



CITY OF MIDDLETON City Council

In Re:

Sawtooth Lake Subdivision
November 13, 2017 Application
December 20, 2017 Hearing

**Findings of Fact,
Conclusions of Law,
Decision and Order**

SUMMARY OF THE REQUEST

A request to approve a preliminary plat consisting of 102 residential lots on approximately 23 acres of vacant land in a mixed-use zone. The property is located west of Middleton Road, east of Crane Creek Way, and north of Sawtooth Lake Drive.

FINDINGS OF FACT

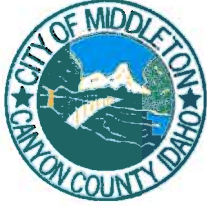
1. **APPLICANT:** The applicant is Premier Industrial, LLC and Baserri, LLC.
2. **APPLICATION:** The application was received and accepted by the City on November 13, 2017.
3. **NOTICE OF PUBLIC HEARING:** Notice of the public hearing before the Planning and Zoning Commission was published, mailed and posted as follows:

Published notice Idaho Press Tribune:	November 24, 2017
Letters mailed to property owners within 300':	November 27, 2017
Letters mailed to agencies providing services:	November 27, 2017
Property posted in four locations:	December 1, 2017
4. **APPLICABLE CODES AND STANDARDS:** The ordinances and standards used in evaluating the application are:
 - Idaho Code Title 67, Chapter 65
 - Middleton City Code, Title 6, Chapter 2, 3 and 4
 - Idaho Standards for Public Works Construction (ISPWC)
 - Middleton Supplement to the ISPWC



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5. A neighborhood meeting was held on site along Sawtooth Lake Drive, halfway between Middleton Road and Crane Creek Way on November 17, 2017 at 6:00 p.m. There was no opposition to the project, according to the representative for the project.
6. The request is consistent with the following policies in the Comprehensive Plan: Transportation Goal 2: Provide a variety of safe transportation services and facilities throughout the City for vehicles, pedestrians, bicycles and transit. Objective A: Plan and develop a safe system of roads, bike lanes, sidewalks and pathways; Objective B: Reduce vehicle congestion and encourage walking and bicycling; Strategy 3: Establish sidewalks in subdivisions and provide pedestrian crossings at intersections; Parks and Recreation Goal 9: Locate and design parks, open spaces, recreational facilities and public facilities that encourage physical activity. Objective A: Improve and expand the recreational opportunities of all citizens; Housing Goal 10: Allow dwelling types that match residents' lifestyles; Objective A: Provide a variety of housing types and lot sizes for residents; Strategy 2: Encourage multifamily and higher density housing near schools, transit stations and commercial areas; Goal 21: Establish interesting gathering places that encourage walkability and promote good health and positive social interaction: Strategy 5: Locate places of residence near destinations such as parks, walking paths, trails and waterfront recreation areas to foster physical activity. The request is consistent with these policies because it provides a variety of transportation options, including roads, sidewalks, pathways, a pedestrian crossing, and connections to open spaces (shown as common lots) and waterfront recreation areas (the city plans to build a river district recreation area just north of the Boise river in the near future). The request also provides a variety of lot sizes and encourages higher density housing near commercial areas and transit stations. A future transit station and line is proposed in the area north of the subject site.
7. The applicant is requesting that side setbacks be reduced from 12 to 5 feet. Ten foot setbacks are currently what are required in the R-3 (Single Family Residential) zone. Middleton Lakes subdivision to the west is zoned R-3. In addition, the applicant is proposing all other internal side setbacks be reduced from 12 to 5 feet. The request for 5 foot side setbacks are not entirely consistent



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with the following policies in the Comprehensive Plan: Land Use Goal 3: Promote a quality of life based on the health, safety and general welfare of residents with minimal nuisances; Population Goal 13: Preserve a high quality of life and livability in Middleton; and Community Design Goal 19: Preserve and enhance the unique small-town character of Middleton. The request for a reduction to 5 foot setbacks is problematic because it put homes very close together and reduces privacy. Noise, odor, light, and vibrations are more intense when homes are closer together. In addition, the lot width of the majority of the lots is only 50 feet. The recommendation to reduce internal side setbacks from 12 to 5 feet could disturb the peace, quiet, comfort and well-being of future residents in this subdivision. City staff recommends internal side setbacks be reduced from 12 to 10 feet, instead of the requested 5 feet.

