
**MIDDLETON CITY COUNCIL
MARCH 2, 2022**

The Middleton City Council meeting on March 2, 2022, was called-to-order at 5:40 p.m. by Mayor Steven Rule.

Roll Call: Council President Kiser, Council Members Murray, and Huggins were present. City Attorney Mark Hilty, Deputy Clerk Dawn Goodwin City Planning Staff Jennica Reynolds, Public Works Director Jason VanGilder, and Police Chief Alan Takeuchi were present. Council Member O'Meara arrived at 5:44 p.m.

Pledge of Allegiance, Invocation: Mark Christansen

Action Items

A. Approve Agenda

Motion: Motion by Council President Kiser to approve the agenda as posted February 25, 2022, at 2:00 p.m. Motion seconded by Council Member Huggins and approved unanimously.

Information Items: None

Action Items:

1. Consent Agenda (items of routine administrative business)
 - a. Consider approving minutes for City Council February 2, 2022, regular meeting.
 - b. Consider ratifying payroll for February 25, 2022, in the amount of \$112,841.58.
 - c. Consider approving accounts payable thru February 25, 2022, in the amount of \$282,599.00.
 - d. Consider approving Findings of Facts, Conclusions of Law and Order for Carlton Meadows South Subdivision. **(Exhibit A)**

Mayor Rule called the items. Council President Kiser stated he had gone through the accounts payable, and nothing had changed since the check registers had been uploaded to the council drobox. There were no concerns.

Motion: Motion by Council President Kiser to approve Consent Agenda Items 1 a-d. Motion seconded by Council Member O'Meara and approved unanimously.

2. Republic Services Waste Collection Services Contract and yearly consumer price index increase – Rachele Klein **(Exhibit B)**

Mayor Rule called the item and Rachele Klein with Republic Services thanked the Council for allowing Republic Services the pleasure of working with the city. Ms. Klein went on to explain that this is a yearly increase that is seen at the city level and not at a cost to the resident unless the city changes their fee.

Motion: Motion by Council President Kiser to approve Republic Services Waste Collection Services contact and yearly consumer price index. Motion seconded by Council Member O'Meara and approved unanimously.

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3. Consider adopting Resolution 465-22 A RESOLUTION OF THE MAYOR AND COUNCIL OF THE CITY OF MIDDLETON, IDAHO, ADOPTING MIDDLETON POLICE DEPARTMENT POLICY NO. 22-001, PERTAINING TO THE USE OF LESS LETHAL 12 GAUGE SHOTGUNS. - Chief Alan Takeuchi (**Exhibit C**)

Mayor Rule called the item. Chief Takeuchi explained that with the adoption of Resolution 465-22, this would allow his officers to have another tool at their disposal. The use of bean bags in the 12-gauge shotguns, allows officers the use of force when needed that does not place the officer in close range of a suspect. This in turn allows all parties including the suspect to go home at the end of the incident instead of a scenario where one of the parties might end up critically injured or far worse.

Motion: Motion by Council President Kiser to adopt resolution 465-22 a resolution of the Mayor and Council of the City of Middleton, Idaho, adopting Middleton Police Department Policy No. 22-001, pertaining to the use of less lethal 12-gauge shotguns. Motion was seconded by Council Member O'Meara and approved unanimously.

After a brief council discussion, a decision was made to re-arrange the posted agenda to allow for public, mayor and council comments to take place before the council was to go into executive session.

Motion: Motion by Council President Kiser to amend the posted agenda to allow public comments, mayor, and council comments prior to action item No. 4 executive session. Motion was seconded by Council Member O'Meara and approved unanimously

Public Comments, Mayor and Council Comments:

- Mike Graffe—1889 Ridgeway, Middleton - Mr. Graffe voiced his concern for the lack of water in surrounding reservoirs and the snowpack that provides said water. He wanted the city to scrutinize the water usage of residents and the reserve that the city has for both current and future residents of the city. Mr. Graffe also wanted to voice concern for the upcoming Star public hearing regarding its area of impact which would infringe on the Middleton area of impact.
- Jo Ellen Ringer – 115 3rd St, Middleton – Ms. Ringer expressed that she has been picking up trash along Sawtooth Lakes from the city installed traffic barriers that residents and fellow drivers ignore and drive over when turning onto Sawtooth Lakes Dr. she stated that all the barriers do is cause trash issues and provide no safety and she would like to see them removed and maybe a concrete barrier installed in their place. Ms. Ringer went on to ask if there was going to be a traffic study for Dewey completed in regard to the new subdivision being built as that area if town is older and there isn't room for more traffic on those streets.
- Janet Gibson – 945 Harvest – Middleton – Mrs. Gibson asked if the city could request a quote from Republic Services regarding a green waste cart for residents.
- Council Member O'Meara— stated that he has been working with the attorney for the irrigation district regarding Hill Side Park and that the City of Eagle has entered into an agreement with the irrigation company regarding tails along the dirt bank of the drain ditches. The irrigation company is wondering if the City of Middleton would be interested in entering into the same type of agreement.
- Council Member Murray – asked for an update regarding the annex building next door to the police station which Mayor Rule referred him to City Administrator Becky Crofts as she has been working on that project. Council Member Murray

also voiced that he would like to see the city draft a letter to the county regarding supporting a transfer station for waste being placed on this side of the county.

- Council Member Huggins – stated that she would like to see a quote from Republic Services regarding the green waste bins for residents.
- Mayor Rule – Mayor Rule addressed Ms. Ringer's concern about a traffic study on Dewey and her request for concert traffic barriers at Sawtooth Lake Dr. Mayor Rule responded to Mr. Graefe's frustration with Star's public hearing stating that the city is very much aware of the annexation plans and that the city is working on the issues. Mayor Rule also wanted to let Council know that the city is currently looking into live streaming city council meetings and a quote could be put together and brought before council if it interested them.

Mayor Rule called for a break at 6:39 p.m. and brought the council back into session at 6:43 p.m.

4. **Executive Session:** (Idaho Code 74-206(1)(f)) to communicate with legal counsel for the public agency to discuss the legal ramifications of and legal options for pending litigation, or controversies not yet being litigated but imminently likely to be litigated.


Mayor Rule called the item.

Motion: Motion by Council President Kiser to enter executive session Idaho Code 74-206(1)(f)) to communicate with legal counsel for the public agency to discuss the legal ramifications of and legal options for pending litigation, or controversies not yet being litigated but imminently likely to be litigated. Motion was seconded by Council Member Huggins and approved unanimously by roll call vote.

Council entered executive session at 6:45 p.m. and resumed regular session at 8:01 p.m. Council President Kiser noted for the record that there were no decisions made during the executive session.

Adjourn: Mayor adjourned the city council meeting at 8:02 PM.

ATTEST:


Dawn Goodwin, Deputy Clerk
Minutes Approved: March 16, 2022

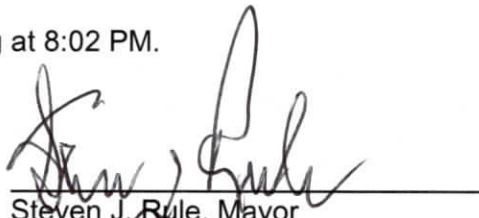

Steven J. Rule, Mayor

EXHIBIT “A”



Middleton City Council

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

In the Matter of the Request of D&N Investments, LLC and B&A Engineers, Inc for Preliminary Plat with respect to the Carlton Meadows South Subdivision located at 0 Whiffin Lane (Tax Parcel No. R17610052A0):

A. Findings of Fact:

1. Hearing Facts: See Staff Report for the hearing date of February 16, 2022, which Report is attached hereto as Exhibit "1" and incorporated herein by this reference.
2. Process Facts: See Staff Report for the hearing date of February 16, 2022, Exhibit "1".
3. Application and Property Facts: See Staff Report for the hearing date of February 16, 2022, Exhibit "1".
4. Required Findings per Middleton City Code 1-14-2(E)(7), Idaho State Statue Title 67, Chapter 65, and Title 50, Chapters 13; Idaho Standards for Public Works Construction and Middleton Supplement thereto; and Middleton City Code 1-14, 1-15, 5-1, 5-3, and 5-4: See Staff Report for the hearing date of February 16, 2022, Exhibit "1".

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 and City Engineer.
3. That notice of the application and public hearing was given according to law.
4. That City Council's public hearing was conducted according to law, and the City has kept a record of the application and related documents.
5. That codes and standards applicable to the application are the Idaho Standards for Public Works Construction, the Middleton Supplement to the Idaho Standards for Public Works Construction, and Middleton City Code 1-14, 1-15, 5-1, 5-3, and 5-4 and Idaho State Code Secs., 67-6503, 67-6509, 67-6511, 67-6513, 50-1301 through 50-1329.
6. That public facilities and services required by the proposed development will not impose expense upon the public if the attached conditions of approval are imposed.
7. That this approval is subject to the Conditions of Approval set forth in the attached Staff Report for the hearing date of February 16, 2022, Exhibit "1".

C. Decision and Order:

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

The application of D&N Investments, LLC and B&A Engineers, Inc for Preliminary Plat with respect to the Carlton Meadows South Subdivision is approved subject to the following conditions of approval:

1. Applicant/Developer to comply with the conditions of approval set forth in the Staff Report for the February 16, 2022, public hearing. (Exhibit "1")
2. Prior to Final Plat approval the Final Plat for Carlton Meadows No. 1 must be approved.

WRITTEN RECOMMENDATION APPROVED ON: March _____, 2022.

Steven J. Rule
Mayor, City of Middleton

Attest:

Jennica Reynolds
Planning and Zoning Department

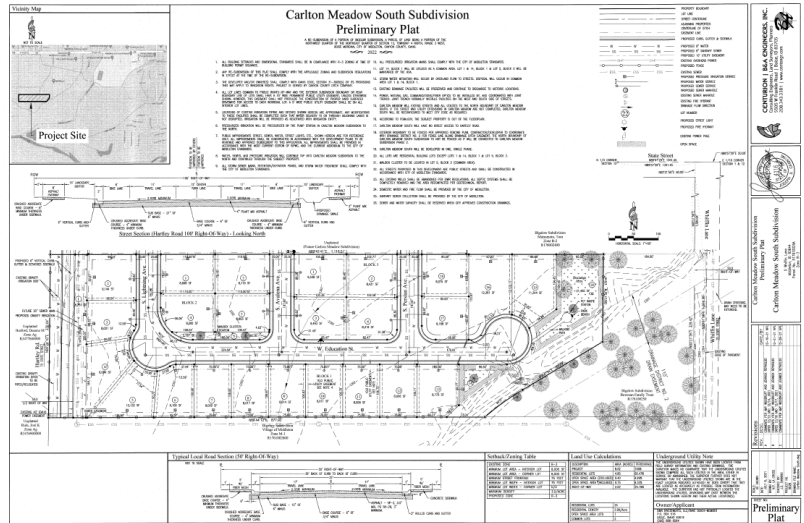
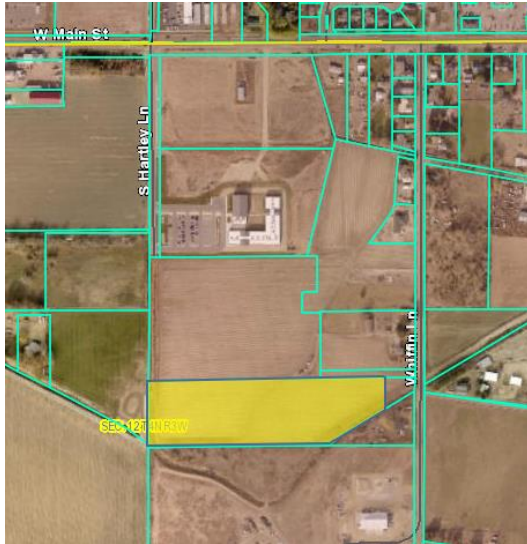
Exhibit “1”
Staff Report
City Council Hearing
2-16-2022



STAFF REVIEW AND REPORT

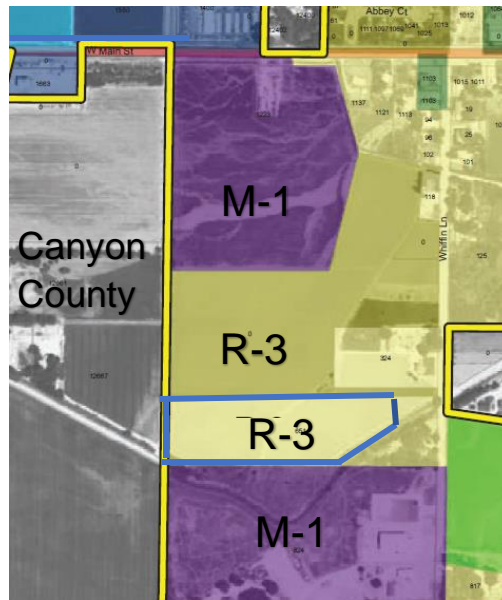
Middleton City Council

Carlton Meadows South Subdivision

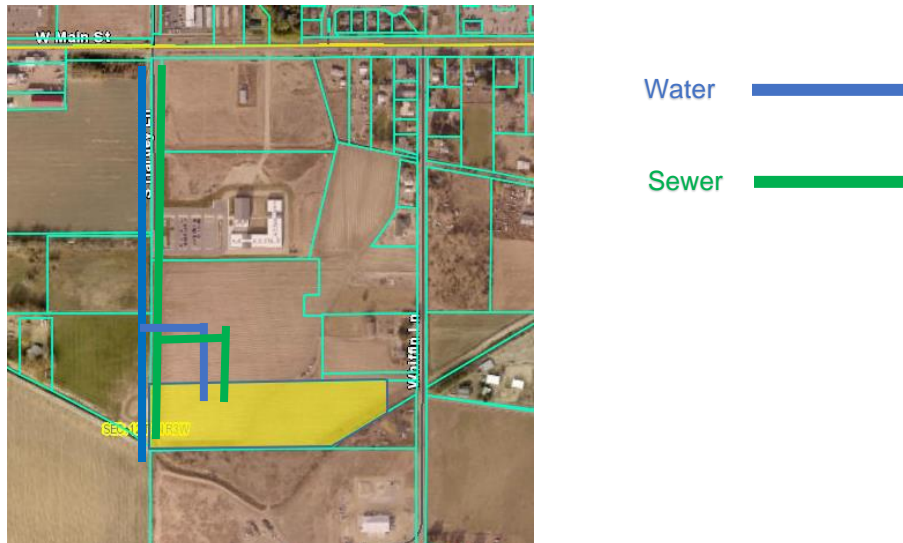


DESCRIPTION	DETAILS
Acreage	8.02 acres
Current Zoning	R-3 (Single Family Residential)
Proposed Zoning	to remain the same
Current Land Use	Residential
Proposed Land Use	Residential
Lots	24 residential lots and 1 common lot
Density	3 single-family homes per gross acre
Open Space	6%
Amenities	Pocket Park, Pathway, Benches & Pet Waste Station

- A. City Council Hearing Date:** February 16, 2022
- B. Project Description:** Residential subdivision consisting of 24 buildable lots and 1 common lot on 8.02 acres located at 0 Whiffin Lane (Tax Parcel No. R17610025A0).
- C. Application Requests:** Applicant is applying for Preliminary Plat.
- D. Current Zoning & Property Condition:** The property is currently located in city limits and zoned R-3 (Single-Family Residential).

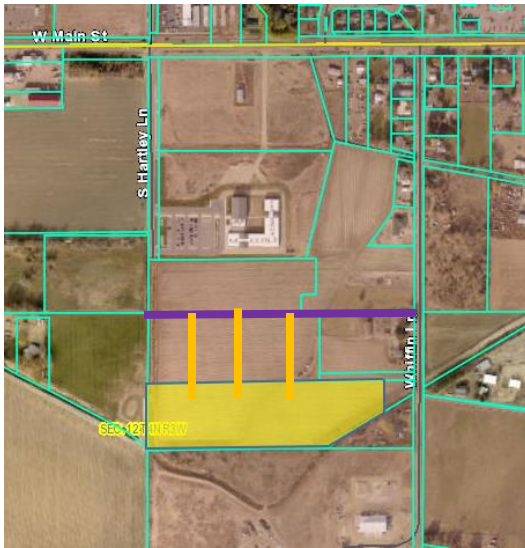


- E. City Services:** City water and sewer are located in Hartley Road to the west. Water and sewer will connect from the Carlton Meadows Subdivision directly to the north.



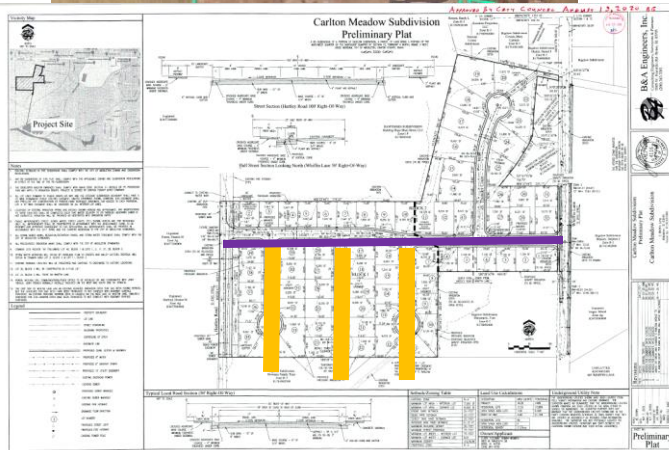
Planning Staff finds that City Services are nearby and available. However, sewer and water capacity will not be reserved until Construction Drawings are approved by the City.

- F. Traffic, Access & Streets:** Access to the subdivision is proposed north connecting to the local roads in Carlton Meadows Subdivision which access Hartley Road to the west and Whiffin Lane to the east. There is no direct access onto Hartley Road or Whiffin Lane from this subdivision.

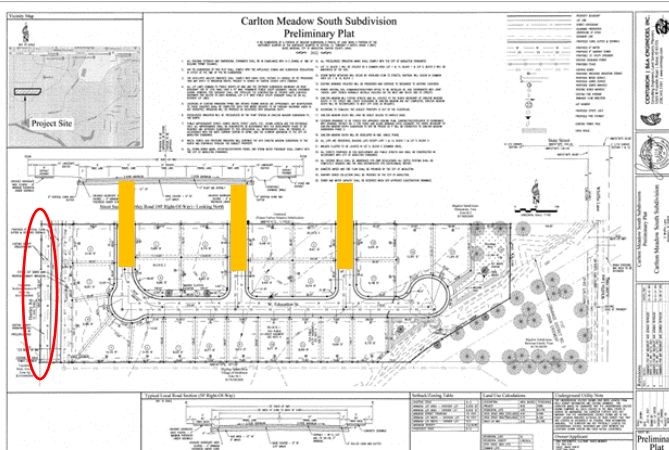


Streets connecting internally to the north

Street connecting to Hartley & Whiffin



Carlton Meadows Preliminary Plat approved 8/19/2020



Carlton Meadows South Proposed Preliminary Plat

The Developer will construct their ½ road section and frontage of Hartley Road per Middleton City Code.

