



CITY OF MIDDLETON City Council

CRESCENT LAKE SUBDIVISION

June 21, 2019 Application

July 17, 2019 City Council Meeting

Findings of Fact, Conclusions of Law, and Decision

SUMMARY OF THE REQUEST

An application from Mineral Rights Leasing ID LLC for preliminary plat approval of Crescent Lake Subdivision. Consists of 105 single-family dwellings on approximately 35.13 acres of vacant land located South of The Lakes Subdivision – Phase 1 on the West side of Kingsbury Road approximately one-half mile north of State Highway 44, Middleton, Idaho.

FINDINGS OF FACT

1. **APPLICANT:** The applicant is Mineral Rights Leasing ID LLC.
2. **APPLICATION:** The application was accepted by the City on June 21, 2019.
3. **NOTICE OF PUBLIC HEARING:** Notice of the application was published, mailed and posted as follows:

Letters to agencies:	June 21, 2019
Letters to 300' property owners:	June 21, 2019
4. **APPLICABLE CODES AND STANDARDS:** The ordinances and standards used in evaluating the application are:
 - Idaho Code Title 67, Chapter 65, especially 67-6512
 - Middleton City Code (MCC) 1-14-1, 2, 4; 1-15-1; 5-4-3, 4; 5-4-10 and 11
 - Idaho Standards for Public Works Construction (ISPWC)
 - Middleton Supplement to the ISPWC
 - Middleton Transportation, Schools and Recreation Map, 12-20-2018 version
5. The subject property was annexed in 2005 and is zoned R-3, three residential units per gross acre. The proposed preliminary plat complies with that zoning density standard.



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6. The minimum lot size in R-3 is 8,000 square foot and the proposed lots range in size from 8,012 to 18,996 square feet, which comply with the standard.
7. The road names comply with MCC 5-4-10-2.J.2.
8. Cluster mailboxes are required according to the attached correspondence from the Middleton Post Master and the United States Postal Service regional office.
9. MCC 5-4-3 requires developer to prepare and submit for City approval a traffic analysis and payment of proportionate share of traffic impact intersections. As this subdivision was once a part of a larger development, the right and left turn lanes from State Highway 44 onto Kingsbury Rd. and \$125,000 pro-rata share of the Kingsbury Rd./Cornell St. intersection control were determined previously but not constructed or paid for.
10. The City did not receive written responses from notified agencies, except Star Fire Protection District.
11. The city received 19 responses from landowners in opposition to this subdivision. Two of the 19 respondents have since sent revise letters in support of the subdivision.
12. The application was reviewed by the city planning and zoning official and design items inconsistent with City code and standards were red-lined and forwarded to the applicant on June 27, 2019.
13. The application was reviewed by the city engineer and design items inconsistent with City code and standards were red-lined and forwarded to the applicant on June 28, 2019.

CONCLUSIONS OF LAW

Notice of the application was given according to law. The City Council considered the application at a noticed, regularly scheduled meeting. The public meeting was conducted according to law, and the City has kept a record of the application and related documents.



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DECISION

The City Council approves the preliminary plat with the following conditions:

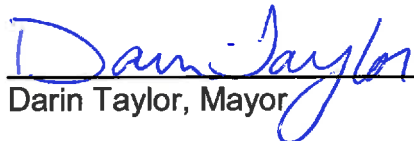
1. No road intersection with Kingsbury Rd. except at Cornell St.
2. Extend municipal transportation, domestic water, fire flow and sanitary sewer infrastructure to the Cornell St./Kingsbury Rd. intersection.
3. Design and construct right and left turn lanes from state Highway 44 onto Kingsbury Rd.
4. Pay \$125,000 at final plat signing to the City of Middleton as pro-rata share of the Cornell St./Kingsbury Rd. intersection control.
5. Design and construct improvements to Kingsbury Rd. as required by Canyon County District No. 4.
6. Middleton City Code and other provisions shall prevail if there is a conflict between it and the International Fire Code.

A preliminary plat permit will be issued upon the City's receipt of a preliminary plat that complies with City code, standards and this decision.


APPEAL

A written notice of appeal may be filed by any affected person, defined by Idaho Code 67-6521, who is aggrieved by the decision. The appeal must be sent to the Planning and Zoning Official or Mayor within fifteen (15) calendar days from the date of this letter. A notice of appeal must include the appropriate nonrefundable fee, the date of the appeal, the affected person's name and the specific objection to the decision. The City Council shall consider the appeal at a noticed public hearing and may approve, approve with conditions or deny the appeal.

July 18, 2019


Darin Taylor, Mayor

Attest:


Bruce Bayne, Planning and Zoning Official