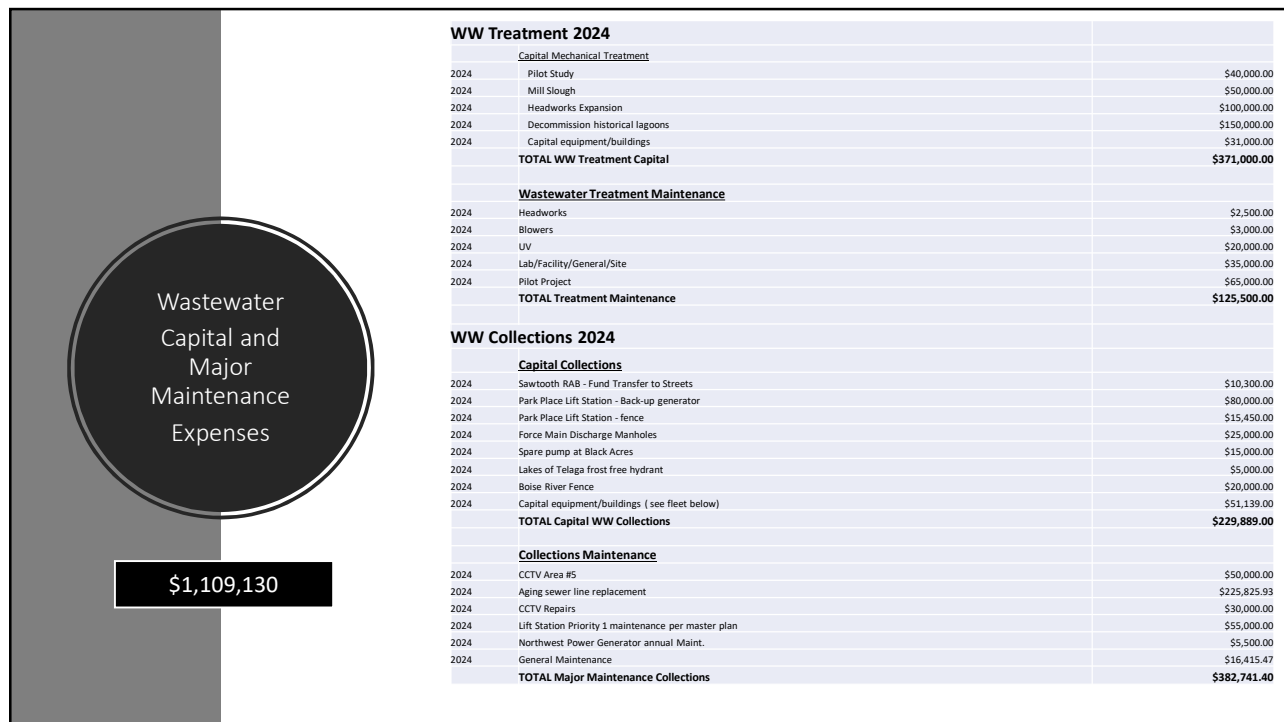
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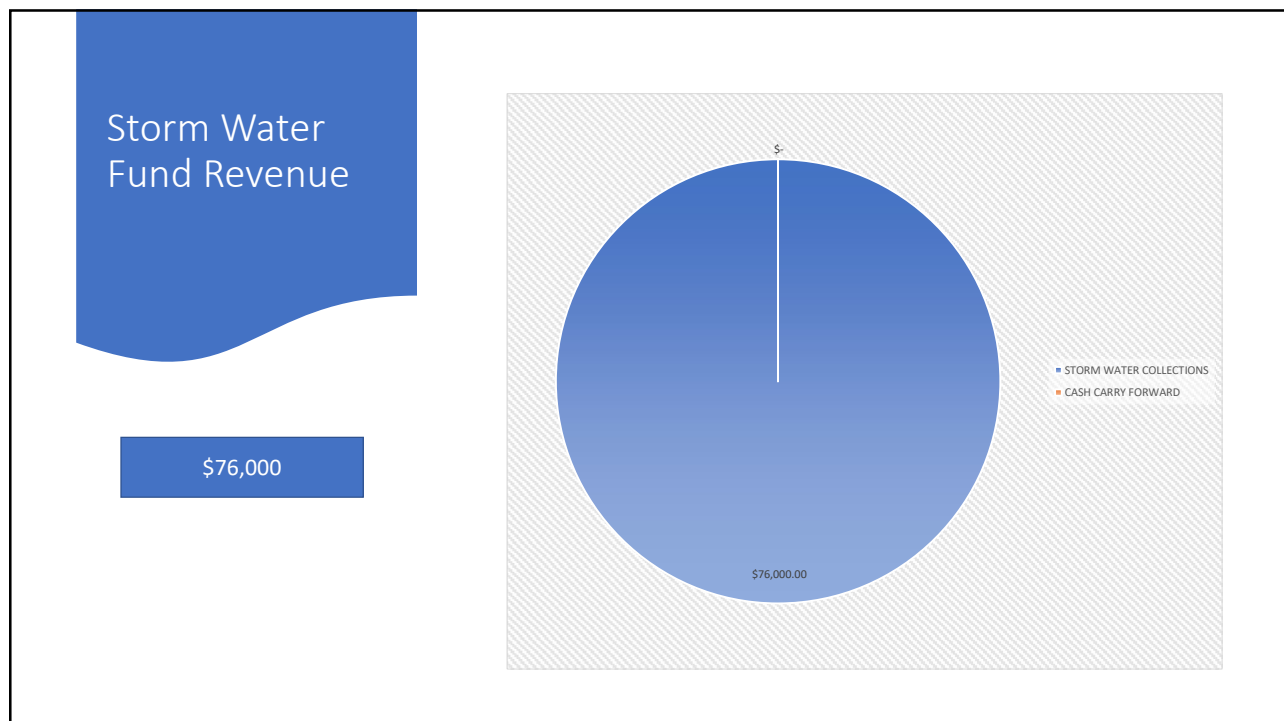
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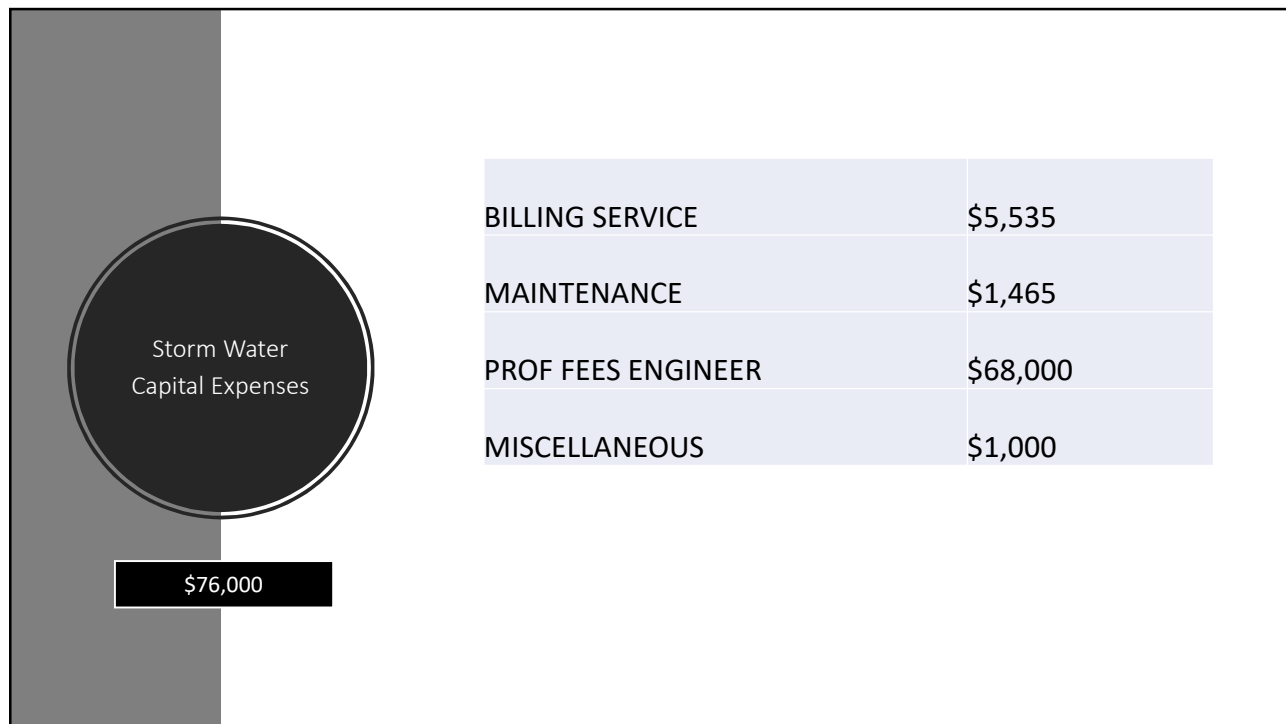
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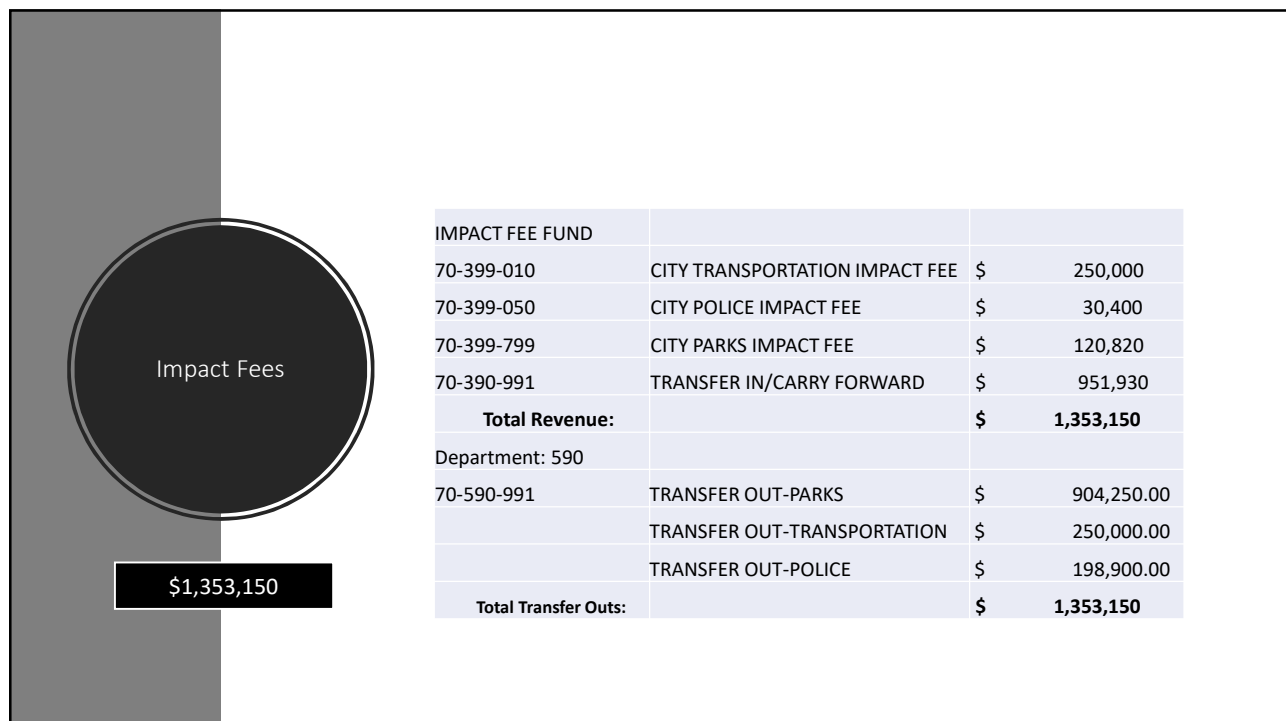
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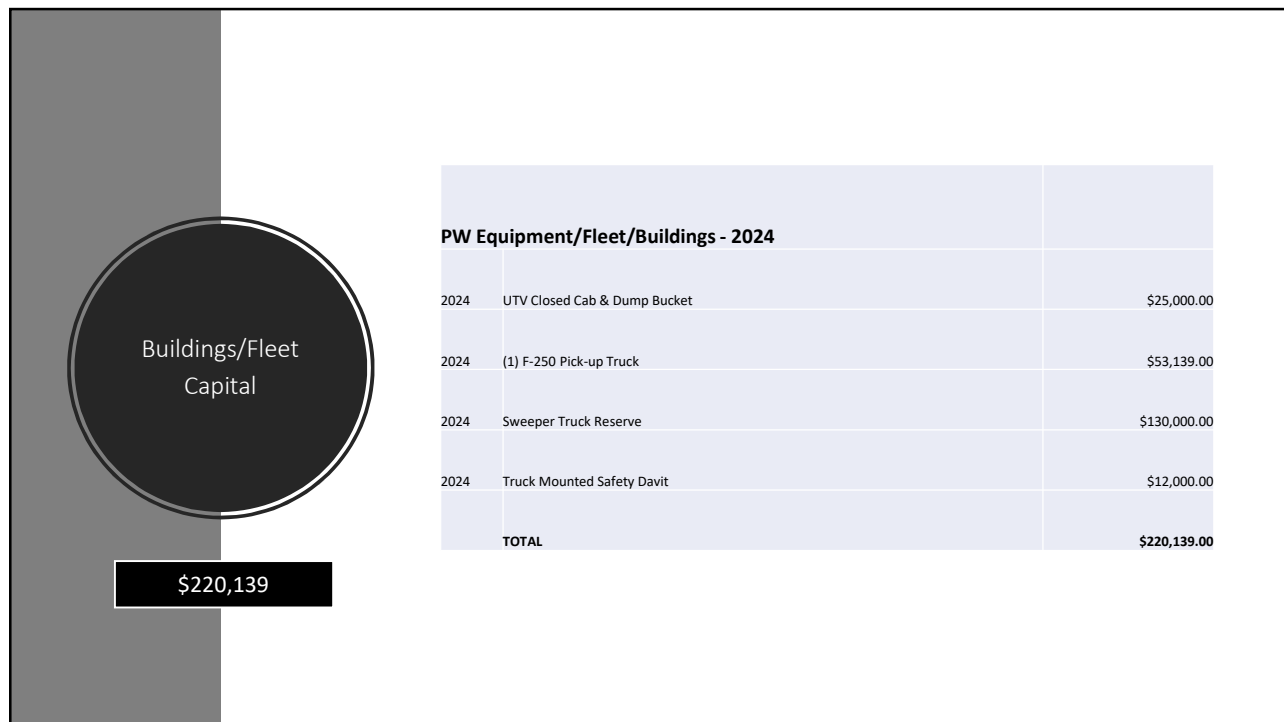
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Proposed Fee Increases

	Current Fees	Proposed Fees
ADMINISTRATIVE		
Bulk Water Rate and Public Works Fill Station Truck Inspection	FEE	
Hydrant Meter rental	\$26 & 3.34/1000 gal	\$25 Insp. \$3.50/1000 gal
Bacteria Testing Fee - metered at bulk water rate	\$5.00/day & \$3.34/1000 gal	\$5.00/day & \$3.50/1000 gal
Business Registration	\$3.34/1000 gal	\$3.50/1000 gal
	\$25/annually	\$30/annually