The subdivision has only 24 lots, therefore a TIS is not required according to MCC. However, each residential building permit will be assessed a Transportation Impact

Fee (currently \$5,050.00 x 24 for a total of \$121,200.00) to go towards City roads and intersection improvements.

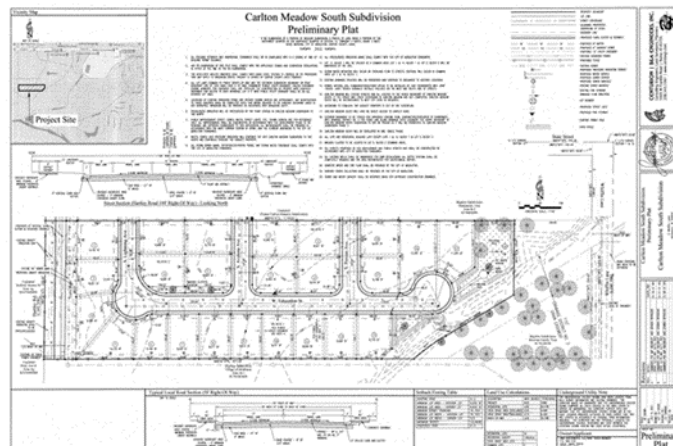
- G. Pathway, Sidewalks & Open Space:** Developer has provided 6% open space as a pocket park which exceeds the 5% minimum required by MCC 5-4-10-10. A pathway to a sitting area with benches and a pet waste station will be located in the park.

The developer will also be required to construct a landscape buffer west along Hartley Road as part of the road improvements.

- H. Preliminary Plat Application:** The preliminary plat does not show a phasing plan, and the project will be brought to final plat in one phase. The preliminary plat complies with all dimensional standards and codes of the City of Middleton.

FINDINGS:

Planning Staff finds that the preliminary plat is not materially detrimental to the public health, safety and welfare, and the preliminary plat is in harmony with the Middleton Comprehensive Plan. (See more detail in Section I below.)



A copy of the preliminary plat is attached as Exhibit “A”.

- I. Comprehensive Plan & Land Use Map:** Applicant’s project complies with the Comprehensive Plan’s Future Land Use Map because the project is designated Residential (blue color) on the Land Use Map, which matches the Residential Use planned for the site.



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

- a. *Goals 3 and 23*: The project provides safe vehicle and pedestrian facilities in light of the street improvements and sidewalks shown on the preliminary plat.
- b. *Goals 4 and 5*: The project will establish a good quality of life with development that pays through impact fees and property taxes for the public services it receives when infrastructure is installed. Additionally, quality lots for residential use increase the quality of life and general welfare of the city.
- c. *Goal 11*: The housing type matches the residents' lifestyle in the area the project is located and is an in-fill improvement project.

J. Comments from City Engineer and Planning Staff: City Engineer and Planning Staff comments attached as Exhibit "B".

K. City Engineer Recommendation Letter: Attached as Exhibit "F".

L. Comments from Agencies:

Middleton Rural Fire District: Fire Chief Islas submitted comment attached as Exhibit "C". As a condition of approval, the preliminary plat will be subject to compliance with the District's comments approved by the City.

M. Comments Received from Surrounding Landowners: Fax received 1/6/2022 from Roy Bowman with sellers' agreement attached. Exhibit "D". This was a landowner dispute with the neighboring parcel on the amount of acreage in the preliminary plat.

After the Planning and Zoning public hearing the Applicant went back to Mr. Bowman to resolve the dispute. It has been resolved with a revision to the original preliminary plat submitted and a Lot Line Adjustment Application received 2/9/2022, bringing the total acreage for the subdivision parcel from 8.56 to 8.02 acres and Mr. Bowmans parcel to 1.84 acres. As a condition of approval, the Lot Line Adjustment needs to be finalized prior to submittal of Construction Drawings.

N. Applicant Information: Application was received and accepted on July 20, 2021. The Applicant/Owner Dave Buich – D&N Investments, P.O. Box 516, Eagle, ID 83616 and Representative Nick LaCross/Joseph Canning – B&A Engineers, Inc – 5505 W Franklin Road, Boise, ID 83705.

O. Notices:

Dates:

Neighborhood Meeting	6/20/2021 & 6/21/2021
Newspaper Notification	1/30/2022
Radius notification mailed to Adjacent landowners within 500'	1/28/2022
Circulation to Agencies	1/28/2022
Sign Posting property	1/28/2022

Planning Staff finds that notice was given according to Idaho State Law and Middleton City Code.

P. Applicable Codes and Standards:

Idaho Code Secs., 67-6503, 67-6509, 67-6511, 67-6513, 50-1301 through 50-1329. Idaho Standards for Public Works Construction, the Middleton Supplement to the Idaho Standards for Public Works Construction. Middleton City Code 1-14, 1-15, 5-1, 5-3, and 5-4.

T. Planning and Zoning Recommendations: This application was considered in a public hearing before the Planning and Zoning Commission on January 10, 2022. The Commission recommended approval of the preliminary plat application subject to the conditions of approval set forth in the Staff Report for that hearing. A copy of the FCR from the P&Z hearing is attached as Exhibit "E".

U. Conclusions and Recommended Conditions of Approval:

The decision to approve or deny a preliminary plat application must be based upon *General Facts and Conclusions of Law* formally accepted by City Council.

As to General Facts, Planning Staff has set forth general facts that are the basis of approving or denying this application. If the Council agrees with these general facts and agrees with the testimony and evidence presented at the public hearing, the Council need merely make a motion to accept the general facts set forth by Staff in the Staff Report and public hearing.

As to Conclusions of Law, Planning Staff finds that City Council has the authority to hear this application and to approve or deny this application. 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 Code to be considered in approving or denying the application. If the February 16th public hearing is held and conducted in compliance with Idaho State Statute and the Middleton City Code, then the Council may accept these conclusions of law by passing a motion to accept the conclusions of law set forth in the Staff Report and public hearing.

If the Council is inclined to approve the application based upon the above *General Facts and Conclusions of Law*, then Planning Staff recommends that any approval be subject to the following conditions:

1. City of Middleton municipal domestic water, fire flow and sanitary sewer services are to be extended to serve the subdivision.
2. All City Engineer review comments are to be completed and approved.
3. All Middleton Rural Fire District comments approved by the City are to be completed and approved.
4. Lot Line Adjustment to be finalized and approved prior to submittal of Construction Drawings.
5. Sewer and water capacity to be reserved at the time the City approves the construction drawings for the project.

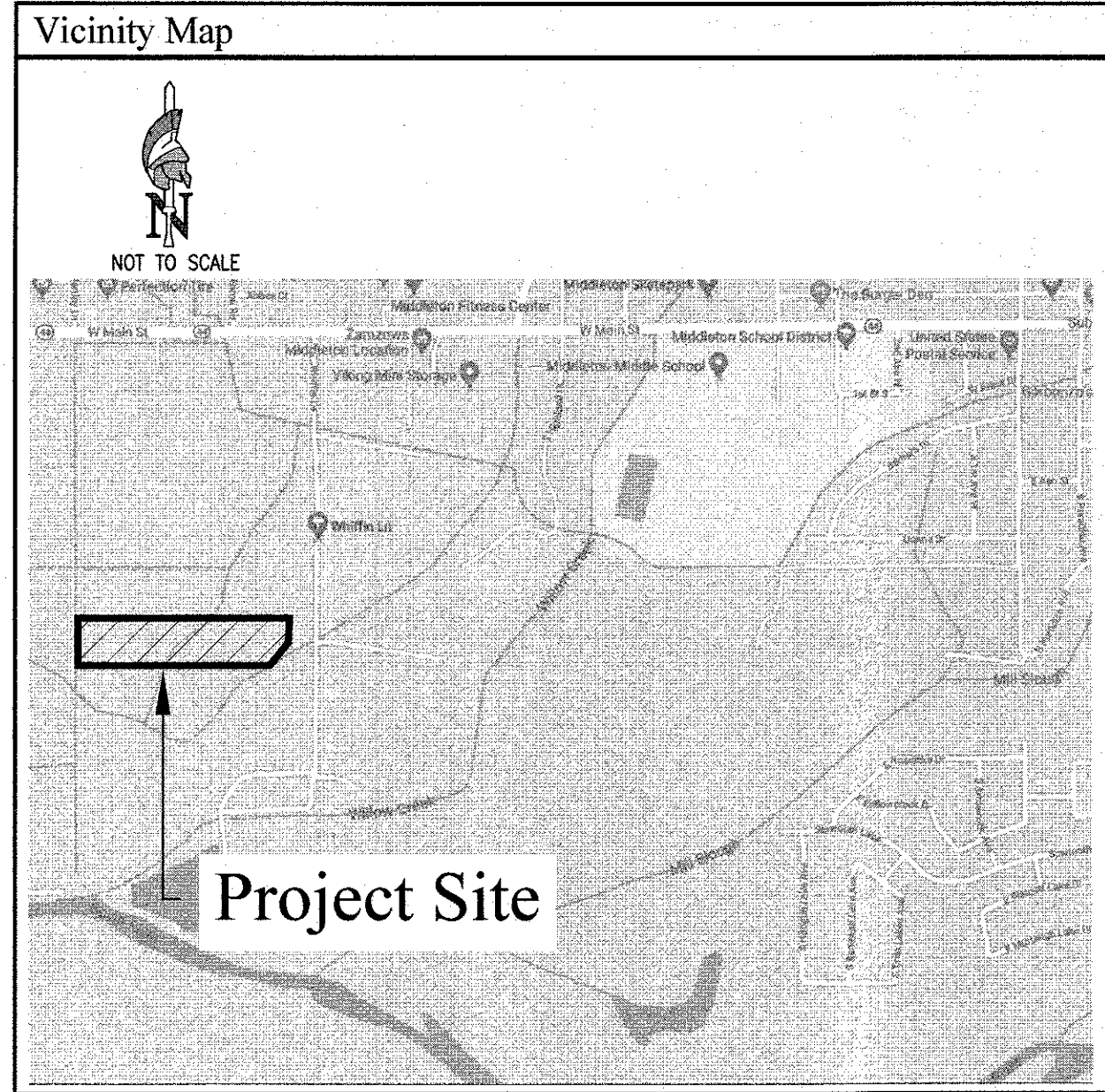
Finally, if the City Council denies the application, pursuant to Middleton City Code 1-14(E)(8), the Council must state on the record what Applicant can do, if anything, to gain approval of the application.

Prepared by Planning Deputy Clerk, Jennica Reynolds

Dated: 2/11//2022

EXHIBIT “A”

Preliminary Plat under review

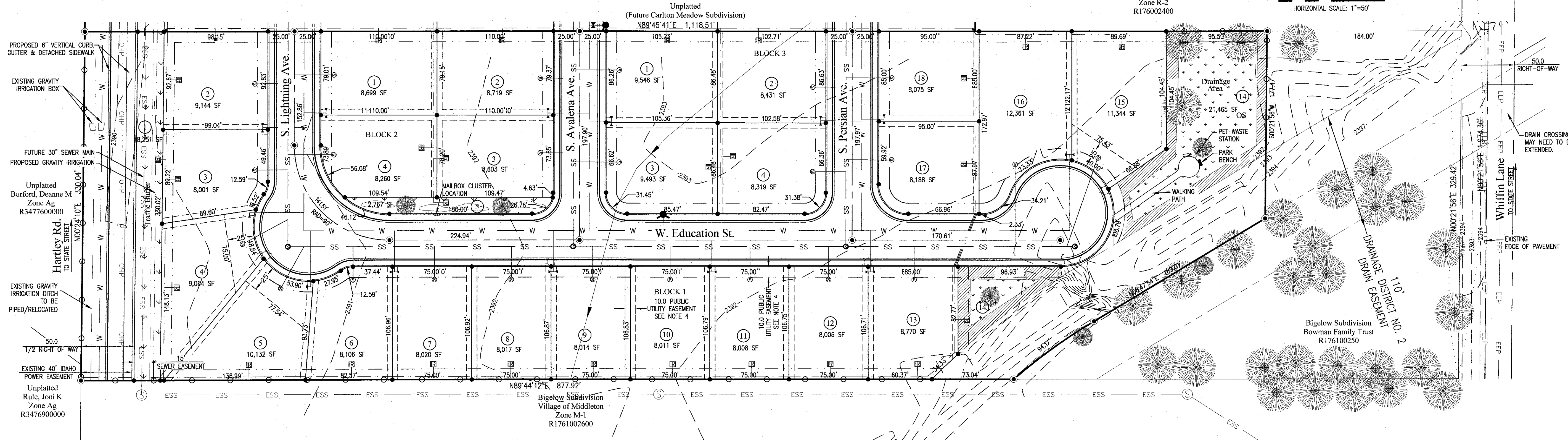
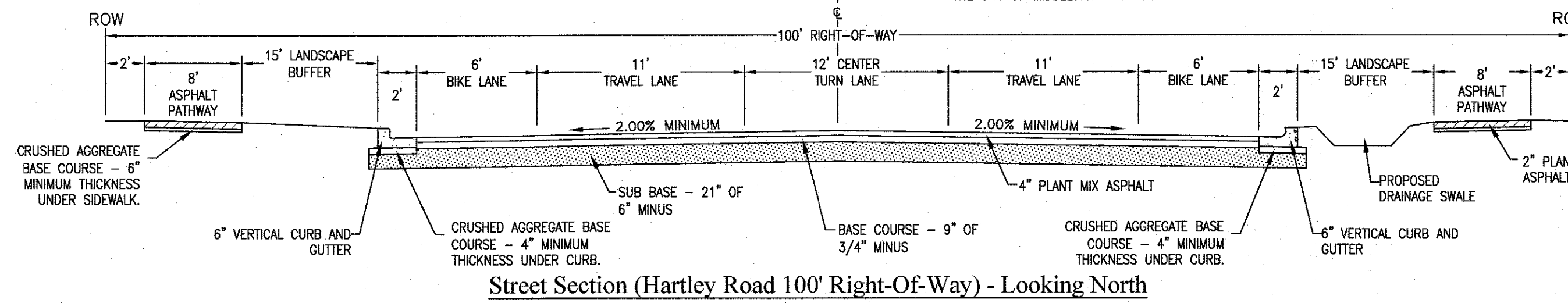
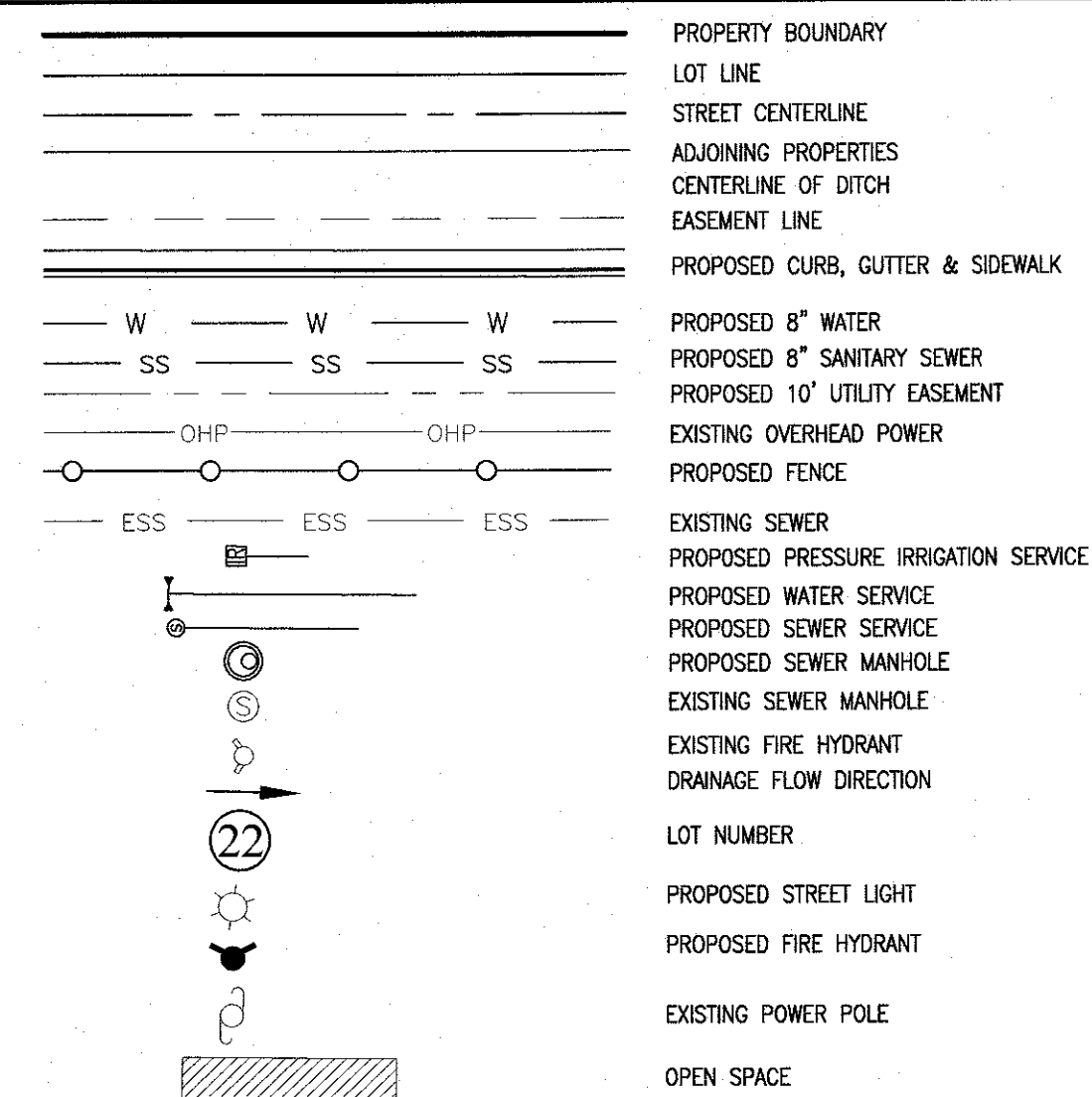


Carlton Meadow South Subdivision Preliminary Plat

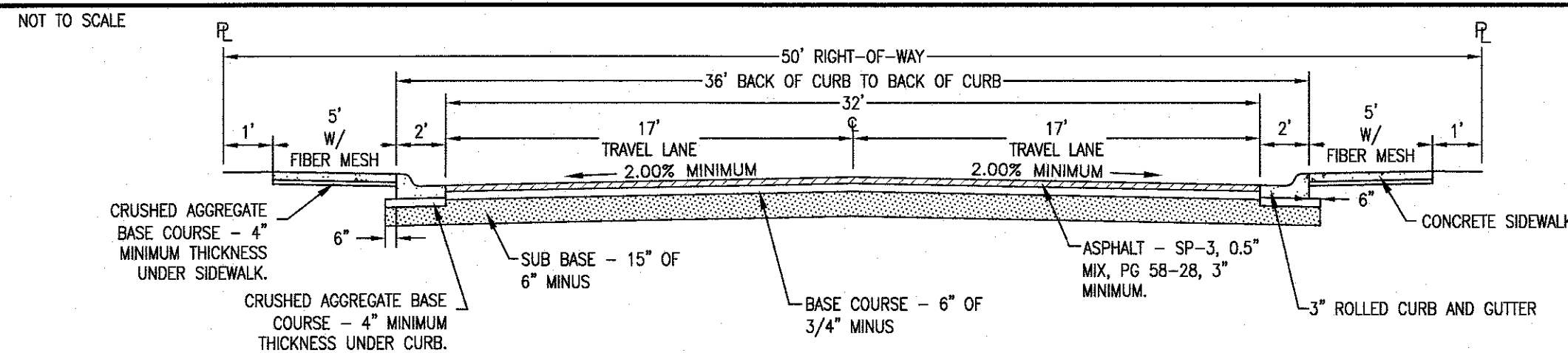
A RE-SUBDIVISION OF A PORTION OF BIGELOW SUBDIVISION, A PARCEL OF LAND BEING A PORTION OF THE NORTHWEST QUARTER OF THE NORTHEAST QUARTER OF SECTION 12, TOWNSHIP 4 NORTH, RANGE 3 WEST, BOISE MERIDIAN, CITY OF MIDDLETON, CANYON COUNTY, IDAHO.

