



CITY OF MIDDLETON

City Council

Estates at West Highlands Subdivision

April 15, 2020 Application

August 5, 2020 City Council Review

August 19, 2020 City Council Approval

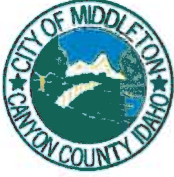
Findings of Fact, Conclusions of Law, and Decision

SUMMARY OF THE REQUEST

Consider a request by Landmark Pacific Investors to approve a Preliminary Plat according to Middleton City Code 5-4-4, for Estates at West Highlands Subdivision consisting of 81 residential and 12 common lots on approximately 37.83 acres of vacant land. The subject property is located on the east side of Cemetery Road, north of Willis Road and immediately to the north of the existing The Estates No. 1 at Meadow Park subdivision in Middleton, Idaho, commonly referred to as Canyon County Parcel No. R37577.

FINDINGS OF FACT

1. **APPLICANT:** The applicant is Landmark Pacific Investors.
2. **APPLICATION:** The application was accepted by the City on April 15, 2020.
3. **APPLICABLE CODES AND STANDARDS:** The ordinances and standards used in evaluating the application are:
Idaho Code Title 67, Chapter 65
Middleton City Code, (MCC) 1-14-2, 1-15-1, 5-4-3 and 5-4-4
Idaho Standards for Public Works Construction (ISPWC)
Middleton Supplement to the ISPWC
Middleton Comprehensive Plan and Maps
4. 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.
5. Proposed lots range in size from 9,600 to 21,367 square feet.
6. Road names are still to be confirmed so that the plat meets MCC 5-4-10-2.J.2.
7. A neighborhood meeting was held.
8. Cluster mailboxes are required and shown per correspondence from the Middleton Postmaster and the United States Postal Service regional office.
9. MCC requires developers to prepare and submit for city approval a traffic analysis TIS and payment of the proportionate share of traffic impacts at intersections. This is noted as a condition of approval.

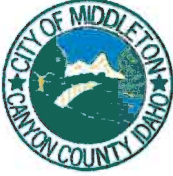


CITY OF MIDDLETON City Council

10. The City engineer provided comments on June 15, 2020. The applicant has revised the plat to accommodate these comments.
11. **Written Agency Responses Received to Date:** Black Canyon Irrigation District.
12. **Written Comments from Landowners to Date:** Several landowners have submitted letters to the city in opposition to this subdivision, with the following areas of concern:
 - Smaller lots than originally proposed for this property.
P&Z response – the original plat for this property expired and the landowner needs to meet current R-3 zoning
 - Barricade off existing streets so that they do not go through
P&Z response – the existing streets which were not finished with the initial phase will be connected to become through streets. The city already has problems where existing streets dead end for utilities, police, fire, ambulance.
 - HOA standards may not be consistent.
P&Z response – the City is NOT a signatory on any HOA documents and their requirements cannot be imposed by the City as such. The City MUST comply with City, State and Federal codes, only.
 - Size of homes and lots and all things promised previously.
P&Z response – the City did not enter into a development agreement on the previous project that was built and the proposed second phase where the preliminary plat has since, long expired. The City is mandated by State law and follows current zoning requirements in place when an applicant submits for a land use permit which is exactly what the City will do and has done for this preliminary plat.
 - Grade difference between this subdivision and adjoining property
P&Z response – the City engineer will review all grading requirements when the construction plans are submitted.

CONCLUSIONS OF LAW

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



CITY OF MIDDLETON
City Council

DECISION

The Middleton City Council approved the requested preliminary plat for Estates at West Highlands Subdivision, with the following conditions of approval:


- A. City of Middleton municipal domestic water, fire flow and sanitary sewer services are extended to serve the subdivision.
- B. City approved TIS included payment of pro-rata share of transportation improvements (CC-5-4-4-A-2-r) which is \$101,750 at all City required intersections before final plat approval of the first phase.
- C. Applicant completes all required street improvements.
- D. Corrections identified by the City Engineer and Planning and Zoning Official are completed.
- E. Requirements of Middleton Rural Fire are incorporated.

MOTION TO APPROVE BY CITY COUNCIL ON: August 5, 2020.

NOTICE


This decision is deemed by Idaho law to be a final decision. An affected person aggrieved by a final decision may within twenty-eight (28) days after all remedies have been exhausted under local ordinances seek judicial review as provided by chapter 52, title 67, Idaho Code. The applicant has a right in writing to request in writing to the city a regulatory taking analysis pursuant to section 67-8003, Idaho Code.

August 19, 2020.



Steven J. Rule, Mayor

Attest:



Bruce Bayne
Planning and Zoning Official