

Middleton City Council

Findings of Facts, Conclusions of Law, and Order



In the Matter of the Request of Hayden Homes Idaho LLC for Annexation/Rezone, Development Agreement, and Preliminary Plat involving 44 residential lots and six common lots on 14.71 acres of land located at Emmett Road (Tax Parcel #R38211012):

A. Findings of Fact:

1. Hearing Facts: (See Staff Report for the hearing date of May 5, 2021, 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 May 5, 2021, which Report is attached hereto as Exhibit "A" and incorporated herein by this reference.)
3. Application and Property Facts: (See Staff Report for the hearing date of May 5, 2021, which Report is attached hereto as Exhibit "A" and incorporated herein by this reference.)
4. Required Findings per Middleton City Code 1-14-2(E)(7): (See Staff Report for the hearing date of May 5, 2021, which Report is attached hereto as Exhibit "A" and incorporated herein by this reference.)

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 comment(s) received from the governmental subdivisions providing services in the City of Middleton planning jurisdiction.
3. That notice of the application and public hearing were 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, 1-16, 5-1, 5-3, and 5-4.
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 and recommendation are subject to the Conditions of Approval set forth in the attached Staff Report for the hearing date of May 5, 2021, which Report is

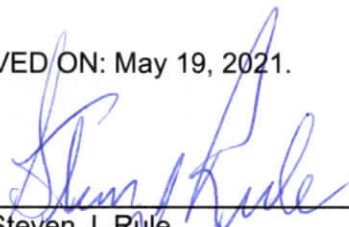
incorporated herein by reference. The City Council further finds that the requirements set forth in the conditions of approval are reasonable, and the Applicant shall comply with the requirements as a conditions of approval of the application.

C. Decision and Order:

Pursuant to the City Council'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 ordered that:

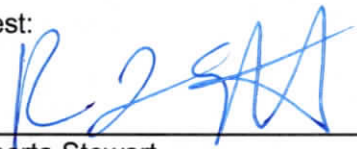
1. Applicant's request for annexation/rezone, development agreement, and preliminary plat are approved with the conditions set forth in the Staff Report for the hearing date of May 5, 2021, which Report is attached hereto as Exhibit "A" and incorporated herein by this reference.

WRITTEN DECISION AND ORDER APPROVED ON: May 19, 2021.



Steven J. Rule
Mayor, City of Middleton

Attest:



Roberta Stewart
Planning and Zoning Department



EXHIBIT "A"

STAFF REVIEW AND REPORT

Middleton City Council

Bridger Creek Subdivision

Snapshot Summary

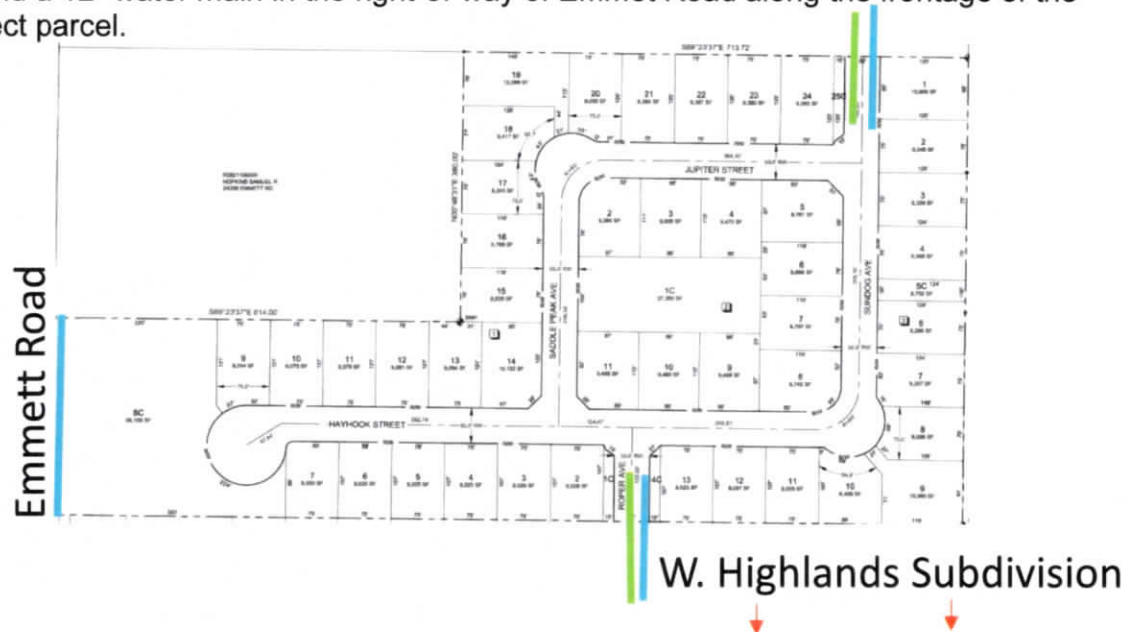
DESCRIPTION	DETAILS
Acreage	14.71 acres
Current Zoning	County Zoning R-1
Proposed Zoning	R-3
Current Land Use	Residential
Proposed Land Use	Residential
Lots	44 residential lots and 6 common lots for total of 50 lots.
Density	2.99 units per acre
Open Space	16%
Amenities	27,350 s.f. open grassy area Block 2, Lot 1C.