2022

- ALL BUILDING SETBACKS AND DIMENSIONAL STANDARDS SHALL BE IN COMPLIANCE WITH R-3 ZONING AT TIME OF BUILDING PERMIT ISSUANCE.
- ANY RE-SUBDIVISION OF THIS PLAT SHALL COMPLY WITH THE APPLICABLE ZONING AND SUBDIVISION REGULATIONS IN EFFECT AT THE TIME OF THE RE-SUBDIVISION.
- THE DEVELOPER AND/OR OWNER(S) SHALL COMPLY WITH IDAHO CODE, SECTION 31-3805(b) OR ITS PROVISIONS THAT MAY APPLY TO IRRIGATION RIGHTS. PROJECT IS SERVED BY CANYON COUNTY DITCH COMPANY.
- ALL LOT LINES COMMON TO PUBLIC RIGHTS-OF-WAY AND THE EXTERIOR SUBDIVISION BOUNDARY OR REAR BOUNDARY LINE OF LOTS SHALL HAVE A 10' WIDE PERMANENT PUBLIC UTILITY EASEMENT, UNLESS OTHERWISE SHOWN. HOWEVER, THIS EASEMENT SHALL NOT PRECLUDE THE CONSTRUCTION OF PROPER HARD SURFACED DRIVEWAYS FOR ACCESS TO EACH INDIVIDUAL LOT. A 5' WIDE PUBLIC UTILITY EASEMENT SHALL BE ON ALL INTERIOR LOT LINES.
- LOCATIONS OF EXISTING IRRIGATION PIPING AND DITCHES SHOWN HEREON ARE APPROXIMATE. ANY MODIFICATIONS TO THESE FACILITIES SHALL BE COMPLETED SUCH THAT WATER DELIVERY TO OR THROUGH ADJOINING LANDS IS NOT DISRUPTED. IRRIGATION WILL BE PROVIDED AS NEGOTIATED WITH IRRIGATION ENTITY.
- PRESSURIZED IRRIGATION WILL BE PRESSURIZED BY THE PUMP STATION IN CARLTON MEADOW SUBDIVISION TO THE NORTH.
- PUBLIC IMPROVEMENTS STREET, SEWER, WATER, STREET LIGHTS, ETC., SHOWN HEREON ARE FOR REFERENCE ONLY. ALL IMPROVEMENTS SHALL BE CONSTRUCTED IN ACCORDANCE WITH THE DEVELOPMENT PLANS TO BE REVIEWED AND APPROVED SUBSEQUENT TO THIS APPLICATION. ALL IMPROVEMENTS SHALL BE PROVIDED IN ACCORDANCE WITH THE MOST CURRENT EDITION OF ISPWC, AND THE CURRENT ADDENDUM TO THE CITY OF MIDDLETON STANDARDS.
- WATER, SEWER, AND PRESSURE IRRIGATION WILL CONTINUE TAP INTO CARLTON MEADOW SUBDIVISION TO THE NORTH AND CONTINUED THROUGH THE SUBJECT PROPERTY.
- ALL STORM SEWER MAINS, RETENTION/DEFINITION PONDS, AND STORM WATER TREATMENT SHALL COMPLY WITH THE CITY OF MIDDLETON STANDARDS.
- ALL PRESSURIZED IRRIGATION MAINS SHALL COMPLY WITH THE CITY OF MIDDLETON STANDARDS.
- LOT 14, BLOCK 1 WILL BE UTILIZED AS A COMMON AREA. LOT 1 & 14, BLOCK 1 & LOT 5, BLOCK 2 WILL BE MAINTAINED BY THE HOA.
- STORM WATER MITIGATION WILL OCCUR BY OVERLAND FLOW TO STREETS. DISPOSAL WILL OCCUR IN COMMON AREA LOT 1 & 14, BLOCK 1.
- EXISTING DRAINAGE FACILITIES WILL BE PRESERVED AND CONTINUE TO DISCHARGE TO HISTORIC LOCATIONS.
- POWER, NATURAL GAS, COMMUNICATIONS/FIBER OPTICS TO BE INSTALLED BY, AND COORDINATED WITH JOINT TRENCH. JOINT TRENCH NORMALLY INSTALLS FACILITIES ON THE WEST AND SOUTH SIDE OF STREETS.
- CARLTON MEADOW WILL EXTEND STREETS AND ALL UTILITIES TO THE NORTH BOUNDARY OF CARLTON MEADOW SOUTH. IF THE STREET AND UTILITY EXTENSIONS IN CARLTON MEADOW ARE NOT COMPLETED, CARLTON MEADOW SOUTH WILL BE RECONFIGURED TO MEET CITY CODE AS REQUIRED.
- ACCORDING TO FEMA.GOV, THE SUBJECT PROPERTY IS OUT OF THE FLOODPLAIN.
- CARLTON MEADOW SOUTH WILL HAVE NO DIRECT ACCESS TO HARTLEY ROAD.
- EXTERIOR BOUNDARY TO BE FENCED PER APPROVED FENCING PLAN. CONTRACTOR/DEVELOPER TO COORDINATE WITH DRAINAGE DISTRICT NO. 2 FOR FENCE LINE ALONG DRAINAGE DITCH EASEMENT. THE NORTH BOUNDARY OF CARLTON MEADOW SOUTH SUBDIVISION TO NOT BE FENCED AS IT WILL BE CONNECTED TO CARLTON MEADOW SUBDIVISION PHASE 2.
- CARLTON MEADOW SOUTH WILL BE DEVELOPED IN ONE, SINGLE PHASE.
- ALL LOTS ARE RESIDENTIAL BUILDING LOTS EXCEPT LOTS 1 & 14, BLOCK 1 & LOT 5, BLOCK 2.
- MAILBOX CLUSTER TO BE LOCATED IN LOT 5, BLOCK 2 (COMMON AREA).
- ALL STREETS PROPOSED IN THIS DEVELOPMENT ARE PUBLIC STREETS AND SHALL BE CONSTRUCTED IN ACCORDANCE WITH CITY OF MIDDLETON STANDARDS.
- ALL EXISTING WELLS SHALL BE ABANDONED PER IDWR REGULATIONS. ALL SEPTIC SYSTEMS SHALL BE COMPLETELY REMOVED AND THE AREA RECOMPACTED PER GEOTECHNICAL REPORT.
- DOMESTIC WATER AND FIRE FLOW SHALL BE PROVIDED BY THE CITY OF MIDDLETON.
- SANITARY SEWER COLLECTION SHALL BE PROVIDED BY THE CITY OF MIDDLETON.
- SEWER AND WATER CAPACITY SHALL BE RESERVED WHEN CITY APPROVES CONSTRUCTION DRAWINGS.



Typical Local Road Section (50' Right-Of-Way)



Setback/Zoning Table

EXISTING ZONE	R-3
MINIMUM LOT AREA - INTERIOR LOT	8,000 SF
MINIMUM LOT AREA - CORNER LOT	8,000 SF
MINIMUM STREET FRONTAGE	75 FEET
MINIMUM LOT WIDTH - INTERIOR LOT	75 FEET
MINIMUM LOT WIDTH - CORNER LOT	N/A
MAXIMUM DENSITY	3.0/ACRE
PROPOSED ZONE	R-3

Land Use Calculations

DESCRIPTION	AREA (ACRES)	PERCENTAGE
PROJECT	8.02	100%
RESIDENTIAL LOTS	4.85	60.47%
OPEN SPACE AREA (EXCLUDED)	0.40	4.99%
OPEN SPACE AREA (INCLUDED)	0.75	9.35%
RIGHT-OF-WAY	2.02	25.19%

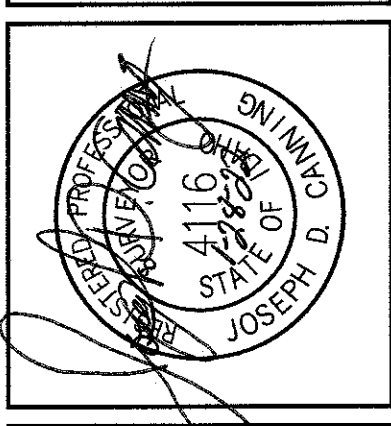
RESIDENTIAL LOTS	24
RESIDENTIAL DENSITY	2.99/Acre
OPEN SPACE AREA LOTS	1
COMMON LOTS	2

Underground Utility Note

THE UNDERGROUND UTILITIES SHOWN HAVE BEEN LOCATED FROM FIELD SURVEY INFORMATION AND EXISTING DRAWINGS. THE SURVEYOR MAKES NO GUARANTEE THAT THE UNDERGROUND UTILITIES SHOWN COMPRISE ALL SUCH UTILITIES IN THE AREA, EITHER IN SERVICE OR ABANDONED. THE SURVEYOR FURTHER DOES NOT WARRANT THAT THE UNDERGROUND UTILITIES SHOWN ARE IN THE EXACT LOCATION INDICATED ALTHOUGH HE DOES CERTIFY THAT THEY ARE LOCATED AS ACCURATELY AS POSSIBLE FROM INFORMATION AVAILABLE. THE SURVEYOR HAS NOT PHYSICALLY LOCATED THE UNDERGROUND UTILITIES. DEVIATIONS MAY EXIST BETWEEN THE LOCATIONS SHOWN HEREON AND THEIR ACTUAL LOCATION(S).

Owner/Applicant
D&N INVESTMENTS, LLC/D&N MEMBER
P.O. BOX 516
EAGLE, IDAHO 83616
(208) 866-0594

CENTURION | B&A ENGINEERS, INC.
Consulting Engineers, Land Surveyors, Planners
5505 W Franklin Road | Boise, ID 83705
208.343.3381 | www.centengr.com



Carlton Meadow South Subdivision Preliminary Plat

Carlton Meadow South Subdivision Preliminary Plat

0 Whiffin Lane
Middleton, ID 83644
Parcel No. R176100254
Zone R-3

Revisions

REV.	DESC.	DATE/ BY
A	COMMENTS PER ANY WOODRUFF AND JENICKA RENOLDS DATED 12/13/21 AND 12/14/21	12-16-21 NPL
B	COMMENTS PER ANY WOODRUFF AND JENICKA RENOLDS DATED 12/16/21 AND 12/17/21	12-21-21 NPL
C	COMMENTS PER ANY WOODRUFF AND JENICKA RENOLDS	12-29-21 NPL

SCALE: AS SHOWN
DATE: JULY 6, 2021
DRAWN BY: J.D. CANNING
CHECKED BY: J.D. CANNING
PROJECT NO: B028
DRAWING FILE NAME: Carlton Meadow South.dwg

SHEET NO:
Preliminary Plat

EXHIBIT “B”

City Engineer & Planner Comments



December 13, 2021

TO: Jennica Reynolds, Planner

FROM: Civil Dynamics PC, City Engineer
Amy Woodruff, PE

RE: CARLTON MEADOWS SOUTH PRELIMINARY PLAT

Thank you for the opportunity to review the above referenced preliminary plat submittal.

- 1) Confirm the subdivision name "Carlton Meadows South" can be approved by the City.
- 2) MCC 5-4-4.2 a and I. The boundary is required to be surveyed and stamped by PLS, including ties to corners.
 - What is status of the southeast corner - south of the drain? If split off, please provide the documentation. If not, the property may be eligible for a one time division or please include it in the subdivision boundary.
- 3) MCC 5-4-4.2.f. and g. Need to show the topography in addition to contours.
 - Include Whiffin, drains, trees, utilities, benchmark, etc.
 - Identify the drain crossing on Whiffin and note it may need to be expanded.
 - Dimension the existing right of way for Whiffin – identify area being dedicated.
- 4) Show fully the water in Hartley.
- 5) Label/identify all easements - existing and proposed. Include Hartley sewer.
- 6) Note 4. Identify purpose of side lot line easement: utility, irrigation, etc.
- 7) Note 7. *Most current* edition of ISPWC
- 8) Note 8. Add language: Carlton Meadows will extend streets and all utilities to the north boundary of Carlton Meadow South. If the street and utility extensions in Carlton Meadows are not completed, Carlton Meadow South will be reconfigured to meet City Code as required.
- 9) Note if project is in floodplain.
- 10) Add note: No direct access to Hartley.



- 11) Add note: Exterior boundary to be fenced per approved fencing plan.
- 12) Show the irrigation system layout.
- 13) Lot 15/Lot 16 both need a sewer service. Extend sewer main east and take service to main if possible, not manhole.
- 14) Show Hartley in plan view including curb and pathway. Identify the location of power structures.
- 15) Clearly show the landscape easement area.
- 16) Show hydrant location.
- 17) Show location of mailbox cluster or note included in Carlton Meadows or?
- 18) Correct street names. Street is east/west. Avenue is north/south.
- 19) Centerline radii is 90ft minimum.
- 20) The stormwater management area is 1 to 2 ft higher than the west end of the project. Understand the site may be filled or other – please note it almost always becomes a problem when the topography doesn't closely follow the project layout.



CITY OF MIDDLETON

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

PLANNER COMMENTS – Carlton Meadows South Preliminary Plat

December 14, 2021

1. Show perimeter fence around development.
2. Note 4. City code only requires 5 ft wide utility easement on interior lot lines
3. Show right of way and utility easements within right of way. Call out in notes.
4. Add note the project will be developed in one phase.
5. Call out dimensions for L4/B1, L5/B1, L15/B1 of frontage at 25 ft setback. Needs to be at least 75 ft.
6. Work with City Engineer - Roads need to show a turning radius of minimum of 90 ft. Call out in notes.
7. L1/B1 is not considered open space. It is a landscape buffer, but still maintained by the HOA. Please revise the Open space area and percentage.
8. MCC 5-4-10-10 requires 5% open space and defines it as irrigated and landscaped in a concentrated location sufficiently large to accommodate group or recreational activities. The Irrigation ditch doesn't meet this requirement. Please note what lots are being used as open space, the percentage and how the open space will be utilized.
9. It would be nice if you could add an amenity such as a bench or shade structure in common space.
10. Add note to call out common areas by lot and block and state who owns and maintains them.
11. Add note: All lots are residential building lots except lots (insert L/B)
12. Add cluster mailbox(s) in common area(s). Call out in notes.
13. MCC 5-4-10 (2J) "roads having a predominantly north-south direction shall be avenues; roads having a predominantly east-west direction shall be streets., and cul-de-sacs shall be courts." Change Street names accordingly. (I am verifying your proposed road names with Canyon County, there may be some changes)
14. Education Ct needs to be changed to Education Street. (There are only 3-4 houses built on the cul-de-sac so we will keep it street the maintain the general flow of addressing.
15. Add note: All streets proposed in this development are public streets and shall be constructed in accordance with City of Middleton standards.
16. Add note: All existing wells shall be abandoned per IDWR regulations. All septic systems shall be completely removed and the area recompacted per geotechnical report.
17. Add note: Domestic water and fire flow shall be provided by the City of Middleton,
18. Add note: Sanitary Sewer collection shall be provided by the City of Middleton.
19. Remove Key with setbacks
20. Add note: All building setbacks and dimensional standards shall be in compliance with R-3 zoning at time of building permit issuance.
21. Show all public and private easements on preliminary plat.

22. Add note: Sewer and water capacity shall be reserved when City approves construction drawings.

23. Address any additional comments from City Engineer, MRFD, CHD4, ITD, Irrigation District.

Please submit revisions no later than December 27, 2021 to remain on schedule for January 10, 2022 P&Z Hearing.

Jennica Reynolds

Middleton City Deputy Clerk, Planning



CITY OF MIDDLETON

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citmid@middletonidaho.us | www.middleton.id.gov

2nd BATCH PLANNER COMMENTS – Carlton Meadows South Preliminary Plat Revision Date 12/16/2021

December 16, 2021

1. Show perimeter fence around development Add note to explain how it ties into the Carlton Meadows Subdivision to the north.
2. Note 4. Change to the following: “All lot lines common to public Rights-of-Way and the exterior subdivision boundary or rear boundary line of lots shall have a 10’ wide permanent public utilities easement, unless otherwise shown. However, this easement shall not preclude the construction of proper hard surfaced driveways for access to each individual lot. A 5’ wide public utility easement shall be on all interior lot lines.”
3. Show Open Space square footage in the common lots. It looks like only Lot 14/Block 1 will be able to be used as a common, greenspace lot.
4. Please add a small walking path (crushed granite, asphalt, etc) and perhaps a few benches and a pet waste station to make the large part of Lot 14/Block 1 usable as a gathering space. See attached drawing (Obviously not to scale).
5. Please revise the Open space area and percentage in table. If the Open space is not at least 5% you will have to get a license agreement from the ditch company to gain access on their easement.
6. Remove Key with setbacks and maximum building height.
7. Revise Landscape plan to show trees and/or shrubs in common areas
8. Address any additional comments from City Engineer, MRFD, CHD4, ITD, Irrigation District.