8. No written comments were received from agencies or others persons prior to or at the public hearing.
9. General concerns from residents at the public hearing included the following: apartments (multi-family housing) as opposed to single-family housing, setbacks, density, traffic, safety, lack of a left-hand turn lane, appearance of tract housing, lack of parks in the proposed subdivision, Sawtooth Lake residents using Middleton Lakes subdivision's parks and lakes, and developments that would affect the "small-town feel" of Middleton.
10. Granting this application will not be detrimental to the public health, safety or welfare and is not in conflict with public interest.
11. The Planning and Zoning Commission, after notice and hearing, recommended that City Council approve the request.

CONCLUSIONS OF LAW

Notice of the application and public hearing was given according to law. The City Council's public hearing was conducted according to law, and the City has kept a record of the application and related documents.



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DECISION

Based on the Findings of Fact and Conclusions of Law, the City Council approved the preliminary plat with the following conditions:

- Identify and label pedestrian pathway throughout the subdivision.
- Insert the word “micro” before the words “fiber mesh”, so it reads “concrete sidewalk w/micro fiber mesh” on both the Local Roadway Typical Section – 44’ ROW and City of Middleton Local Roadway Typical Section – 50’ ROW.
- The portion of Barron Lakes Way that is not 44 foot right-of-way should be identified and labeled with proposed right-of-way.
- Add the word “Lake” in between the words “Sawtooth” and “Drive” for Note number 6.
- Rename the street labeled “Alturus Lake Way” since there is already a street in the city named “S. Alturas Lake Place.”
- Make changes as shown in letter from City Engineer, see attached letter.
 - The boundary isn’t labeled in places or doesn’t match the legal description (MCC 6-2-2:A.2.I)
 - Designation of all land to be used for a common purpose and designate the purpose, including the intended beneficiary and the person or entity responsible to maintain the property (MCC 6-2-2:A.2.p).
 - Coordinate with City to correct road names (MCC 6-3-2.J.2).
 - Side lot easement of 5 feet required or confirmed with the City is not required. Please add note (MCC 6-3-5:B).
 - Pathway lots to be dedicated to the City. Please confirm with the City whether pathway connection needs to be made to Middleton Road (MCC 6-3-7:A).
 - General comments: 1. Requested centerline variance/proposed centerline radius of 50 feet: Please provide the maximum radius of vehicle path and verify the maximum size of vehicle/truck that can



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navigate the 90 degree/50 foot radius corner with cars parked on both sides and a car traveling in opposite lane. 2. Please revise the street structural section to be in conformance with Middleton Supplemental Standard 3/6/15. 3. Please confirm with a note on the plat or other that Sawtooth Lakes/Baserri can construct/dedicate as needed to extend Alpine Lake Drive to Crane Creek.

- Minimum local roadway centerline radius be reduced from 125 foot to 100 foot for mid-block centerline radiuses and 50 foot at near 90 degree turns.
- The subdivision shall go through a design review.
- The applicant will pay a four percent share of a left hand turn lane.
- Adjust minimum lot width to match preliminary plat.
- Reduce back of curb to back of curb street width from 39 feet to 33 feet and reduce right-of-way from 50 feet to 44 feet as shown on the preliminary plat (for the following internal roadways: Alpine Lake Drive, Hidden Lake Court, Redfish Lake Drive, and a portion of Barron Lakes Way).
- Reduce all side setbacks to five (5) feet, as shown on preliminary plat.
- Applicant shall install a six foot fence around the entire subdivision in place of fencing each phase of development.
- Applicant shall construct two monument entrance signs.
- Applicant shall maintain the common landscaping area and irrigation of Middleton Lakes HOA area, east of Crane Creek Way along Sawtooth Lake Dr.

WRITTEN DECISION APPROVED ON: December 20, 2017.



Darin Taylor, Mayor

Attest:



Randall Falkner, Planning and Zoning Official