- A. City Council Hearing Date:** May 5, 2021
- B. Project Description:** Residential subdivision with 44 buildable lots and 6 common lots on 14.71 acres of vacant land located at 0 Emmett Road (Tax Parcel #R38211012).
- C. Application Requests:** Applicant has three applications before City Council. The first application is for annexation and rezone. Applicant is requesting a rezone from County R-1 to City of Middleton R-3 zoning. The second application is for Development Agreement, and the third application is for Preliminary Plat involving 44 residential building lots and 6 common lots.

Applicant had a 4th application for variance before the Planning & Zoning Commission. Specifically, applicant requested a variance to allow a 60' turning radius for streets instead of the code required 125' turning radius. This allowed tighter corners on two corners in the subdivision. The P&Z Commission approved that application, and those turning radiuses are shown on the plat before Council.

- D. Current Zoning & Property Condition:** The property is currently located in the County and zoned R-1. The property to the South is within Middleton city limits, and it is zoned R-3. Properties to the west, north and east are located in the County and zoned Agriculture.

- E. City Services:** City water and sewer are located immediately south of the project in the West Highlands project. Sewer and water will be brought up through Roper Avenue to service all lots and will be extended northward to service future subdivisions. Additionally, per Engineering review and comments, Developer will extend a 12" water main in the right-of-way of Emmet Road along the frontage of the project parcel.



F. Traffic, Access & Streets:

Access to the subdivision is via Willis Avenue and north through the West Highlands subdivision.



Canyon Highway District #4 and City Engineer have recommended a third stub street into the "Hopkins" property to the north so that if the parcel is ever developed in the future, the parcel will take access through Bridger Creek rather than direct access on to Emmett Road.

However, Planning Staff does not recommend a third access, Code only requires developer to create two accesses. The five acre "Hopkins Property" already has access to Emmett road, and it would be overly burdensome to force Bridger Creek to create additional accesses that may never be needed in the future.

As to frontage improvements, Developer should be required to improve, per City standards, the 50' half portion of Emmet Road. Staff recommends this requirement be made a condition of approval for preliminary plat and/or inserted into the Development Agreement.

Engineering Staff and ITD have reviewed developer's preliminary plat and Traffic Impact Study. Both have recommended that Developer pay the following pro-rata share for traffic impacts and intersection controls: \$18,529 toward intersection of Emmett Road and Hwy 44; \$11,250 for intersection of Willis and Hartley; and \$13,750 for intersection of Emmett and Purple Sage for total pro-rata fee of \$43,529.

Developer's payment of these pro-rata fees should be made a part of the Development Agreement and/or condition of approval for preliminary plat.

- G. Pathway, Sidewalks & Open Space:** 5' wide concrete sidewalks span the local roads throughout the subdivision. An 8' wide asphalt pathway will span along the frontage improvements to Emmett Road. Per MCC 5-4-10-4(B), Developer is required to create a traffic buffer along Emmett Road, which buffer is appropriately shown on the preliminary plat.