Please submit revisions no later than December 27, 2021 to remain on schedule for January 10, 2022 P&Z Hearing.

Jennica Reynolds

Middleton City Deputy Clerk, Planning

From: [Jennica Reynolds](#)
To: ["Nick LaCross"](#)
Cc: [Roberta Stewart](#); [Amy Woodruff](#)
Subject: RE: Carlton Meadow South Pre Plat
Date: Wednesday, December 22, 2021 3:00:00 PM
Attachments: [image001.png](#)

Nick,

Per our conversation please change the following:

1. Add to note 4 " All lot lines common to Public Rights-of-Way and the Exterior Subdivision Boundary **or Rear Boundary Line ...**"
2. Call out the Open Space area with hash marks and in the legend so that the actual square footage of the lot is easily identified.
3. Revisit the Landscape Plan and add a few more trees where it makes sense for privacy of adjacent lots to the common area.

We also need to get working on the Lot Line/Administrative Lot Split to make sure we are in conformance with the code for that southern triangle piece. We can't move to on to City Council until that is done.

Thanks for all your work on this. I think as long as Amy's Comments are addressed we will have a very clean plat to take to P&Z. Merry Christmas. Talk to you next week.

Happy Holidays,

Jennica Reynolds

Deputy Clerk, Planning
City of Middleton
208-585-3133
jreynolds@middletoncity.com

From: Nick LaCross <nplacross@centengr.com>
Sent: Wednesday, December 22, 2021 1:48 PM
To: Jennica Reynolds <jreynolds@middletoncity.com>
Cc: Roberta Stewart <rstewart@middletoncity.com>
Subject: Carlton Meadow South Pre Plat

Jennica,

Please find attached the preliminary plat for carlton meadow south. I will be at your office to drop off the hard copies shortly.

Thanks

Best Regards,

Nick LaCross

Centurion / B&A Engineers, Inc.

Project Manager

208.343.3381 x 219

nplacross@centengr.com



EXHIBIT “C”

Agency Comments

MIDDLETON RURAL FIRE DISTRICT



Carlton Meadow South Subdivision

STAR FIRE PROTECTION DISTRICT

DATE: January 5, 2022

TO: Middleton City Planning & Zoning
Middleton City Council

FROM: Victor Islas, Deputy Chief

SUBJECT: Fire District Review

PROJECT NAME: Carlton Meadow South Subdivision

Fire District Summary Report:

Overview: This development can be serviced by the Middleton Rural Fire District. This development shall comply with the 2018 International Fire Code (IFC) and any codes set forth by the City of Middleton, Idaho.

Fire Response Time: This development will be served by the Star Fire Protection District Station 53, located at 302 East Main St., Middleton, Idaho. Station 53 is 1.1 miles with a travel time of 3 minutes under ideal driving conditions to the proposed entrance of the development off Mulligan St.

Accessibility: Roadway Access, Traffic, Radio Coverage

Access roads shall be provided and maintained following Appendix D and Section 503 of the IFC. Access shall include adequate roadway widths, signage, turnarounds, and turning radius for fire apparatus.

All access roads in this development shall remain clear and unobstructed during construction of the development. Additional parking restrictions may be required as to always maintain access for emergency vehicles. Hydrants shall always remain unobstructed per city code.

Access road design shall be designed and constructed to allow for evacuation simultaneously with emergency response operations.

One-or two-family dwellings residential developments: Developments of one-or two-family dwellings where the number of dwellings units exceeds 30 shall be provided with at least two separate and approved fire apparatus access roads.

Note: This development is under 30 buildable lots and the proposed connector streets to the south will meet access requirements. Please note that the development to the south will be required to have two access points.

The applicant shall work with City of Middleton, and Fire District to provide an address identification plan and signage which meets the requirements set forth by each agency. Addressing shall be placed in a position that is plainly legible and visible from the street or road fronting the property, as set forth in International Fire Code Section 505.1



Carlton Meadow South Subdivision

MIDDLETON RURAL FIRE DISTRICT

STAR FIRE PROTECTION DISTRICT

All residential, commercial, and industrial buildings within the City shall have approved address numbers, building numbers, or approved building identification placed in a position that is plainly legible and visible from the street or road fronting the property. These numbers shall contrast with their background. When required by the fire code official, address numbers shall be provided in additional approved locations to facilitate emergency response.

Address numbers shall have a minimum stroke width of one-half inch (0.5"), and of a color contrasting with the background. The required height of each address number shall be calculated by the distance of the addressed building from the road, as follows:

Less than one hundred feet (100')	6"
one hundred feet to one hundred fifty feet (100 - 150')	8"
one hundred fifty-one feet to two hundred feet (151 - 200')	10"
two hundred one feet to two hundred fifty-one feet (201 - 251')	12"

Streetlights shall be turned on once residential building begins, Lighting is essential in assisting first responders with identifying entrances safely while responding to calls for service.

Upon commencement of initial construction of a new structure, a clear visible freestanding sign or post shall be erected and maintained in place until the permanent address numerals are attached or otherwise displaced upon the premises at completion.

Specialty/Resource needs:

No specialty/resources will be needed for this development.

Water Supply:

Water supply requirements will be followed as described in Appendix B of the 2018 International Fire Code unless agreed upon by the Fire District.

1. Fire Flow: One- and two-family dwellings not exceeding 3,600 square feet require a fire-flow of 1,000 gallons per minute for a duration of 1 hours to service the entire project. One- and two-family dwellings in excess of 3,600 square feet require a minimum fire flow as specified in Appendix B of the International Fire Code.
2. Water Supply: Acceptance of the water supply for fire protection will be by the Fire District and water quality by the City of Middleton for bacteria testing.
3. Water Supply: Final Approval of the fire hydrant locations shall be by the Star Fire Protection District or their designee in accordance with International Fire Code Section (IFC) 508.5.4 as follows:
 - a. Fire hydrants shall have a Storz LDH connection in place of the 4 ½" outlet. The Storz connection may be integrated into the hydrant or an approved adapter may be used on the 4 1/2" outlet.
 - b. Fire hydrants shall have the Storz outlet face the main street or parking lot drive aisle.
 - c. Fire hydrants shall be placed on corners when spacing permits.

(208) 286-7772

**11665 W. STATE ST., SUITE B
STAR, IDAHO 83669**



Carlton Meadow South Subdivision

MIDDLETON RURAL FIRE DISTRICT

STAR FIRE PROTECTION DISTRICT

- d. Fire hydrants shall not have any vertical obstructions to outlets within 10'.

- e. Fire hydrants shall be placed 18" above finished grade to the center of the Storz outlet.
f. Fire hydrants shall be provided to meet the requirements of the Fire District and City of Middleton Standards.
g. Show all proposed or existing hydrants for all new construction or additions to existing buildings within 1,000 feet of the project.

Inspections:

Final inspection by the Fire District of the above listed including hydrant flow must be completed before building permits are issued

Additional Comments:

Side Setback as per City Code. Any modification to setback will require review and approval by the Fire District.

EXHIBIT “D”

Surrounding Landowner Comments



CITY OF MIDDLETON

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



December 21, 2021

Roy Bowman

Re: Public Hearing Notice – Preliminary Plat (Carlton Meadows South Subdivision)

To Landowners and Occupants:

The Middleton Planning and Zoning Commission is scheduled to hold a **public hearing at 5:30 p.m. on Monday, January 10, 2022**, at 1103 W. Main St., Middleton, Idaho, to consider the following:

Application by D&N Investments, LLC and B&A Engineers, Inc for preliminary plat with respect to the Carlton Meadows South Subdivision located at 651 Whiffin Lane (Tax Parcel No. R17610025A) zoned R-3 (Single Family Residential). The proposed preliminary plat consists of 24 single-family homes and 3 common lots on 8.56 acres.

The full application is available for review at City Hall, 1103 W. Main St., Middleton, Idaho or online at middleton.id.gov/PublicHearingNotices. Everyone is invited to attend the public hearing, and those who wish to do so, may ask questions and/or offer comments. Written comments may be submitted at the hearing or earlier to the Planning and Zoning Department at jreynolds@middletoncity.com. Comments may also be mailed to City of Middleton, P.O. Box 487, Middleton, ID 83644.

Please call the City Clerk at (208) 585-3133 at least five days prior to the meeting to arrange assistance with language translation or physical challenges. Please contact me if you have questions.

Sincerely,

Jennica Reynolds

Middleton City
Deputy Clerk, Planning

FAX

1-208-454-7349

R17610025A

0

1 208 454 7431

8A 11

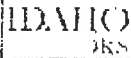
ADDENDUM

1

(All addendums shall be numbered sequentially.)

JULY 2018 EDITION
Page 1 of 1

RE-11 ADDENDUM



THIS IS A LEGALLY BINDING CONTRACT. READ THE ENTIRE DOCUMENT, INCLUDING ANY ATTACHMENTS.
IF YOU HAVE ANY QUESTIONS, CONSULT YOUR ATTORNEY AND/OR ACCOUNTANT BEFORE SIGNING.



Today's Date:

5/26/2021

This is an **ADDENDUM** to the ☒ Purchase and Sale Agreement ☐ Other

n/a

("Addendum" means that the information below is added material for the agreement (such as lists or descriptions) and/or means the form is being used to change, correct or revise the agreement (such as modification, addition or deletion of a term)).

AGREEMENT DATED: 1/8/2021

ID #

98759929

ADDRESS: TBD Whiffin Lane

Middleton

ID

83644

BUYER(S): D&N Investments, LLC

SELLER(S): Roy Bowman

Marsha Bowman

The undersigned parties hereby agree as follows:

1. Section 2 - Purchase price to be \$600,000 (Six Hundred Thousand Dollars).

2. Section 3A - Buyer to release \$10,000 earnest money currently held by First American Title to Sellers - Roy & Marsha Bowman. Additional \$40,000 to be released as a Cashier's Check made out to Roy & Marsha Bowman.

3. Attached legal description and plat to be included as Exhibit B.

4. Buyer reserves the right to update the legal description and extend the South/East property line along the ditch bank, but no farther than to the center of the ditch, and at no expense to the sellers.

To the extent the terms of this ADDENDUM modify or conflict with any provisions of the Purchase and Sale Agreement including all prior Addendums or Counter Offers, these terms shall control. All other terms of the Purchase and Sale Agreement including all prior Addendums or Counter Offers not modified by this ADDENDUM shall remain the same. Upon its execution by both parties, this agreement is made an integral part of the aforementioned Agreement.

BUYER: Dave Buich

5/26/2021 3:44:38 PM MDT

Dave Buich D&N Investments, LLC

Date:

BUYER:

Date:

SELLER:

Date:

SELLER:

Roy Bowman

Marsha Bowman

Date:

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RE-11 ADDENDUM

Page 1 of 1

This form was prepared by Scott Dykstra | Coldwell Banker Tomlinson-Meridian | adykstra@cbbolles.com | 208-871-1133

Thence S89°26'21"W, 804.79 feet along the southerly boundary of said Lot 12 to the southwest corner of said Lot 12;

Thence N00°05'38"E, 330.15 feet along the westerly boundary of said Lot 12 to the northwest corner of said Lot 12;

Thence N89°28'12"E, 1,302.22 feet along the northerly boundary of said Lot 12 to the Point of Beginning.

Comprising 7.89 acres, more or less.

Subject to all existing easements and rights-of-way of record or apparent.

This description has been prepared from information of record shown on Record of Surveys 2014-022132 and 2018-014638 within the office of the Canyon County, Idaho, Recorder. The basis of bearing is based upon Record of Survey 2018-014638. A new survey specific to this description has not been performed by the Professional Land Surveyor executing this description.



Sellers Roy Bowman Date 5/26/21
Carsha Bowman 5/26/21
Buyer Dave Buich Date _____
Subject to all existing easements

Lot 12 of Bigelow Subdivision
Northwest of Drainage District No. 2 Drain

Page 2 of 2

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Pacific Northwest for 100 Years

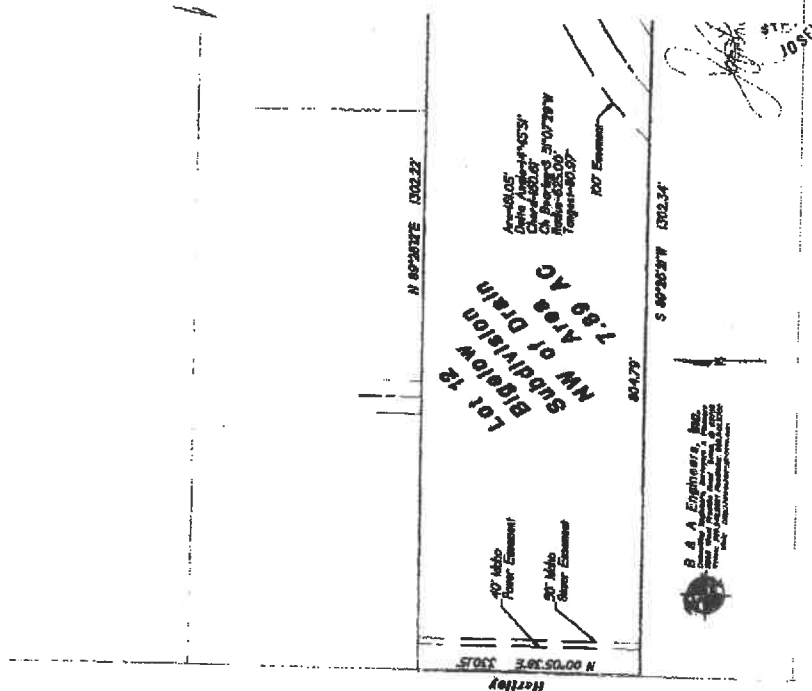


EXHIBIT “E”

Planning & Zoning Commission
Recommendation

January 10, 2022 Public Hearing

Middleton Planning & Zoning Commission

Findings of Facts, Conclusions of Law, and Decision & Recommendation



In the Matter of the Request of D&N Investments, LLC and B&A Engineers, Inc for Preliminary Plat with respect to the Carlton Meadows South Subdivision located at 0 Whiffin Lane (Tax Parcel No. R17610052A0):

A. Findings of Fact:

1. Hearing Facts: See Staff Report for the hearing date of January 10, 2022, which Report is attached hereto as Exhibit "A" and incorporated herein by this reference.
2. Process Facts: See Staff Report for the hearing date of January 10, 2022, Exhibit "A".
3. Application and Property Facts: See Staff Report for the hearing date of January 10, 2022, Exhibit "A".
4. Required Findings per Middleton City Code 1-14-2(E)(7), Idaho State Statue Title 67, Chapter 65, and Title 50, Chapters 13; Idaho Standards for Public Works Construction and Middleton Supplement thereto; and Middleton City Code 1-14, 1-15, 5-1, 5-3, and 5-4: See Staff Report for the hearing date of January 10, 2022, Exhibit "A".

B. Conclusions of Law:

1. That the City of Middleton shall exercise the powers conferred upon it by the "Local Land Use Planning Act of 1975," codified at Chapter 65, Title 67, Idaho Code (I.C. §67-6503).
2. That due consideration has been given to the comments received from the governmental subdivisions providing services in the City of Middleton planning jurisdiction, comments received from individuals of the public, and comments from City Planning Staff and City Engineer.
3. That notice of the application and public hearing was given according to law.
4. That Planning and Zoning Commission'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 application are the Idaho Standards for Public Works Construction, the Middleton Supplement to the Idaho Standards for Public Works Construction, and Middleton City Code 1-14, 1-15, 5-1, 5-3, and 5-4 and Idaho State Code Secs., 67-6503, 67-6509, 67-6511, 67-6513, 50-1301 through 50-1329.
6. That public facilities and services required by the proposed development will not impose expense upon the public if the attached conditions of approval are imposed.
7. That this recommendation is subject to the Conditions of Approval set forth in the attached Staff Report for the hearing date of January 10, 2022, Exhibit "A".

C. Decision and Recommendation:

Pursuant to the Planning & Zoning Commission's authority as provided in Middleton City Code 1-5-5, and based upon the above Findings of Facts and Conclusions of Law, it is hereby recommended that:

1. City Council approve the application of D&N Investments, LLC and B&A Engineers, Inc for Preliminary Plat with respect to the Carlton Meadows South Subdivision located at 0 Whiffin Lane (Tax Parcel No. R17610052A0) subject to the conditions of approval set forth in the Staff Report for the January 10, 2022 public hearing on the matter. (Exhibit "A")

WRITTEN RECOMMENDATION APPROVED ON: January 10, 2022.



