



ADMINISTRATIVE REVIEW AND REPORT

Middleton Planning and Zoning Commission

Raw Pastures Estates Subdivision

Consider recommending that city council approve a request by Ryan McDermott and Wesley McDermott to: (1) rezone 12.51 acres from R-3 (three units per acre) to R-2 (two units per acre), (2) except the proposed lots from fronting on a public road and for Lot 1 Block 1 Raw Pastures Estates Subdivision from Middleton City Code 5-2-3 Note 4 requirement for a two acre or larger lot to use an individual domestic well and septic system, and (3) approve a preliminary plat. The subject property is approximately 130 feet south of Foothill Rd and approximately 615 feet east of Duff Ln, Middleton, Idaho, commonly referred to as Canyon County parcel number R33853010A0.

Applicant: Ryan McDermott and Wesley McDermott
1463 Sotherby Xing
Lewis Center, OH 43035

Representative: Bruce Peterson

1. **APPLICATION:** The application was received and accepted by the City on September 18, 2018.

2. **NOTICE OF PUBLIC HEARING:**
Published notice Idaho Press Tribune: September 23, 2018
Letters to 300' Property Owners: September 20, 2018
Letters to Agencies: September 20, 2018
Property Posted: October 1, 2018

3. **APPLICABLE CODES AND STANDARDS:**
Idaho Code Title 67, Chapter 65
Middleton City Code (MCC) 1-14-1, 2, 4, 1-15-1, 5, and 5-4-4
Middleton Comprehensive Plan, Dec. 20, 2017 version

4. **PLANNING AND ZONING OFFICIAL REVIEW COMMENTS:**
The property is currently zoned R-3 (Single Family Residential). The purpose of R-3 is

to accommodate single-family lots. Subdivisions in an R-3 zone are required to have curb, gutter, sidewalks and streetlights, as well as a two-car or three-car garage on each buildable lot. The applicant proposes rezoning the property to R-2 (Large Lot Residential). The purpose of R-2 is to accommodate larger lots and big yards. Subdivisions in an R-2 zone are not required to have curb, gutter, sidewalks or streetlights. A three-car garage and photo cell lighting that covers the entire front of a house is required on each buildable lot. Properties on all sides of the applicant are rural properties that are zoned R-3, with the exception of the property to the north which is in Canyon County and is zoned Agricultural.

The applicant proposes to subdivide 12.51 acres into three lots. The lot sizes range from 0.83 acres to 6.07 acres. City code requires residences on a lot less than two acres to connect to the City's water and sewer systems. As a result, the applicant is requesting a special use permit to the requirement to allow individual domestic well and septic systems.

Written Agency Responses to Date: No agency responses received.

Written Property Owners Responses to Date: No property owner responses received.

City Engineer Review

The city engineer provided comments on October 1, 2018, copy attached.

Compliance with Comprehensive Plan

City staff examined the request with policies contained in the Comprehensive Plan and ordinances in the City Code.

Future Land Use Map

The request complies with Middleton's Future Land Use Map, which shows the project located in a Residential – Special Area. This area is subject to mandatory public-record disclosure, "Cost of development and flood hazard insurance may be higher because land is now, or in the future may be, in flood areas and/or high ground water areas."

Housing

The request complies with the following policies in the Comprehensive Plan:

- Goal 10: Allow dwelling types that match residents' lifestyles.
 - Goal B: Promote in-fill housing improvements.

5. CONCLUSION

The rezone from R-3 (three units per acre) to R-2 (two units per acre) complies with city comprehensive plans and code. The request for an exception (6-1-1.A.) for three lots not fronting on a public road is in harmony with the city's allowance of three residences on a private driveway, and will be approved by the city with approval of the preliminary plat.

The request for an exception for Lot 1 Block 1 Raw Pastures Estates Subdivision from Middleton City Code 5-2-3 Note 4 requirement for a two acre or larger lot to use an individual domestic well and septic system meets city code and standards if Southwest District Health grants a sewer permit on the parcel that is 0.83 acres.

The proposed preliminary plat complies with city code and standards.

Reviewed and Reported by Randall Falkner, October 3, 2018