CONNECTION		
Sewer Connection*	FEE	
5/8" x 3/4" per Equivalent Dwelling Unit (Res 411-18)	\$-	\$7,016.51
1"	\$6,682.39	\$8,744.70
1 1/2"	\$8,328.29	\$19,407.58
2"	\$18,483.41	\$33,962.40
3"	\$32,345.15	\$77,629.17
4"	\$73,932.55	\$137,296.64
* Fee is based on water meter size since at least 98% of water discharges through the sewer system.		
Water Connection** per Equivalent Dwelling Unit		
5/8" x 3/4" (Res 411-18)	\$-	\$4,263.36
1"	\$4,060.34	\$10,914.09
1 1/2"	\$10,394.37	\$24,556.70
2"	\$23,387.33	\$43,654.04
3"	\$41,575.28	\$98,221.01
4"	\$93,543.82	\$174,618.47
** Fee is based on "draft", i.e., the pipe diameter area available for flow, and not based on the cost to install the device.		

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Proposed Fee Increases Cont.

	Current Fees	Proposed Fees
BUILDING		
Building Permit	Value of improvements based on Building Valuation Data 2018 Attachment A	Value of improvements based on Building Valuation Data 2021 Attachment A
On-Site Storage Container Permit		Permit required, no fee
PERMIT	FEE	
Food Truck Vendors Temporary Merchants Permit		\$125 annually
SUBDIVISION	FEE	
Extension request (plat)	\$200	\$210
Preliminary plat permit application	1 - 49 lots \$4,000	1 - 49 lots \$4,200
	50 - 299 lots \$4,500	50 - 299 lots \$4,725
	300+ lots \$7,500	300+ lots \$7,875
Construction drawing permit application/ <u>Public Works Inspection</u>	1 - 49 lots \$5,500	1 - 49 lots \$6,575
	50 - 299 lots \$6,500	50 - 299 lots \$7,625
	300+ lots \$11,500	300+ lots \$12,875
<u>Additional Construction Reinspection</u>		
Final plat / Project Close Out	\$1,000	\$2,000
Bond Management Intake and Review		\$480
UTILITY BILLING	FEE	
Water Base Rate	\$12.26	\$12.87
Water Use Rate	\$2.02/1,000 Gallons	\$2.12/1,000 Gallons
Wastewater Base Rate	40.01/Month	\$42.01/Month
Wastewater (Sewer) Use Rate	\$3.71/1,000 gallons times the monthly average Nov-March	\$3.90/1,000 gallons times the monthly average Nov-Mar.
ZONING	FEE	
Administrative lot split / boundary line adjustment	\$500	\$550
Annexation and zoning	\$650 includes publication	\$750
Appeal	\$320	\$340.00
Comprehensive Plan Amendment (with or without rezone/annex&zoning)	\$650 includes publication	\$750
De-annexation	\$650 includes publication	\$750
Design review		
P&Z Review up to and including 2,000 sq.-ft.	\$375	
P&Z Review over 2,000 sq.-ft.	\$750	\$750
Staff Review	\$50	
Development Agreement	\$1100 includes publication	\$3,000
Special use permit	\$550 includes publication costs	\$750
Variance	\$550 includes publication costs	\$750