Ray Waltemate, Chairman
Planning and Zoning Commission

Attest:



Jennica Reynolds
Planning and Zoning Department

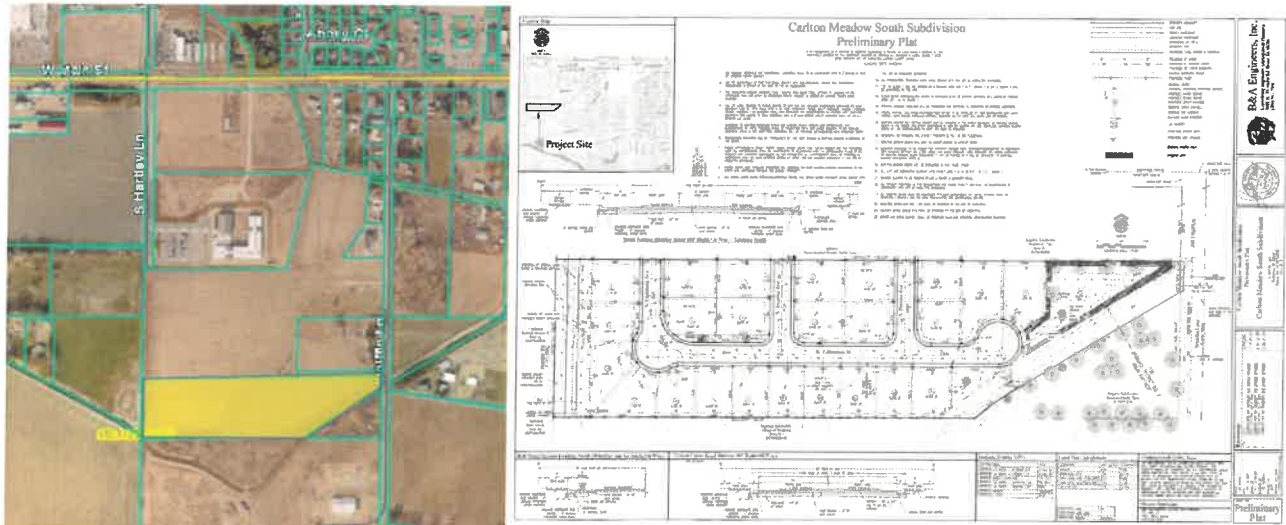
Exhibit “A”



STAFF REVIEW AND REPORT

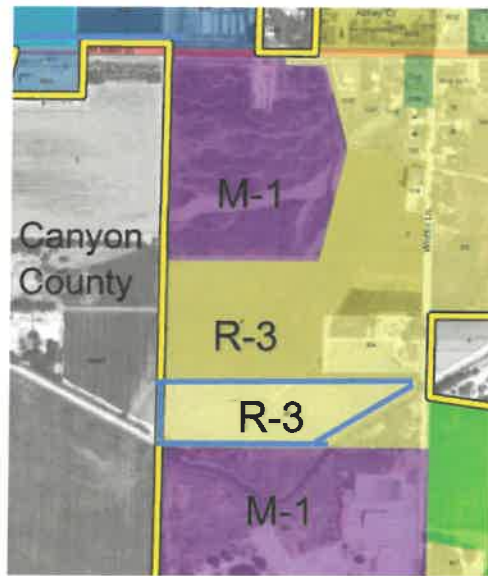
Middleton Planning and Zoning Commission

Carlton Meadows South Subdivision



DESCRIPTION	DETAILS
Acreage	8.56 acres
Current Zoning	R-3 (Single Family Residential)
Proposed Zoning	to remain the same
Current Land Use	Residential
Proposed Land Use	Residential
Lots	24 residential lots and 3 common lots
Open Space	8.13%
Amenities	Pocket park, walking path, benches, pet waste station

- A. **Planning & Zoning Commission Hearing Date:** January 10, 2022
- B. **Project Description:** Residential subdivision consisting of 24 buildable lots and 3 common lots on 8.56 acres located at 0 Whiffin Lane (Tax Parcel No. R17610025A0)
- C. **Application Requests:** Applicant is applying for Preliminary Plat.
- D. **Current Zoning & Property Condition:** The property is currently located in city limits and zoned R-3 (Single Family Residential).

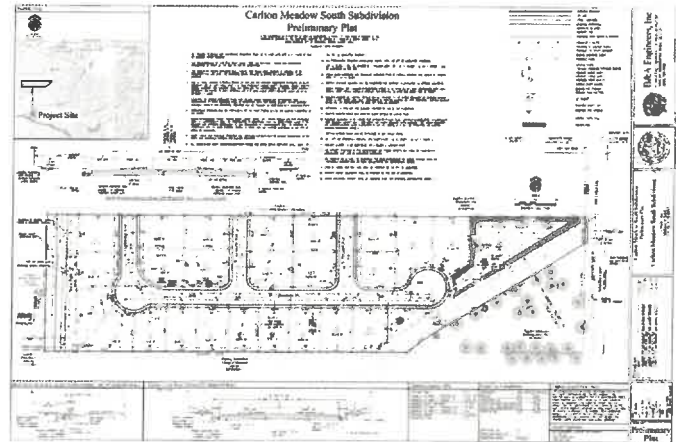


- E. City Services:** City water and sewer are located in Whiffin Lane at the north east corner of the project and in Hartley Road to the north west. Water and sewer will connect from the Carlton Meadows Subdivision directly adjacent to the north.



Planning Staff finds that City Services are nearby and available. However, sewer and water capacity will not be reserved until Construction Drawings are approved by the City.

- F. Traffic, Access & Streets:** Access to the subdivision is proposed north connecting to the local roads in Carlton Meadows Subdivision that access Hartley Road to the west and Whiffin Lane to the east.



The Developer will construct their ½ road section and frontage of Hartley Road per Middleton City Code. Each residential building permit will be assessed a Transportation Impact Fee (currently \$5,050.00 x 24 for a total of \$121,200.00) to go towards the City roads and intersection improvements.

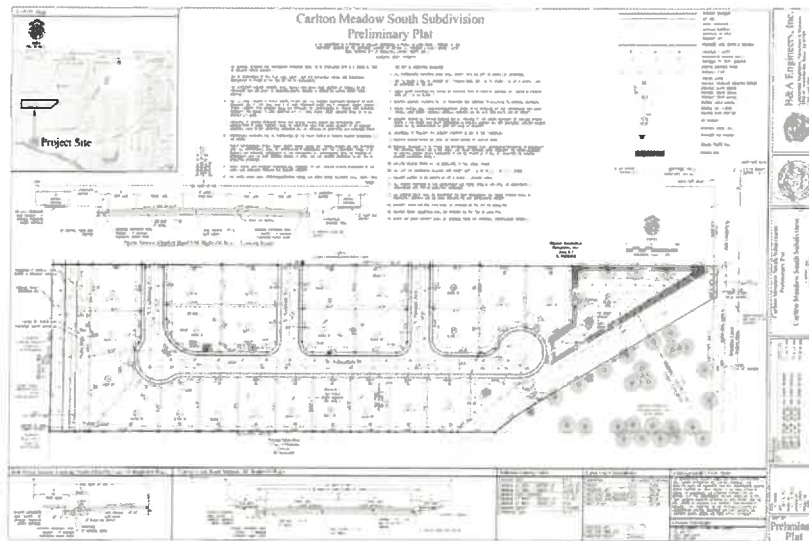
- G. Pathway, Sidewalks & Open Space:** The developer will be required to construct a landscape buffer west along Hartley Road. A pathway to a sitting area will be located in the park by the irrigation ditch.

Developer has provided 8% open space which exceeds the 5% minimum required by MCC 5-4-10-10. A pocket park, pathway, benches and a pet waste station are shown as amenities.

- H. Middleton Rural Fire District:** The subject property is in the Middleton Rural Fire District. The Fire Chief submitted comment attached as Exhibit "C" As a condition of approval, the preliminary plat will be subject to compliance with the District's comments approved by the City.
- I. Preliminary Plat Application:** The preliminary plat does not show a phasing plan, and the project will be brought to final plat in one phase. The preliminary plat complies with all dimensional standards and codes of the City of Middleton.

FINDINGS:

Planning Staff finds that the preliminary plat is not materially detrimental to the public health, safety and welfare, and the preliminary plat is in harmony with the Middleton Comprehensive Plan. (See more detail in Section J below.)



A copy of the preliminary plat and landscape plan is attached as Exhibit "A".

- J. Comprehensive Plan & Land Use Map:** Applicant's project complies with the Comprehensive Plan's Future Land Use Map because the project is designated Residential (blue color) on the Land Use Map, which matches the Residential Use planned for the site.



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

- a. *Goals 3 and 23:* The project provides safe vehicle and pedestrian facilities in light of the street improvements and sidewalks shown on the preliminary plat.
- b. *Goals 4 and 5:* The project will establish a good quality of life with development that pays through impact fees and property taxes for the public services it receives when infrastructure is installed. Additionally, quality lots for residential use increase the quality of life and general welfare of the city.
- c. *Goal 11:* The housing type matches the residents' lifestyle in the area the project is located and is an in-fill improvement project.

- K. Comments from City Engineer and Planning Staff:** City Engineer and Planning Staff comments attached as Exhibit “B”.
- L. Comments from Agencies:** MFRD Chief Islas comment attached as Exhibit “C”.
- M. Comments Received from Surrounding Landowners:** Fax received 1/6/2022 from Roy Bowman with sellers’ agreement attached. Exhibit “D”. This is a landowner dispute with the neighboring parcel on the amount of acreage in the preliminary plat.
- N. Applicant Information:** Application was received and accepted on July 20, 2021. The Applicant/Owner Dave Buich – D&N Investments, P.O. Box 516, Eagle, ID 83616 and Representative Nick LaCross – B&A Engineers, Inc – 5505 W Franklin Road, Boise, ID 83705.

O. Notices:	Dates:
Neighborhood Meeting	6/20/2021 & 6/21/2021
Newspaper Notification	12/26/2021
Radius notification mailed to Adjacent landowners within 300’	12/21/2021
Circulation to Agencies	12/21/2021
Sign Posting property	12/21/2021

Planning Staff finds that notice was given according to Idaho State Law and Middleton City Code.

- P. Applicable Codes and Standards:**
Idaho Code Secs., 67-6503, 67-6509, 67-6511, 67-6513, 50-1301 through 50-1329. Idaho Standards for Public Works Construction, the Middleton Supplement to the Idaho Standards for Public Works Construction. Middleton City Code 1-14, 1-15, 5-1, 5-3, and 5-4.

T. Conclusions and Recommended Conditions of Approval:

The Planning & Zoning Commission is tasked with considering the application for Preliminary Plat and making a recommendation to City Council for approval or denial of the application.

Per State Law and the Middleton City Code, any recommendation must be based upon *General Facts and Conclusions of Law*.

As to General Facts, Planning Staff has set forth general facts as stated above. If the Commission agrees with those general facts and agrees with the testimony and evidence presented at the public hearing, the Commission needs to make a motion to accept the general facts set forth in the staff report and public hearing.

As to Conclusions of Law, Planning Staff finds that the Planning & Zoning Commission has the authority to hear this application and to recommend approval or denial of this application. 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 Code to be considered in making a recommendation on the applications. If the public hearing is held and conducted in compliance with Idaho State Statute and the Middleton City Code, then the Commission may accept these conclusions of law by passing a motion to accept the conclusions of law set forth in the staff report and public hearing.

If the Commission is inclined to recommend approval of the application based upon the above *General Facts and Conclusions of Law*, then Planning Staff recommends that any approval be subject to the following conditions:

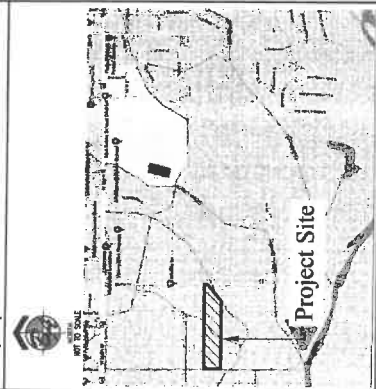
1. City of Middleton municipal domestic water, fire flow and sanitary sewer services are to be extended to serve the subdivision.
2. All City Engineer review comments are to be completed and approved.
3. All requirements of the Middleton Rural Fire District approved by the City are to be completed and approved.
4. Sewer and water capacity to be reserved at the time the City approves the construction drawings for the project.

Finally, if the Commission denies the application, pursuant to Middleton City Code 1-14(E)(8), the Commission must state on the record what Applicant can do, if anything, to gain approval of the application.

Prepared by Planning Deputy Clerk, Jennica Reynolds

Dated: 1/5/2022

Exhibit “A”



Carlton Meadow South Subdivision Preliminary Plat

A RESUBDIVISION OF A PORTION OF MADISON SUBDIVISION, A PORTION OF LAND BEING A PORTION OF THE
HARTLEY TRACT, LOTS 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, 14, 15, 16, 17, 18, 19, 20, 21, 22, 23, 24, 25, 26, 27, 28, 29, 30, 31, 32, 33, 34, 35, 36, 37, 38, 39, 40, 41, 42, 43, 44, 45, 46, 47, 48, 49, 50, 51, 52, 53, 54, 55, 56, 57, 58, 59, 60, 61, 62, 63, 64, 65, 66, 67, 68, 69, 70, 71, 72, 73, 74, 75, 76, 77, 78, 79, 80, 81, 82, 83, 84, 85, 86, 87, 88, 89, 90, 91, 92, 93, 94, 95, 96, 97, 98, 99, 100, 101, 102, 103, 104, 105, 106, 107, 108, 109, 110, 111, 112, 113, 114, 115, 116, 117, 118, 119, 120, 121, 122, 123, 124, 125, 126, 127, 128, 129, 130, 131, 132, 133, 134, 135, 136, 137, 138, 139, 140, 141, 142, 143, 144, 145, 146, 147, 148, 149, 150, 151, 152, 153, 154, 155, 156, 157, 158, 159, 160, 161, 162, 163, 164, 165, 166, 167, 168, 169, 170, 171, 172, 173, 174, 175, 176, 177, 178, 179, 180, 181, 182, 183, 184, 185, 186, 187, 188, 189, 190, 191, 192, 193, 194, 195, 196, 197, 198, 199, 200, 201, 202, 203, 204, 205, 206, 207, 208, 209, 210, 211, 212, 213, 214, 215, 216, 217, 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2177, 2178, 2179, 2180, 2181, 2182, 2183, 2184, 2185, 2186, 2187, 2188, 2189, 2190, 2191, 2192, 2193, 2194, 2195, 2196, 2197, 2198, 2199, 2200, 2201, 2202, 2203, 2204, 2205, 2206, 2207, 2208, 2209, 22

Exhibit “B”



December 13, 2021

TO: Jennica Reynolds, Planner

FROM: Civil Dynamics PC, City Engineer
Amy Woodruff, PE

A handwritten signature in blue ink, appearing to read "Amy Woodruff", written over the printed name.

RE: CARLTON MEADOWS SOUTH PRELIMINARY PLAT

Thank you for the opportunity to review the above referenced preliminary plat submittal.

- 1) Confirm the subdivision name "Carlton Meadows South" can be approved by the City.
- 2) MCC 5-4-4.2 a and l. The boundary is required to be surveyed and stamped by PLS, including ties to corners.
 - What is status of the southeast corner - south of the drain? If split off, please provide the documentation. If not, the property may be eligible for a one time division or please include it in the subdivision boundary.
- 3) MCC 5-4-4.2.f. and g. Need to show the topography in addition to contours.
 - Include Whiffin, drains, trees, utilities, benchmark, etc.
 - Identify the drain crossing on Whiffin and note it may need to be expanded.
 - Dimension the existing right of way for Whiffin – identify area being dedicated.
- 4) Show fully the water in Hartley.
- 5) Label/identify all easements - existing and proposed. Include Hartley sewer.
- 6) Note 4. Identify purpose of side lot line easement: utility, irrigation, etc.
- 7) Note 7. *Most current* edition of ISPWC
- 8) Note 8. Add language: Carlton Meadows will extend streets and all utilities to the north boundary of Carlton Meadow South. If the street and utility extensions in Carlton Meadows are not completed, Carlton Meadow South will be reconfigured to meet City Code as required.
- 9) Note if project is in floodplain.
- 10) Add note: No direct access to Hartley.



- 11) Add note: Exterior boundary to be fenced per approved fencing plan.
- 12) Show the irrigation system layout.
- 13) Lot 15/Lot 16 both need a sewer service. Extend sewer main east and take service to main if possible, not manhole.
- 14) Show Hartley in plan view including curb and pathway. Identify the location of power structures.
- 15) Clearly show the landscape easement area.
- 16) Show hydrant location.
- 17) Show location of mailbox cluster or note included in Carlton Meadows or?
- 18) Correct street names. Street is east/west. Avenue is north/south.
- 19) Centerline radii is 90ft minimum.
- 20) The stormwater management area is 1 to 2 ft higher than the west end of the project. Understand the site may be filled or other – please note it almost always becomes a problem when the topography doesn't closely follow the project layout.



CITY OF MIDDLETON

P.O. Box 487 | 1103 W Main Street, Middleton, ID 83644

Tel (208) 585-3133 | Fax (208) 585-9601

citmid@middletonidaho.us | www.middleton.id.gov

PLANNER COMMENTS – Carlton Meadows South Preliminary Plat

December 14, 2021

1. Show perimeter fence around development.
2. Note 4. City code only requires 5 ft wide utility easement on interior lot lines
3. Show right of way and utility easements within right of way. Call out in notes.
4. Add note the project will be developed in one phase.
5. Call out dimensions for L4/B1, L5/B1, L15/B1 of frontage at 25 ft setback. Needs to be at least 75 ft.
6. Work with City Engineer - Roads need to show a turning radius of minimum of 90 ft. Call out in notes.
7. L1/B1 is not considered open space. It is a landscape buffer, but still maintained by the HOA. Please revise the Open space area and percentage.
8. MCC 5-4-10-10 requires 5% open space and defines it as irrigated and landscaped in a concentrated location sufficiently large to accommodate group or recreational activities. The Irrigation ditch doesn't meet this requirement. Please note what lots are being used as open space, the percentage and how the open space will be utilized.
9. It would be nice if you could add an amenity such as a bench or shade structure in common space.
10. Add note to call out common areas by lot and block and state who owns and maintains them.
11. Add note: All lots are residential building lots except lots (insert L/B)
12. Add cluster mailbox(s) in common area(s). Call out in notes.
13. MCC 5-4-10 (2J) "roads having a predominantly north-south direction shall be avenues; roads having a predominantly east-west direction shall be streets., and cul-de-sacs shall be courts." Change Street names accordingly. (I am verifying your proposed road names with Canyon County, there may be some changes)
14. Education Ct needs to be changed to Education Street. (There are only 3-4 houses built on the cul-de-sac so we will keep it street the maintain the general flow of addressing.
15. Add note: All streets proposed in this development are public streets and shall be constructed in accordance with City of Middleton standards.
16. Add note: All existing wells shall be abandoned per IDWR regulations. All septic systems shall be completely removed and the area recompacted per geotechnical report.
17. Add note: Domestic water and fire flow shall be provided by the City of Middleton,
18. Add note: Sanitary Sewer collection shall be provided by the City of Middleton.
19. Remove Key with setbacks
20. Add note: All building setbacks and dimensional standards shall be in compliance with R-3 zoning at time of building permit issuance.
21. Show all public and private easements on preliminary plat.

22. Add note: Sewer and water capacity shall be reserved when City approves construction drawings.

23. Address any additional comments from City Engineer, MRFD, CHD4, ITD, Irrigation District.

Please submit revisions no later than December 27, 2021 to remain on schedule for January 10, 2022 P&Z Hearing.

Jennica Reynolds

Middleton City Deputy Clerk, Planning



CITY OF MIDDLETON

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2nd BATCH PLANNER COMMENTS – Carlton Meadows South Preliminary Plat Revision Date 12/16/2021

December 16, 2021

1. Show perimeter fence around development Add note to explain how it ties into the Carlton Meadows Subdivision to the north.
2. Note 4. Change to the following: "All lot lines common to public Rights-of-Way and the exterior subdivision boundary or rear boundary line of lots shall have a 10' wide permanent public utilities easement, unless otherwise shown. However, this easement shall not preclude the construction of proper hard surfaced driveways for access to each individual lot. A 5' wide public utility easement shall be on all interior lot lines."
3. Show Open Space square footage in the common lots. It looks like only Lot 14/Block 1 will be able to be used as a common, greenspace lot.
4. Please add a small walking path (crushed granite, asphalt, etc) and perhaps a few benches and a pet waste station to make the large part of Lot 14/Block 1 usable as a gathering space. See attached drawing (Obviously not to scale).
5. Please revise the Open space area and percentage in table. If the Open space is not at least 5% you will have to get a license agreement from the ditch company to gain access on their easement.
6. Remove Key with setbacks and maximum building height.
7. Revise Landscape plan to show trees and/or shrubs in common areas
8. Address any additional comments from City Engineer, MRFD, CHD4, ITD, Irrigation District.