Developer has provided 16% open space in the subdivision. This exceeds the 5% minimum required by MCC 5-4-10-10. A half acre lawn area has been provided by developer on a common lot in the center of the subdivision (L1C/B2)

- H. Stormdrain and Pressurized Irrigation:** Stormdrain facilities and pressurized irrigation have been provided and are approved by the City Engineer.

- I. Middleton Rural Fire District:** The subject property is in the Middleton Rural Fire District. The District has reviewed the preliminary plat and approved the preliminary plat subject to compliance with District comments.

- J. Dimensional Standards/Preliminary Plat Application:** The preliminary plat complies with all dimensional standards and codes of the City of Middleton except the lower turning radius standard approved by the P&Z Commission.

- K. Annexation and Rezone:** Applicant is requesting that the entire 14.7 acre project parcel be annexed into the City of Middleton and rezoned to R-3 zoning, which permits three single family homes per gross acres. The parcel is contiguous to City limits, and City services are accessible to the parcel, which are the primary requirements for annexation. Applicant has also complied with all other documentation requirements necessary to complete the annexation and rezone of the property.

- L. Development Agreement:** Every annexation and rezone request should entail a Development Agreement ("DA"). Applicant and City Staff have used the City's form for the DA currently before Council, except the following five provisions have been inserted:
- a. Project area to be zoned R-3.
 - b. Developer shall, at its own cost, improve the 50' half-road portion of Emmett Road to City standards and dedicate the same to the City of Middleton.
 - c. Developer shall pay additional pro-rata or proportionate share fees for all traffic impacts and intersection controls in the amount of \$43,529.
 - d. Developer shall build only single family homes, without 2nd accessory dwellings.
 - e. Developer may use subdivision property not used for residential purposes for common area, utility lines, storm water management or other "allowed" uses per MCC 5-4-1 Table 1.

- M. Comprehensive Plan & Land Use Map:** Applicant's project complies with the Comprehensive Plan Land Use Map because the project parcel is designated "Residential" 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. *Goal 4:* 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. *Goals 11:* The housing type matches the residents' lifestyle in the area the project is located.

- N. Comments Received from Surrounding Landowners:** None.

- O. Comments from Agencies:** As already noted above, planning staff received the following comments from agencies: 3/8/2021 comments from the Middleton Rural Fire District. 4/5/2021 comments from Canyon Highway District No. 4, and 4/2/2021 comments from Black Canyon Irrigation District. (Copies of the comments can be found in the City Council Packet.)

- P. Comments from City Engineer and Planning Staff:** Copies of City Engineer comments dated 3/19/2021 and 4/5/2021 and Planning Staff comments dated 3/16/2021 and 4/5/2021 are in the City Council packet.

Q. Applicant Information: Application was received and accepted on February 8, 2021. The Applicant/Owner is Hayden Homes Idaho LLC, 1406 N. Main St. #109, Meridian, ID 83642 (208) 869-9785.

R. Notices & Neighborhood Meeting:	Dates:
Newspaper Notification	04/18/2021
Radius notification mailed to Adjacent landowners within 300'	04/16/2021
Circulation to Agencies	04/16/2021
Sign Posting property	04/16/2021
Neighborhood Meeting	01/21/2021

S. Applicable Codes and Standards:

Idaho State Statute Title 67, Chapter 65
Idaho Standards for Public Works Construction and Middleton Supplement thereto
Middleton City Code 1-14, 1-15, 1-16, 5-1, 5-3, and 5-4.

T. Conclusion and Recommended Conditions of Approval:

If City Council is inclined to approve the applications for annexation/rezone, development agreement, and preliminary plat, Planning Staff recommends that the preliminary plat approval be subject to the following conditions of approval:

1. City of Middleton municipal domestic water, fire flow and sanitary sewer services are to be extended to serve the subdivision.
2. City Engineer review comments are to be completed and approved except comment regarding 125' turning radius.
3. All Planning Staff review comments are to be completed and approved.
4. All requirements of the Middleton Rural Fire District are to be completed and approved.