



CITY OF MIDDLETON Planning and Zoning Commission

In Re:

FALCON VALLEY SUBDIVISION
May 14, 2015 Application(s)

**Findings of Fact,
Conclusions of Law, and
Recommendation**

SUMMARY OF THE REQUEST

Viper Investments LLC (Owner) owns certain real property commonly referred to as Falcon Valley Subdivision that was annexed into Middleton city limits, zoned R-3 for a density of three single-family dwellings per gross acre, and preliminary-platted into residential and common-area subdivision lots.

Trilogy Development Inc. (Developer) has developed the first two phases of Falcon Valley Subdivision, and CBH Homes has completed or commenced construction of houses on most of the lots in the first two phases.

Owner and Developer applied to amend the preliminary plat and development agreement(s) to:

1. Remove a road intersection with Duff Lane, and provide an alternate method of handling storm runoff for the subdivision, rather than roadside swales;
2. Include a lot for a publicly owned, constructed and maintained city park;
3. Include a lot for a publicly owned and maintained pathway, along Little Drain, to be constructed by the Developer; and
4. Vary the dimensional standards for certain residential lots in Falcon Valley Subdivision so the total number of residential lots originally approved remains approximately the same despite the intended land dedications or conveyances to the City of Middleton.



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FINDINGS OF FACT

1. **APPLICATION:** An application by the Owner and Developer (Applicant) to amend the Falcon Valley Subdivision preliminary plat and development agreement was received by the City in multiple parts, and deemed complete and accepted by the City on May 14, 2015 (Application).
 - A. On May 1, 2015, the application to amend the preliminary plat was received.
 - B. On May 7, 2015, the application fee to amend the preliminary plat was received.
 - C. On May 14, 2015, the application fee to amend the development agreement was received.

2. **APPLICABLE CODES AND STANDARDS:** As of May 14, 2015, the following codes and standards had been adopted by the State of Idaho and City of Middleton, and are applicable to the Applicant's application:
 - A. Idaho Code Title 67, Chapter 65;
 - B. Idaho Code Title 50, Chapter 13;
 - C. Middleton Connects planning and future acquisition map approved by the Middleton City Council on November 6, 2013;
 - D. Middleton City Code Titles 5 and 6 as adopted in 2015 by the Middleton City Council as Ordinance Nos. 551 and 552;
 - E. Middleton Standards for Public Works Construction were approved by Middleton City Council on April 6, 2015; and
 - F. Middleton Master Transportation Plan, 2007.



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3. PUBLIC HEARING NOTICES:

A.	Letter to Agencies:	May 27, 2015
B.	Letters to Property Owners within 300 Feet:	May 27, 2015
C.	Letter to Applicant:	May 27, 2015
D.	Published notice Idaho Press Tribune:	May 31, 2015
E.	Property Posted:	June 3, 2015
F.	Commission hearing	June 15, 2015

4. SUPPLEMENTAL APPLICATION AND RECORD:

- A. On June 3, 2015, the City received a letter from Sawtooth Law Offices PLLC representing Drainage District No. 2 asserting an easement 100 feet wide, 50 feet on each side of the centerline of Little Drain.
 - B. On June 9, 2015, the City received a Memorandum from the City Engineer identifying changes needed to the preliminary plat.
5. As requested by the City, the Applicant removed a road intersection with Duff Lane north of E. 9th Street from the originally-approved preliminary plat, and proposed an alternate method of handling storm runoff for the project, rather than swales.
 6. As requested by the City, the Applicant identified on the proposed amended plat a future city-park site and future city-pathway site to be conveyed to the City.
 7. The anticipated amended development agreement should include provisions for the dedications shown on the plat, and should include a provision identifying the lots with area smaller than required by City Code.

CONCLUSIONS OF LAW

1. If a Finding of Fact is deemed to be a conclusion of law, then the Finding of Fact is incorporated here as if restated in full.



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2. The Application was received by the City in multiple parts, and deemed complete and accepted by the City on May 14, 2015.
3. The codes and standards applicable to the Application are stated in the Findings of Fact.
4. Notice of the Application, and of the Planning and Zoning Commission's public hearing to consider the Application, were mailed, published and posted according to law.
5. The Planning and Zoning Commission's public hearing considering the Application was conducted according to law.
6. The City has kept a record of the Application and related documents, and the Planning and Zoning Commission's public hearing, according to law.
7. If changes to the plat are made as recommended by the City Engineer in the Memorandum dated June 9, 2015, then the amended preliminary plat conforms to the applicable codes and standards.

RECOMMENDATION

Based on the Findings of Fact and Conclusions of Law, the Planning and Zoning Commission approves the application(s) by Viper Investments LLC and Trilogy Development Inc. to amend the Falcon Valley Subdivision preliminary plat and development agreement subject to the following conditions:

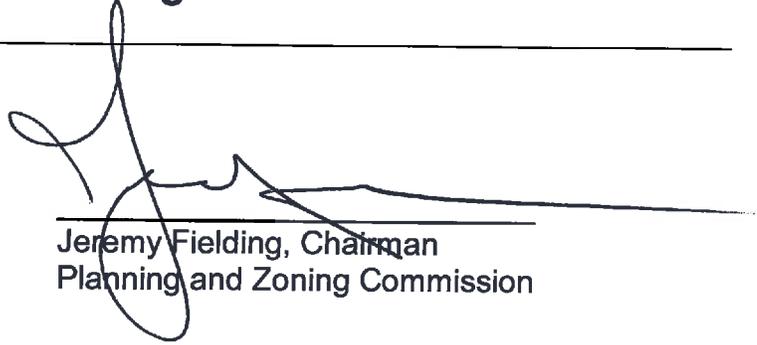
Changes to the proposed preliminary plat identified by the City Engineer, and changes to the development agreement identified by City Staff, are to be completed prior to the City Council meeting.

[end of text]



CITY OF MIDDLETON
Planning and Zoning Commission

DATED: July 13, 2015.



Jeremy Fielding, Chairman
Planning and Zoning Commission

Attest:



Kandice Cotterell
Deputy Clerk