Please submit revisions no later than December 27, 2021 to remain on schedule for January 10, 2022 P&Z Hearing.

Jennica Reynolds

Middleton City Deputy Clerk, Planning

From: [Jennica Reynolds](#)
To: ["Nick LaCross"](#)
Cc: [Roberta Stewart](#); [Amy Woodruff](#)
Subject: RE: Carlton Meadow South Pre Plat
Date: Wednesday, December 22, 2021 3:00:00 PM
Attachments: [image001.png](#)

Nick,

Per our conversation please change the following:

1. Add to note 4 " All lot lines common to Public Rights-of-Way and the Exterior Subdivision Boundary **or Rear Boundary Line ...**"
2. Call out the Open Space area with hash marks and in the legend so that the actual square footage of the lot is easily identified.
3. Revisit the Landscape Plan and add a few more trees where it makes sense for privacy of adjacent lots to the common area.

We also need to get working on the Lot Line/Administrative Lot Split to make sure we are in conformance with the code for that southern triangle piece. We can't move to on to City Council until that is done.

Thanks for all your work on this. I think as long as Amy's Comments are addressed we will have a very clean plat to take to P&Z. Merry Christmas. Talk to you next week.

Happy Holidays,

Jennica Reynolds

Deputy Clerk, Planning
City of Middleton
208-585-3133
jreynolds@middletoncity.com

From: Nick LaCross <nplacross@centengr.com>
Sent: Wednesday, December 22, 2021 1:48 PM
To: Jennica Reynolds <jreynolds@middletoncity.com>
Cc: Roberta Stewart <rstewart@middletoncity.com>
Subject: Carlton Meadow South Pre Plat

Jennica,

Please find attached the preliminary plat for carlton meadow south. I will be at your office to drop off the hard copies shortly.

Thanks

Best Regards,

Nick LaCross

Centurion / B&A Engineers, Inc.

Project Manager

208.343.3381 x 219

nplacross@centengr.com



Exhibit “C”

MIDDLETON RURAL FIRE DISTRICT



Carlton Meadow South Subdivision

STAR FIRE PROTECTION DISTRICT

DATE: January 5, 2022

TO: Middleton City Planning & Zoning
Middleton City Council

FROM: Victor Islas, Deputy Chief

SUBJECT: Fire District Review

PROJECT NAME: Carlton Meadow South Subdivision

Fire District Summary Report:

Overview: This development can be serviced by the Middleton Rural Fire District. This development shall comply with the 2018 International Fire Code (IFC) and any codes set forth by the City of Middleton, Idaho.

Fire Response Time: This development will be served by the Star Fire Protection District Station 53, located at 302 East Main St., Middleton, Idaho. Station 53 is 1.1 miles with a travel time of 3 minutes under ideal driving conditions to the proposed entrance of the development off Mulligan St.

Accessibility: Roadway Access, Traffic, Radio Coverage

Access roads shall be provided and maintained following Appendix D and Section 503 of the IFC. Access shall include adequate roadway widths, signage, turnarounds, and turning radius for fire apparatus.

All access roads in this development shall remain clear and unobstructed during construction of the development. Additional parking restrictions may be required as to always maintain access for emergency vehicles. Hydrants shall always remain unobstructed per city code.

Access road design shall be designed and constructed to allow for evacuation simultaneously with emergency response operations.

One-or two-family dwellings residential developments: Developments of one-or two-family dwellings where the number of dwellings units exceeds 30 shall be provided with at least two separate and approved fire apparatus access roads.

Note: This development is under 30 buildable lots and the proposed connector streets to the south will meet access requirements. Please note that the development to the south will be required to have two access points.

The applicant shall work with City of Middleton, and Fire District to provide an address identification plan and signage which meets the requirements set forth by each agency. Addressing shall be placed in a position that is plainly legible and visible from the street or road fronting the property, as set forth in International Fire Code Section 505.1

(208) 286-7772
11665 W. STATE ST., SUITE B
STAR, IDAHO 83669

MIDDLETON RURAL FIRE DISTRICT



Carlton Meadow South Subdivision

STAR FIRE PROTECTION DISTRICT

All residential, commercial, and industrial buildings within the City shall have approved address numbers, building numbers, or approved building identification placed in a position that is plainly legible and visible from the street or road fronting the property. These numbers shall contrast with their background. When required by the fire code official, address numbers shall be provided in additional approved locations to facilitate emergency response.

Address numbers shall have a minimum stroke width of one-half inch (0.5"), and of a color contrasting with the background. The required height of each address number shall be calculated by the distance of the addressed building from the road, as follows:

Less than one hundred feet (100')	6"
one hundred feet to one hundred fifty feet (100 - 150')	8"
one hundred fifty-one feet to two hundred feet (151 - 200')	10"
two hundred one feet to two hundred fifty-one feet (201 - 251')	12"

Streetlights shall be turned on once residential building begins, Lighting is essential in assisting first responders with identifying entrances safely while responding to calls for service.

Upon commencement of initial construction of a new structure, a clear visible freestanding sign or post shall be erected and maintained in place until the permanent address numerals are attached or otherwise displaced upon the premises at completion.

Specialty/Resource needs:

No specialty/resources will be needed for this development.

Water Supply:

Water supply requirements will be followed as described in Appendix B of the 2018 International Fire Code unless agreed upon by the Fire District.

1. Fire Flow: One- and two-family dwellings not exceeding 3,600 square feet require a fire-flow of 1,000 gallons per minute for a duration of 1 hours to service the entire project. One- and two-family dwellings in excess of 3,600 square feet require a minimum fire flow as specified in Appendix B of the International Fire Code.
2. Water Supply: Acceptance of the water supply for fire protection will be by the Fire District and water quality by the City of Middleton for bacteria testing.
3. Water Supply: Final Approval of the fire hydrant locations shall be by the Star Fire Protection District or their designee in accordance with International Fire Code Section (IFC) 508.5.4 as follows:
 - a. Fire hydrants shall have a Storz LDH connection in place of the 4 ½" outlet. The Storz connection may be integrated into the hydrant or an approved adapter may be used on the 4 1/2" outlet.
 - b. Fire hydrants shall have the Storz outlet face the main street or parking lot drive aisle.
 - c. Fire hydrants shall be placed on corners when spacing permits.

(208) 286-7772

**11665 W. STATE ST., SUITE B
STAR, IDAHO 83669**



Carlton Meadow South Subdivision

MIDDLETON RURAL FIRE DISTRICT

d. Fire hydrants shall not have any vertical obstructions to outlets within 10'.

STAR FIRE PROTECTION DISTRICT

- e. Fire hydrants shall be placed 18" above finished grade to the center of the Storz outlet.
- f. Fire hydrants shall be provided to meet the requirements of the Fire District and City of Middleton Standards.
- g. Show all proposed or existing hydrants for all new construction or additions to existing buildings within 1,000 feet of the project.

Inspections:

Final inspection by the Fire District of the above listed including hydrant flow must be completed before building permits are issued

Additional Comments:

Side Setback as per City Code. Any modification to setback will require review and approval by the Fire District.

(208) 286-7772
11665 W. STATE ST., SUITE B
STAR, IDAHO 83669

Exhibit “D”



CITY OF MIDDLETON

P.O. Box 487, 1103 W. Main St., Middleton, ID 83644

208-585-3133 Fax (208) 585-9601

citmid@middletoncity.com

www.middleton.id.gov



December 21, 2021

Roy Bowman

Re: Public Hearing Notice – Preliminary Plat (Carlton Meadows South Subdivision)

To Landowners and Occupants:

The Middleton Planning and Zoning Commission is scheduled to hold a public hearing at 5:30 p.m. on Monday, January 10, 2022, at 1103 W. Main St., Middleton, Idaho, to consider the following:

Application by D&N Investments, LLC and B&A Engineers, Inc for preliminary plat with respect to the Carlton Meadows South Subdivision located at 851 Whiffin Lane (Tax Parcel No. R17610025A) zoned R-3 (Single Family Residential). The proposed preliminary plat consists of 24 single-family homes and 3 common lots on 8.56 acres.

The full application is available for review at City Hall, 1103 W. Main St., Middleton, Idaho or online at middleton.id.gov/PublicHearingNotices. Everyone is invited to attend the public hearing, and those who wish to do so, may ask questions and/or offer comments. Written comments may be submitted at the hearing or earlier to the Planning and Zoning Department at jreynolds@middletoncity.com. Comments may also be mailed to City of Middleton, P.O. Box 487, Middleton, ID 83644.

Please call the City Clerk at (208) 585-3133 at least five days prior to the meeting to arrange assistance with language translation or physical challenges. Please contact me if you have questions.

Sincerely,

Jennica Reynolds

Middleton City
Deputy Clerk, Planning

FAX

1-208-454-7349

R17610025A

0

1 208 454 7431

8211

ADDENDUM

1

(All addendums shall be numbered sequentially.)

JULY 2, 2019 EDITION
Page 1 of 1

RE-11 ADDENDUM

IDAHO
OKS

THIS IS A LEGALLY BINDING CONTRACT. READ THE ENTIRE DOCUMENT, INCLUDING ANY ATTACHMENTS.
IF YOU HAVE ANY QUESTIONS, CONSULT YOUR ATTORNEY AND/OR ACCOUNTANT BEFORE SIGNING.



Today's Date:

5/26/2021

This is an ADDENDUM to the ☒ Purchase and Sale Agreement ☐ Other
("Addendum" means that the information below is added material for the agreement (such as lists or descriptions) and/or means the form is being used to change, correct or revise the agreement (such as modification, addition or deletion of a term)).

AGREEMENT DATED: 1/8/2021

ID #

98758929

ADDRESS: TBD Whitin Lane

Middleton

ID

83844

BUYER(S): D&N Investments, LLC

SELLER(S): Roy Bowman

Marsha Bowman

The undersigned parties hereby agree as follows:

1. Section 2 - Purchase price to be \$600,000 (Six Hundred Thousand Dollars).
2. Section 3A - Buyer to release \$10,000 earnest money currently held by First American Title to Sellers - Roy & Marsha Bowman. Additional \$40,000 to be released as a Cashier's Check made out to Roy & Marsha Bowman.
3. Attached legal description and plat to be included as Exhibit B.
4. Buyer reserves the right to update the legal description and extend the South/East property line along the ditch bank, but no farther than to the center of the ditch, and at no expense to the sellers.

To the extent the terms of this ADDENDUM modify or conflict with any provisions of the Purchase and Sale Agreement including all prior Addendums or Counter Offers, these terms shall control. All other terms of the Purchase and Sale Agreement including all prior Addendums or Counter Offers not modified by this ADDENDUM shall remain the same. Upon its execution by both parties, this agreement is made an integral part of the aforementioned Agreement.

BUYER: Dave Bulch

5/26/2021 3:43:36 PM EDT

Dave Bulch D&N Investments, LLC

Date:

BUYER:

Date:

SELLER:

Roy Bowman

Date: 5/26/21

SELLER:

Marsha Bowman

Date: 5/26/21

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JULY 2019 EDITION

RE-11 ADDENDUM

Page 1 of 1

This form was prepared by Scott Dykstra | Coldwell Banker Tomlinson-Meridian | sdykstra@cbtmo.com | 208.471.1123

Thence S89°28'21"W, 804.79 feet along the southerly boundary of said Lot 12 to the southwest corner of said Lot 12;

Thence N00°05'38"E, 330.15 feet along the westerly boundary of said Lot 12 to the northwest corner of said Lot 12;

Thence N89°28'12"W, 1,302.22 feet along the northerly boundary of said Lot 12 to the Point of Beginning.

Comprising 7.89 acres, more or less.

Subject to all existing easements and rights-of-way of record or apparent.

This description has been prepared from information of record shown on Record of Surveys 2014-022132 and 2018-014638 within the office of the Canyon County, Idaho, Recorder. The basis of bearing is based upon Record of Survey 2018-014638. A new survey specific to this description has not been performed by the Professional Land Surveyor executing this description.

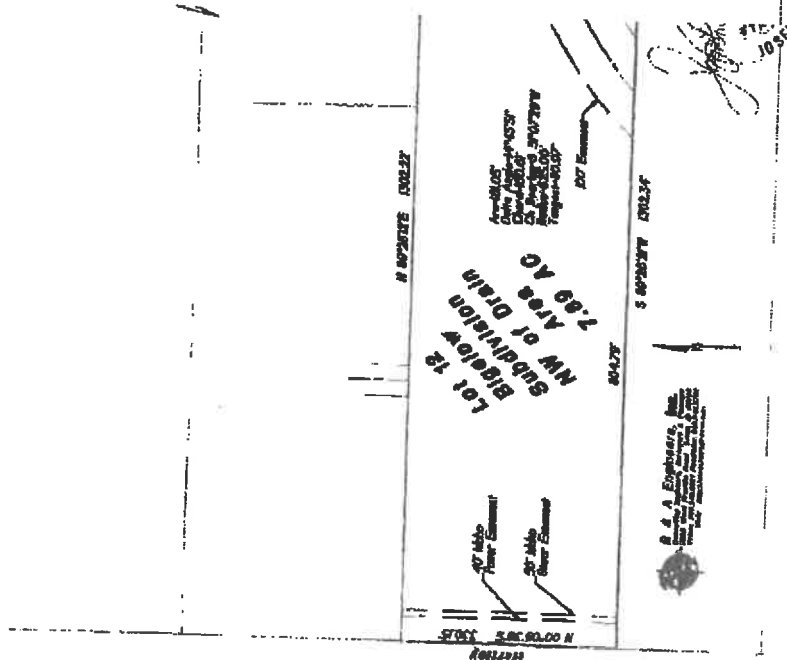


Sellers Roy B. Bowers Date 5/26/21
Archie Bowers
Buyer Dave Buich Date 5/26/21
Dave Buich

Lot 12 of Elgslow Subdivision
Northwest of Drainage District No. 2 Drain

Page 2 of 2

Proud to be Serving the
Pacific Northwest for 100 Years



— **CONGRATULATE I KILL**

Project Site



Half Street Section Location	Mileage (to Middle of Way)	Typical Local Road Section	1991 Right-Of-Way
2			



Don't let Local Food Systems (507) 481-1100



First Name	LAST NAME	DOB	SSN
John	Smith	12/15/1980	123-45-6789
Address	CITY	STATE	ZIP
123 Main St	Anytown	CA	90210
Phone	Area Code	Number	
(714) 555-1234	714	555-1234	

Signature _____ Date _____

Overseas Applicant _____

Print Name, Address, City, State, Zip _____

Print Name, Address, City, State, Zip _____

Understand and Utility Note

**Preliminary
Plat**

B&A Engineers, Inc.
Consulting Engineers, Architects & Planners
1000 W. Broadway St., Suite 100, Los Angeles, CA 90015
(213) 462-4242



Printed by
The City Corporation

Preliminary Plan

Canton Meadow South Subdivision

SEE MAPS FOR
DETAILED INFORMATION
CALL OR VISIT US

EXHIBIT “F”

City Engineer Recommendation Letter

EXHIBIT “B”



February 7, 2022

Mayor Steve Rule
1103 W Main St
Middleton, Idaho 83644

Dear Mr. Rule,

As provided in section 4.2B of the Waste Collection Services Contract with the city of Middleton, we have calculated the annual rate adjustment based on the Consumer Price Index (CPI) for the U.S. City Average – All Western States Urban Consumers Price Index as published by the U. S. Department of Labor, Bureau of Labor Statistics. The CPI change for the previous twelve-month period ending in December 2021 is 4.52%. The CPI adjustment is effective April 1, 2022.

Attached are copies of the CPI data. The 2021 reimbursement rate schedule will be provided separately.

Please let me know if you have any questions about the CPI schedules. As always, we appreciate the opportunity to work with you and the city of Middleton.

Sincerely,

Bradyn Norris
Business Unit Finance Manager
480-469-3587

CPI for All Urban Consumers (CPI-U)

Series Title	All items in West urban, all urban consumers, not seasonally adjusted
Series ID	CUUR0400SA0
Seasonality	Not Seasonally Adjusted
Survey Name	CPI for All Urban Consumers (CPI-U)
Measure Data Type	All items
Area	West
Item	All items

Link: <https://beta.bls.gov/dataViewer/view/timeseries/CUUR0400SA0>

Year	Period	Label	Observation Value
2020	M01	2020 Jan	273.340
2020	M02	2020 Feb	274.412
2020	M03	2020 Mar	273.995
2020	M04	2020 Apr	272.913
2020	M05	2020 May	273.062
2020	M06	2020 Jun	274.155
2020	M07	2020 Jul	275.597
2020	M08	2020 Aug	276.443
2020	M09	2020 Sep	276.422
2020	M10	2020 Oct	276.876
2020	M11	2020 Nov	276.875
2020	M12	2020 Dec	276.593
2021	M01	2021 Jan	277.238
2021	M02	2021 Feb	278.702
2021	M03	2021 Mar	280.625
2021	M04	2021 Apr	283.507
2021	M05	2021 May	285.793
2021	M06	2021 Jun	288.263
2021	M07	2021 Jul	289.863
2021	M08	2021 Aug	290.393
2021	M09	2021 Sep	291.053
2021	M10	2021 Oct	293.397
2021	M11	2021 Nov	294.986
2021	M12	2021 Dec	296.102

Rolling 12 Month Avg **4.52%**

CPI Values:

December 31, 2020 YTD	3300.683
December 31, 2021 YTD	3449.922
Change in CPI	149.239

CPI Price Increase for April 1, 2022 = 149.239/3300.683 = 4.52%

Middleton City Rates effective 04/01/22

		Customer Rates					
Residential Trash & Recycling	Account Fee	Service	Rent	Subtotal	Tax	Total	
regular 1 95 gallon trash cart	1.50	10.33	1.95	13.78	0.12	13.90	
regular 2 95 gallon trash carts	1.50	12.47	3.90	17.87	0.23	18.10	
regular 3 95 gallon trash carts	1.50	15.28	5.85	22.63	0.35	22.98	
regular 4 95 gallon trash carts	1.50	17.77	7.80	27.07	0.47	27.54	
regular 5 95 gallon trash carts	1.50	20.27	9.75	31.52	0.59	32.11	
regular 6 95 gallon trash carts	1.50	22.77	11.70	35.97	0.70	36.67	
senior citizen 1 95 gallon trash cart	1.50	9.10	1.95	12.55	0.12	12.67	
senior citizen 2 95 gallon trash carts	1.50	11.24	3.90	16.64	0.23	16.87	
senior citizen 3 95 gallon trash carts	1.50	14.05	5.85	21.40	0.35	21.75	
senior citizen 4 95 gallon trash carts	1.50	16.54	7.80	25.84	0.47	26.31	
senior citizen 5 95 gallon trash carts	1.50	19.04	9.75	30.29	0.59	30.88	
senior citizen 6 95 gallon trash carts	1.50	21.54	11.70	34.74	0.70	35.44	
carryout/drive-in 1 95 gallon trash cart	1.50	23.66	1.95	27.11	0.12	27.23	
carryout/drive-in 2 95 gallon trash carts	1.50	25.80	3.90	31.20	0.23	31.43	
carryout/drive-in 3 95 gallon trash carts	1.50	28.61	5.85	35.96	0.35	36.31	
carryout/drive-in 4 95 gallon trash carts	1.50	31.10	7.80	40.40	0.47	40.87	
carryout/drive-in 5 95 gallon trash carts	1.50	33.60	9.75	44.85	0.59	45.44	
carryout/drive-in 6 95 gallon trash carts	1.50	36.10	11.70	49.30	0.70	50.00	
1 additional 95 gallon trash cart	-	2.14	2.14	1.95	4.09	0.12	4.21
2 additional 95 gallon trash carts	-	4.28	4.95	3.90	8.85	0.23	9.08
3 additional 95 gallon trash carts	-	6.42	7.44	5.85	13.29	0.35	13.64
4 additional 95 gallon trash carts	-	8.56	9.94	7.80	17.74	0.47	18.21
5 additional 95 gallon trash carts	-	10.70	12.44	9.75	22.19	0.59	22.78
regular 95 gallon recycling cart	-	3.02	1.95	4.97	0.12	5.09	
senior citizen 95 gallon recycling cart	-	-	-	-	-	-	
carryout/drive-in 95 gallon recycling cart	-	3.02	1.95	4.97	0.12	5.09	
each additional 95 gallon recycling cart	-	-	1.95	1.95	0.12	2.07	
RBB	-	-	(1.95)	(1.95)	(0.12)	(2.07)	

Middleton City Rates effective 04/01/22

Regular Curbside Carts	Total # of Carts	Account Fee	Total # of Billable Carts	Service	Rent	Subtotal	Tax	Total
1 95 gallon trash cart(s) - 1 95 gallon recycling cart(s)	2	1.50	2	13.35	3.90	18.75	0.23	18.98
2 95 gallon trash cart(s) - 1 95 gallon recycling cart(s)	3	1.50	3	15.49	5.85	22.84	0.35	23.19
3 95 gallon trash cart(s) - 1 95 gallon recycling cart(s)	4	1.50	4	18.30	7.80	27.60	0.47	28.07
4 95 gallon trash cart(s) - 1 95 gallon recycling cart(s)	5	1.50	5	20.79	9.75	32.04	0.59	32.63
5 95 gallon trash cart(s) - 1 95 gallon recycling cart(s)	6	1.50	6	23.29	11.70	36.49	0.70	37.19
6 95 gallon trash cart(s) - 1 95 gallon recycling cart(s)	7	1.50	7	25.79	13.65	40.94	0.82	41.76
1 95 gallon trash cart(s) - 2 95 gallon recycling cart(s)	3	1.50	3	13.35	5.85	20.70	0.35	21.05
2 95 gallon trash cart(s) - 2 95 gallon recycling cart(s)	4	1.50	4	15.49	7.80	24.79	0.47	25.26
3 95 gallon trash cart(s) - 2 95 gallon recycling cart(s)	5	1.50	5	18.30	9.75	29.55	0.59	30.14
4 95 gallon trash cart(s) - 2 95 gallon recycling cart(s)	6	1.50	6	20.79	11.70	33.99	0.70	34.69
5 95 gallon trash cart(s) - 2 95 gallon recycling cart(s)	7	1.50	7	23.29	13.65	38.44	0.82	39.26
6 95 gallon trash cart(s) - 2 95 gallon recycling cart(s)	8	1.50	8	25.79	15.60	42.89	0.94	43.83
1 95 gallon trash cart(s) - 3 95 gallon recycling cart(s)	4	1.50	4	13.35	7.80	22.65	0.47	23.12
2 95 gallon trash cart(s) - 3 95 gallon recycling cart(s)	5	1.50	5	15.49	9.75	26.74	0.59	27.33
3 95 gallon trash cart(s) - 3 95 gallon recycling cart(s)	6	1.50	6	18.30	11.70	31.50	0.70	32.20
4 95 gallon trash cart(s) - 3 95 gallon recycling cart(s)	7	1.50	7	20.79	13.65	35.94	0.82	36.76
5 95 gallon trash cart(s) - 3 95 gallon recycling cart(s)	8	1.50	8	23.29	15.60	40.39	0.94	41.33
6 95 gallon trash cart(s) - 3 95 gallon recycling cart(s)	9	1.50	9	25.79	17.55	44.84	1.05	45.89
1 95 gallon trash cart(s) - 4 95 gallon recycling cart(s)	5	1.50	5	13.35	9.75	24.60	0.59	25.19
2 95 gallon trash cart(s) - 4 95 gallon recycling cart(s)	6	1.50	6	15.49	11.70	28.69	0.70	29.39
3 95 gallon trash cart(s) - 4 95 gallon recycling cart(s)	7	1.50	7	18.30	13.65	33.45	0.82	34.27
4 95 gallon trash cart(s) - 4 95 gallon recycling cart(s)	8	1.50	8	20.79	15.60	37.89	0.94	38.83
5 95 gallon trash cart(s) - 4 95 gallon recycling cart(s)	9	1.50	9	23.29	17.55	42.34	1.05	43.39
6 95 gallon trash cart(s) - 4 95 gallon recycling cart(s)	10	1.50	10	25.79	19.50	46.79	1.17	47.96
1 95 gallon trash cart(s) - 5 95 gallon recycling cart(s)	6	1.50	6	13.35	11.70	26.55	0.70	27.25
2 95 gallon trash cart(s) - 5 95 gallon recycling cart(s)	7	1.50	7	15.49	13.65	30.64	0.82	31.46
3 95 gallon trash cart(s) - 5 95 gallon recycling cart(s)	8	1.50	8	18.30	15.60	35.40	0.94	36.34
4 95 gallon trash cart(s) - 5 95 gallon recycling cart(s)	9	1.50	9	20.79	17.55	39.84	1.05	40.89
5 95 gallon trash cart(s) - 5 95 gallon recycling cart(s)	10	1.50	10	23.29	19.50	44.29	1.17	45.46
6 95 gallon trash cart(s) - 5 95 gallon recycling cart(s)	11	1.50	11	25.79	21.45	48.74	1.29	50.03
1 95 gallon trash cart(s) - 6 95 gallon recycling cart(s)	7	1.50	7	13.35	13.65	28.50	0.82	29.32
2 95 gallon trash cart(s) - 6 95 gallon recycling cart(s)	8	1.50	8	15.49	15.60	32.59	0.94	33.53
3 95 gallon trash cart(s) - 6 95 gallon recycling cart(s)	9	1.50	9	18.30	17.55	37.35	1.05	38.40
4 95 gallon trash cart(s) - 6 95 gallon recycling cart(s)	10	1.50	10	20.79	19.50	41.79	1.17	42.96
5 95 gallon trash cart(s) - 6 95 gallon recycling cart(s)	11	1.50	11	23.29	21.45	46.24	1.29	47.53
6 95 gallon trash cart(s) - 6 95 gallon recycling cart(s)	12	1.50	12	25.79	23.40	50.69	1.40	52.09

Middleton City Rates effective 04/01/22

Senior Citizen Curbside Carts	Total # of Carts	Account Fee	Total # of Billable Carts	Service	Rent	Subtotal	Tax	Total
1 95 gallon trash cart(s) - 1 95 gallon recycling cart(s)	2	1.50	1	9.10	1.95	12.55	0.12	12.67
2 95 gallon trash cart(s) - 1 95 gallon recycling cart(s)	3	1.50	2	11.24	3.90	16.64	0.23	16.87
3 95 gallon trash cart(s) - 1 95 gallon recycling cart(s)	4	1.50	3	14.05	5.85	21.40	0.35	21.75
4 95 gallon trash cart(s) - 1 95 gallon recycling cart(s)	5	1.50	4	16.54	7.80	25.84	0.47	26.31
5 95 gallon trash cart(s) - 1 95 gallon recycling cart(s)	6	1.50	5	19.04	9.75	30.29	0.59	30.88
6 95 gallon trash cart(s) - 1 95 gallon recycling cart(s)	7	1.50	6	21.54	11.70	34.74	0.70	35.44
1 95 gallon trash cart(s) - 2 95 gallon recycling cart(s)	3	1.50	2	9.10	3.90	14.50	0.23	14.73
2 95 gallon trash cart(s) - 2 95 gallon recycling cart(s)	4	1.50	3	11.24	5.85	18.59	0.35	18.94
3 95 gallon trash cart(s) - 2 95 gallon recycling cart(s)	5	1.50	4	14.05	7.80	23.35	0.47	23.82
4 95 gallon trash cart(s) - 2 95 gallon recycling cart(s)	6	1.50	5	16.54	9.75	27.79	0.59	28.38
5 95 gallon trash cart(s) - 2 95 gallon recycling cart(s)	7	1.50	6	19.04	11.70	32.24	0.70	32.94
6 95 gallon trash cart(s) - 2 95 gallon recycling cart(s)	8	1.50	7	21.54	13.65	36.69	0.82	37.51
1 95 gallon trash cart(s) - 3 95 gallon recycling cart(s)	4	1.50	3	9.10	5.85	16.45	0.35	16.80
2 95 gallon trash cart(s) - 3 95 gallon recycling cart(s)	5	1.50	4	11.24	7.80	20.54	0.47	21.01
3 95 gallon trash cart(s) - 3 95 gallon recycling cart(s)	6	1.50	5	14.05	9.75	25.30	0.59	25.89
4 95 gallon trash cart(s) - 3 95 gallon recycling cart(s)	7	1.50	6	16.54	11.70	29.74	0.70	30.44
5 95 gallon trash cart(s) - 3 95 gallon recycling cart(s)	8	1.50	7	19.04	13.65	34.19	0.82	35.01
6 95 gallon trash cart(s) - 3 95 gallon recycling cart(s)	9	1.50	8	21.54	15.60	38.64	0.94	39.58
1 95 gallon trash cart(s) - 4 95 gallon recycling cart(s)	5	1.50	4	9.10	7.80	18.40	0.47	18.87
2 95 gallon trash cart(s) - 4 95 gallon recycling cart(s)	6	1.50	5	11.24	9.75	22.49	0.59	23.08
3 95 gallon trash cart(s) - 4 95 gallon recycling cart(s)	7	1.50	6	14.05	11.70	27.25	0.70	27.95
4 95 gallon trash cart(s) - 4 95 gallon recycling cart(s)	8	1.50	7	16.54	13.65	31.69	0.82	32.51
5 95 gallon trash cart(s) - 4 95 gallon recycling cart(s)	9	1.50	8	19.04	15.60	36.14	0.94	37.08
6 95 gallon trash cart(s) - 4 95 gallon recycling cart(s)	10	1.50	9	21.54	17.55	40.59	1.05	41.64
1 95 gallon trash cart(s) - 5 95 gallon recycling cart(s)	6	1.50	5	9.10	9.75	20.35	0.59	20.94
2 95 gallon trash cart(s) - 5 95 gallon recycling cart(s)	7	1.50	6	11.24	11.70	24.44	0.70	25.14
3 95 gallon trash cart(s) - 5 95 gallon recycling cart(s)	8	1.50	7	14.05	13.65	29.20	0.82	30.02
4 95 gallon trash cart(s) - 5 95 gallon recycling cart(s)	9	1.50	8	16.54	15.60	33.64	0.94	34.58
5 95 gallon trash cart(s) - 5 95 gallon recycling cart(s)	10	1.50	9	19.04	17.55	38.09	1.05	39.14
6 95 gallon trash cart(s) - 5 95 gallon recycling cart(s)	11	1.50	10	21.54	19.50	42.54	1.17	43.71
1 95 gallon trash cart(s) - 6 95 gallon recycling cart(s)	7	1.50	6	9.10	11.70	22.30	0.70	23.00
2 95 gallon trash cart(s) - 6 95 gallon recycling cart(s)	8	1.50	7	11.24	13.65	26.39	0.82	27.21
3 95 gallon trash cart(s) - 6 95 gallon recycling cart(s)	9	1.50	8	14.05	15.60	31.15	0.94	32.09
4 95 gallon trash cart(s) - 6 95 gallon recycling cart(s)	10	1.50	9	16.54	17.55	35.59	1.05	36.64
5 95 gallon trash cart(s) - 6 95 gallon recycling cart(s)	11	1.50	10	19.04	19.50	40.04	1.17	41.21
6 95 gallon trash cart(s) - 6 95 gallon recycling cart(s)	12	1.50	11	21.54	21.45	44.49	1.29	45.78

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Carryout/Drive-In Curbside Carts	Total # of Carts	Account Fee	Total # of Billable Carts	Service	Rent	Subtotal	Tax	Total
1 95 gallon trash cart(s) - 1 95 gallon recycling cart(s)	2	1.50	2	26.68	3.90	32.08	0.23	32.31
2 95 gallon trash cart(s) - 1 95 gallon recycling cart(s)	3	1.50	3	28.82	5.85	36.17	0.35	36.52
3 95 gallon trash cart(s) - 1 95 gallon recycling cart(s)	4	1.50	4	31.63	7.80	40.93	0.47	41.40
4 95 gallon trash cart(s) - 1 95 gallon recycling cart(s)	5	1.50	5	34.12	9.75	45.37	0.59	45.96
5 95 gallon trash cart(s) - 1 95 gallon recycling cart(s)	6	1.50	6	36.62	11.70	49.82	0.70	50.52
6 95 gallon trash cart(s) - 1 95 gallon recycling cart(s)	7	1.50	7	39.12	13.65	54.27	0.82	55.09
1 95 gallon trash cart(s) - 2 95 gallon recycling cart(s)	3	1.50	3	26.68	5.85	34.03	0.35	34.38
2 95 gallon trash cart(s) - 2 95 gallon recycling cart(s)	4	1.50	4	28.82	7.80	38.12	0.47	38.59
3 95 gallon trash cart(s) - 2 95 gallon recycling cart(s)	5	1.50	5	31.63	9.75	42.88	0.59	43.47
4 95 gallon trash cart(s) - 2 95 gallon recycling cart(s)	6	1.50	6	34.12	11.70	47.32	0.70	48.02
5 95 gallon trash cart(s) - 2 95 gallon recycling cart(s)	7	1.50	7	36.62	13.65	51.77	0.82	52.59
6 95 gallon trash cart(s) - 2 95 gallon recycling cart(s)	8	1.50	8	39.12	15.60	56.22	0.94	57.16
1 95 gallon trash cart(s) - 3 95 gallon recycling cart(s)	4	1.50	4	26.68	7.80	35.98	0.47	36.45
2 95 gallon trash cart(s) - 3 95 gallon recycling cart(s)	5	1.50	5	28.82	9.75	40.07	0.59	40.66
3 95 gallon trash cart(s) - 3 95 gallon recycling cart(s)	6	1.50	6	31.63	11.70	44.83	0.70	45.53
4 95 gallon trash cart(s) - 3 95 gallon recycling cart(s)	7	1.50	7	34.12	13.65	49.27	0.82	50.09
5 95 gallon trash cart(s) - 3 95 gallon recycling cart(s)	8	1.50	8	36.62	15.60	53.72	0.94	54.66
6 95 gallon trash cart(s) - 3 95 gallon recycling cart(s)	9	1.50	9	39.12	17.55	58.17	1.05	59.22
1 95 gallon trash cart(s) - 4 95 gallon recycling cart(s)	5	1.50	5	26.68	9.75	37.93	0.59	38.52
2 95 gallon trash cart(s) - 4 95 gallon recycling cart(s)	6	1.50	6	28.82	11.70	42.02	0.70	42.72
3 95 gallon trash cart(s) - 4 95 gallon recycling cart(s)	7	1.50	7	31.63	13.65	46.78	0.82	47.60
4 95 gallon trash cart(s) - 4 95 gallon recycling cart(s)	8	1.50	8	34.12	15.60	51.22	0.94	52.16
5 95 gallon trash cart(s) - 4 95 gallon recycling cart(s)	9	1.50	9	36.62	17.55	55.67	1.05	56.72
6 95 gallon trash cart(s) - 4 95 gallon recycling cart(s)	10	1.50	10	39.12	19.50	60.12	1.17	61.29
1 95 gallon trash cart(s) - 5 95 gallon recycling cart(s)	6	1.50	6	26.68	11.70	39.88	0.70	40.58
2 95 gallon trash cart(s) - 5 95 gallon recycling cart(s)	7	1.50	7	28.82	13.65	43.97	0.82	44.79
3 95 gallon trash cart(s) - 5 95 gallon recycling cart(s)	8	1.50	8	31.63	15.60	48.73	0.94	49.67
4 95 gallon trash cart(s) - 5 95 gallon recycling cart(s)	9	1.50	9	34.12	17.55	53.17	1.05	54.22
5 95 gallon trash cart(s) - 5 95 gallon recycling cart(s)	10	1.50	10	36.62	19.50	57.62	1.17	58.79
6 95 gallon trash cart(s) - 5 95 gallon recycling cart(s)	11	1.50	11	39.12	21.45	62.07	1.29	63.36
1 95 gallon trash cart(s) - 6 95 gallon recycling cart(s)	7	1.50	7	26.68	13.65	41.83	0.82	42.65
2 95 gallon trash cart(s) - 6 95 gallon recycling cart(s)	8	1.50	8	28.82	15.60	45.92	0.94	46.86
3 95 gallon trash cart(s) - 6 95 gallon recycling cart(s)	9	1.50	9	31.63	17.55	50.68	1.05	51.73
4 95 gallon trash cart(s) - 6 95 gallon recycling cart(s)	10	1.50	10	34.12	19.50	55.12	1.17	56.29
5 95 gallon trash cart(s) - 6 95 gallon recycling cart(s)	11	1.50	11	36.62	21.45	59.57	1.29	60.86
6 95 gallon trash cart(s) - 6 95 gallon recycling cart(s)	12	1.50	12	39.12	23.40	64.02	1.40	65.42
Commercial Perm Trash				Service	Rent	Subtotal	Tax	Total
delivery per container				13.90	-	13.90	-	13.90
extra pickup per container				15.80	-	15.80	-	15.80
1 95 gallon cart 1 x week				21.93	1.38	23.31	0.08	23.39
2 95 gallon carts 1 x week				36.86	2.76	39.62	0.17	39.79
3 95 gallon carts 1 x week				51.82	4.14	55.96	0.25	56.21
4 95 gallon carts 1 x week				66.79	5.52	72.31	0.33	72.64
5 95 gallon carts 1 x week				81.76	6.90	88.66	0.41	89.07
6 95 gallon carts 1 x week				96.71	8.28	104.99	0.50	105.49
delivery per container				35.05	-	35.05	-	35.05
extra pickup per container				41.32	-	41.32	-	41.32
1 3yd 1 x month				58.28	15.72	74.00	0.94	74.94
1 3yd 2 x month				73.53	15.72	89.25	0.94	90.19
1 3yd 1 x week				81.24	15.72	96.96	0.94	97.90
1 3yd 2 x week				134.87	15.72	150.59	0.94	151.53
1 3yd 3 x week				193.50	15.72	209.22	0.94	210.16
1 3yd 4 x week				242.04	15.72	257.76	0.94	258.70
1 3yd 5 x week				295.38	15.72	311.10	0.94	312.04
delivery per container				35.05	-	35.05	-	35.05
extra pickup per container				69.08	-	69.08	-	69.08
1 6yd 2 x month				81.12	31.44	112.56	1.89	114.45
1 6yd 1 x week				117.68	31.44	149.12	1.89	151.01
1 6yd 2 x week				231.96	31.44	263.40	1.89	265.29
1 6yd 3 x week				329.04	31.44	360.48	1.89	362.37
1 6yd 4 x week				447.60	31.44	479.04	1.89	480.93
1 6yd 5 x week				566.24	31.44	597.68	1.89	599.57

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delivery per container	35.05	-	35.05	-	35.05
extra pickup per container	83.57	-	83.57	-	83.57
1 8yd 2 x month	112.22	39.29	151.51	2.36	153.87
1 8yd 1 x week	144.28	39.29	183.57	2.36	185.93
1 8yd 2 x week	265.10	39.29	304.39	2.36	306.75
1 8yd 3 x week	366.41	39.29	405.70	2.36	408.06
1 8yd 4 x week	481.44	39.29	520.73	2.36	523.09
1 8yd 5 x week	604.37	39.29	643.66	2.36	646.02
extra pickup per container	-	-	-	-	-
1 2yd compactor 1 x week	-	-	-	-	-
1 2yd compactor 2 x week	-	-	-	-	-
1 2yd compactor 3 x week	-	-	-	-	-
1 2yd compactor 4 x week	-	-	-	-	-
1 2yd compactor 5 x week	-	-	-	-	-
1 2yd compactor 6 x week	-	-	-	-	-
extra pickup per container	-	-	-	-	-
1 4yd compactor 1 x week	-	-	-	-	-
1 4yd compactor 2 x week	-	-	-	-	-
1 4yd compactor 3 x week	-	-	-	-	-
1 4yd compactor 4 x week	-	-	-	-	-
1 4yd compactor 5 x week	-	-	-	-	-
1 4yd compactor 6 x week	-	-	-	-	-
extra pickup per container	-	-	-	-	-
1 6yd compactor 1 x week	-	-	-	-	-
1 6yd compactor 2 x week	-	-	-	-	-
1 6yd compactor 3 x week	-	-	-	-	-
1 6yd compactor 4 x week	-	-	-	-	-
1 6yd compactor 5 x week	-	-	-	-	-
1 6yd compactor 6 x week	-	-	-	-	-
Commercial On Call Trash	Service	Rent	Subtotal	Tax	Total
3yd delivery	35.51	-	35.51	-	35.51
3yd regular	39.48	-	39.48	-	39.48
monthly rent	-	29.73	29.73	1.78	31.51
daily rent	-	0.98	0.98	0.06	1.04
8yd delivery	35.51	-	35.51	-	35.51
8yd regular	105.30	-	105.30	-	105.30
monthly rent	-	29.73	29.73	1.78	31.51
daily rent	-	0.98	0.98	0.06	1.04
Commercial Recycling	Service	Rent	Subtotal	Tax	Total
delivery per container	13.90	-	13.90	-	13.90
extra pickup per cart	9.08	-	9.08	-	9.08
1 95 gallon cart 1 x week	14.65	1.95	16.60	0.12	16.72
2 95 gallon carts 1 x week	17.85	3.90	21.75	0.23	21.98
3 95 gallon carts 1 x week	21.05	5.85	26.90	0.35	27.25
4 95 gallon carts 1 x week	24.23	7.80	32.03	0.47	32.50
5 95 gallon carts 1 x week	27.41	9.75	37.16	0.59	37.75
6 95 gallon carts 1 x week	30.60	11.70	42.30	0.70	43.00
delivery per container	33.59	-	33.59	-	33.59
extra pickup per container	19.63	-	19.63	-	19.63
1 3yd 2 x month	43.47	15.72	59.19	0.94	60.13
1 3yd 1 x week	72.48	15.72	88.20	0.94	89.14
1 3yd 2 x week	151.26	15.72	166.98	0.94	167.92
1 3yd 3 x week	230.04	15.72	245.76	0.94	246.70
1 3yd 4 x week	364.94	15.72	380.66	0.94	381.60
1 3yd 5 x week	458.34	15.72	474.06	0.94	475.00
delivery per container	33.59	-	33.59	-	33.59
extra pickup per container	32.02	-	32.02	-	32.02
1 6yd 2 x month	62.46	32.48	94.94	1.95	96.89
1 6yd 1 x week	86.06	32.48	118.54	1.95	120.49
1 6yd 2 x week	174.63	32.48	207.11	1.95	209.06
1 6yd 3 x week	271.05	32.48	303.53	1.95	305.48
1 6yd 4 x week	364.94	32.48	397.42	1.95	399.37
1 6yd 5 x week	458.34	32.48	490.82	1.95	492.77

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delivery per container	33.59	-	33.59	-	33.59
extra pickup per container	43.85	-	43.85	-	43.85
1 8yd 1 x week	115.29	41.34	156.63	2.48	159.11
1 8yd 2 x week	233.03	41.34	274.37	2.48	276.85
1 8yd 3 x week	341.22	41.34	382.56	2.48	385.04
1 8yd 4 x week	462.24	41.34	503.58	2.48	506.06
1 8yd 5 x week	579.43	41.34	620.77	2.48	623.25
Industrial Trash	Disposal	Service	Rent	Subtotal	Tax Total
15yd delivery	-	49.27	-	49.27	- 49.27
15yd regular	14.50	212.99	-	212.99	- 212.99
15yd c&d	34.00	212.99	-	212.99	- 212.99
15yd concrete	21.75	212.99	-	212.99	- 212.99
15yd wood	12.00	212.99	-	212.99	- 212.99
15yd asbestos	50.00	287.37	-	287.37	- 287.37
15yd monthly rent	-	-	115.03	115.03	6.90 121.93
15yd daily rent	-	-	3.78	3.78	0.23 4.01
20yd delivery	-	49.27	-	49.27	- 49.27
20yd lid	-	-	34.97	34.97	2.10 37.07
20yd regular	14.50	212.99	-	212.99	- 212.99
20yd c&d	34.00	212.99	-	212.99	- 212.99
20yd concrete	21.75	212.99	-	212.99	- 212.99
20yd wood	12.00	212.99	-	212.99	- 212.99
20yd asbestos	50.00	287.37	-	287.37	- 287.37
20yd monthly rent	-	-	115.03	115.03	6.90 121.93
20yd daily rent	-	-	3.78	3.78	0.23 4.01
30yd delivery	-	49.27	-	49.27	- 49.27
30yd lid	-	-	34.97	34.97	2.10 37.07
30yd regular	14.50	212.99	-	212.99	- 212.99
30yd c&d	34.00	212.99	-	212.99	- 212.99
30yd concrete	21.75	212.99	-	212.99	- 212.99
30yd wood	12.00	212.99	-	212.99	- 212.99
30yd asbestos	50.00	287.37	-	287.37	- 287.37
30yd monthly rent	-	-	115.03	115.03	6.90 121.93
30yd daily rent	-	-	3.78	3.78	0.23 4.01
35yd delivery	-	49.27	-	49.27	- 49.27
35yd regular	14.50	212.99	-	212.99	- 212.99
35yd c&d	34.00	212.99	-	212.99	- 212.99
35yd concrete	21.75	212.99	-	212.99	- 212.99
35yd wood	12.00	212.99	-	212.99	- 212.99
35yd asbestos	50.00	287.37	-	287.37	- 287.37
35yd monthly rent	-	-	115.03	115.03	6.90 121.93
35yd daily rent	-	-	3.78	3.78	0.23 4.01
40yd delivery	-	49.27	-	49.27	- 49.27
40yd lid	-	-	34.97	34.97	2.10 37.07
40yd regular	14.50	212.99	-	212.99	- 212.99
40yd c&d	34.00	212.99	-	212.99	- 212.99
40yd concrete	21.75	212.99	-	212.99	- 212.99
40yd wood	12.00	212.99	-	212.99	- 212.99
40yd asbestos	50.00	287.37	-	287.37	- 287.37
40yd monthly rent	-	-	115.03	115.03	6.90 121.93
40yd daily rent	-	-	3.78	3.78	0.23 4.01
compactors	14.50	254.03	-	254.03	- 254.03

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Industrial Recycling					
20yd delivery	47.12	-	47.12	-	47.12
20yd lid	-	34.97	34.97	2.10	37.07
20yd haul	149.37	-	149.37	-	149.37
20yd monthly rental	-	115.96	115.96	6.96	122.92
20yd daily rental	-	3.81	3.81	0.23	4.04
25yd delivery	47.12	-	47.12	-	47.12
25yd haul	149.37	-	149.37	-	149.37
25yd monthly rental	-	125.05	125.05	7.50	132.55
25yd daily rental	-	4.11	4.11	0.25	4.36
30yd delivery	47.12	-	47.12	-	47.12
30yd lid	-	34.97	34.97	2.10	37.07
30yd haul	149.37	-	149.37	-	149.37
30yd monthly rental	-	134.05	134.05	8.04	142.09
30yd daily rental	-	4.41	4.41	0.26	4.67
35yd delivery	47.12	-	47.12	-	47.12
35yd haul	149.37	-	149.37	-	149.37
35yd monthly rental	-	143.11	143.11	8.59	151.70
35yd daily rental	-	4.70	4.70	0.28	4.99
40yd delivery	47.12	-	47.12	-	47.12
40yd lid	-	34.97	34.97	2.10	37.07
40yd haul	149.37	-	149.37	-	149.37
40yd monthly rental	-	152.31	152.31	9.14	161.45
40yd daily rental	-	5.01	5.01	0.30	5.31
Compactors	149.37	-	149.37	-	149.37
Miscellaneous					
	Service	Rent	Subtotal	Tax	Total
additional service per yard - 5 minutes	17.37	-	17.37	-	17.37
additional service service per hour	208.44	-	208.44	-	208.44
appliance (freon)	60.63	-	60.63	-	60.63
appliance (non-freon)	30.69	-	30.69	-	30.69
bulky item	20.73	-	20.73	-	20.73
commercial late cans	15.34	-	15.34	-	15.34
commercial lid lock installation	46.91	-	46.91	-	46.91
commercial lock & key (additional)	31.89	-	31.89	-	31.89
commercial relocation	35.05	-	35.05	-	35.05
industrial dry run	49.27	-	49.27	-	49.27
industrial relocation	49.27	-	49.27	-	49.27
industrial turnaround charge	18.49	-	18.49	-	18.49
pressure wash - industrial compactor	246.63	-	246.63	-	246.63
pressure wash - industrial open top	206.79	-	206.79	-	206.79
residential extra pickup	15.34	-	15.34	-	15.34
residential late cans	15.34	-	15.34	-	15.34
unlock fee (per month) for customer owned locking mechanism	14.36	-	14.36	-	14.36

EXHIBIT “C”

RESOLUTION NO. 465-22

A RESOLUTION OF THE MAYOR AND COUNCIL OF THE CITY OF MIDDLETON, IDAHO, ADOPTING MIDDLETON POLICE DEPARTMENT POLICY NO 22-001, PERTAINING TO THE USE OF LESS LETHAL 12 GAUGE SHOTGUNS.

WHEREAS, the Police Department of the City of Middleton (“MPD”) is tasked with maintaining order within the City of Middleton and ensuring the safety of the citizens of Middleton; and,

WHEREAS, in accomplishing the foregoing, MPD engages in high pressure encounters and circumstances requiring quick, efficient, and appropriate responses; and,

WHEREAS, to ensure such responses occur, the City of Middleton has adopted a policy manual governing MPD and MPDs actions in certain circumstances, use of certain equipment, reporting requirements, and other, similar activities; and,

WHEREAS, the Chief of MPD, Alan Takeuchi, has presented a proposed addition to the current MPD policy document (attached hereto as Exhibit A); and,

WHEREAS, said proposed addition would provide specific guidance on the use of Less Lethal 12 Gauge Shotguns in certain appropriate circumstances; and,

WHEREAS, the purpose of Less Lethal Force is, in part, to allow dangerous situations to be deescalated with a decreased likelihood of a mortal injury; and,

WHEREAS, the City of Middleton desires to adopt the proposed Less Lethal Force Policy, 22-001.

NOW, THEREFORE, BE IT HEREBY RESOLVED AND DECLARED BY THE MAYOR AND COUNCIL OF THE CITY OF MIDDLETON, IDAHO, THAT:

1. The City Council of the City of Middleton hereby adopts Middleton Police Department Policy No 22-001, Policy Governing Use of 12 Gauge Less Lethal Shotgun, as an official MPD policy.
2. If any conflict exist between the newly adopted policy and any previously adopted policy, the newly adopted policy shall control.

PASSED BY THE COUNCIL of the City of Middleton, Idaho this 2nd day of March, 2022.

APPROVED BY THE MAYOR of the City of Middleton, Idaho this 2nd day of March, 2022.

APPROVED

By _____
STEVE RULE, Mayor

ATTEST:

By _____
City Clerk

MIDDLETON POLICE DEPARTMENT

Policy No 22-001

POLICY GOVERNING USE OF 12 GAUGE LESS LETHAL SHOTGUN

Less Lethal Weapons – means any device that is designed to or that has been converted to expel or propel less lethal ammunition for the purpose of incapacitating, immobilizing, or stunning a human being through the infliction of any less than lethal impairment of physical condition, function, or senses, including physical pain or discomfort. Less Lethal Weapons that, when deployed, are not likely to cause death or great bodily harm but have the potential to do so in certain circumstances.

12 Gauge Less Lethal Shotgun

This policy provides guidelines for the issuance and use of the 12 gauge less lethal shotgun. The 12 gauge less lethal shotgun is intended to control a violent or potentially violent individual, while minimizing the risk of serious injury. The appropriate use of the 12 gauge less lethal shotgun should result in reduced likelihood of injury to officers and suspects.

The less lethal shotgun will be a 12 gauge shotgun and will be designated by a yellow stock and fore grip marked with the words “Less Lethal”.

Operating Officers must complete the following training:

1. Initial training by a certified less lethal instructor certified as an Idaho Peace Officer Standards and Training high liability instructor.
2. Annual training updates/review.

Some Patrol vehicles will be equipped with the 12 gauge less lethal shotguns. The Less Lethal Shotgun will be stored in the rear of the vehicle away from lethal weapons and stored unloaded with the 12 gauge less lethal drag stabilized bean bag rounds stored on the sling of the weapon.

Only trained Officers may use the less lethal guns and such use must be in accordance with Idaho State Law and Middleton Police Department Use of Force Policy. Less Lethal Drag Stabilized Rounds will only be fired from a 12 gauge shotgun that has yellow markings and is labeled “Less Lethal”.

The less lethal shotgun will be loaded after being deployed from the rear of the vehicle. The Officer deploying the less lethal shotgun is responsible to assure that only 12 gauge less lethal drag stabilized bean bag rounds are loaded into the weapon. The weapon must be loaded by the deploying

officer and if the gun is turned over to another officer for deployment, the shotgun must be unloaded and reloaded by the deploying officer.

The less lethal shotgun will be unloaded and 12 gauge less lethal drag stabilized bean bag rounds placed back in the weapon sling before being placed back in the vehicle.

Officers must document all discharges from the 12 gauge less lethal shotgun on the related arrest/crime report and the Middleton Police Department Use of Force Form.

Reasonable efforts must be made to notify a supervisor for prior approval of deployment of the 12 gauge less lethal shotgun. In compliance with the Use of Force Policy, notification must also be made to a supervisor following the deployment of the 12 gauge less lethal shotgun. Unintentional discharges or pointing the shotgun at a person will also be documented on the report and a supervisor must be notified.

A verbal warning of the intended use of the less lethal shotgun should precede its application, unless it would otherwise endanger the safety of officers or when it is not practicable due to the circumstances. The purpose of the warning is to:

1. provide the individual with a reasonable opportunity to voluntarily comply, and
2. provide other officers and individuals with a warning that the less lethal shotgun may be deployed.

The 12 gauge less lethal shotgun must not be used to psychologically torment, elicit statements or to punish any individual.

The use of the 12 gauge less lethal shotgun on certain individuals should generally be avoided unless the totality of the circumstances indicates that other available options reasonably appear ineffective or would present a greater danger to the officer, the subject or others, and the officer reasonably believes that the need to control the individual outweighs the risk of using the device. This includes:

1. Individuals who are known to be pregnant,
2. Elderly individuals or obvious juveniles,
3. Individuals with obviously low body mass,
4. Individuals who are handcuffed or otherwise restrained,
5. Individuals whose position or activity may result in collateral injury (e.g., falls from height, operating vehicles).

Target Zones: Zone 1 means the legs and areas below the waist. Zone 2 means the abdomen and pelvic region. Zone 3 means the head, neck, spinal cord, and kidney area. Zone 1 and Zone 2 will be the Targeted Zones. Intentional Targeting of genitals shall be avoided.

Officers should monitor the condition of the subject following use of the 12 gauge shotgun round until the subject is examined by paramedics or other medical personnel. If impact is made, the subject must be taken by ambulance or patrol to a hospital for medical clearance. Reasonable efforts should be made to photograph and document the impact location on the subject.

ADOPTED: 3.2.2022

Steve Rule, Mayor

Alan Takeuchi, Chief of Police