

# Middleton Planning & Zoning Commission

## Findings of Facts, Conclusions of Law, and Decision & Order

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**In the Matter of the Request of Jane Suggs/Gem State Planning for Preliminary Plat for the Waverly Park Subdivision located at 0 Duff Lane at the southeast corner of 9<sup>th</sup> Street and Duff Lane (Tax Parcel Nos. R33857012 and R33857011):**

### **A. Findings of Fact:**

1. Hearing Facts: (See Staff Report for the hearing date of June 8, 2020, 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 June 8, 2020, 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 June 8, 2020, 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 June 8, 2020, 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 comments received from the governmental subdivisions providing services in the City of Middleton planning jurisdiction, comments received from individuals of the public, and comments from City Planning Staff and City Engineer.
3. That notice of the application and public hearing were given according to law.
4. That Planning and Zoning Commission's public meeting 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, 5-2, 5-3, and 5-4.
6. That this recommendation is subject to the Conditions of Approval set forth in the

attached Staff Report for the hearing date of June 8, 2020, which Report is incorporated herein by reference.

7. 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.

**C. Decision and Order:**

Pursuant to the Planning & Zoning Commission'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 recommended that:

1. City Council approve the preliminary plat subject to the Conditions of Approval set forth in the Staff Report for the June 8, 2020, Public Hearing attached hereto as Exhibit "A" and incorporated herein by this reference.

WRITTEN RECOMMENDATION AND DECISION APPROVED ON: August 9, 2021.

  
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Ray Waltemate, Chairman  
Planning and Zoning Commission

Attest:

  
\_\_\_\_\_  
Roberta Stewart  
Planning and Zoning Department

# Exhibit "A"



## ADMINISTRATIVE REVIEW AND REPORT

### Middleton Planning and Zoning Commission

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#### Waverly Park Subdivision – Preliminary Plat

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A request by Jane Suggs/Gem State Planning to approve a Preliminary Plat according to Middleton City Code 5-4-4, for Waverly Park Subdivision consisting of 431 residential and 58 common lots on approximately 157.6 acres of vacant land. The subject property is located at the southeast corner of Duff Lane and 9th Street and is already in City Limits and zoned R-3, three residential dwelling units per gross acre. Property is Canyon County Parcel No. R33857011 and R33857012, Middleton, Idaho.

**Applicant:** Jane Suggs/Gem State Planning  
9840 W Overland Road, Suite 120  
Boise, ID 83709

**Representative:** Same as Applicant

- APPLICATION:** The application was received and accepted by the City on May 13, 2020
- NOTICE OF PUBLIC HEARING:**

Published notice Idaho Press Tribune:	May 22, 2020
Letters to 300' Property Owners:	May 20, 2020
Letters to Agencies:	June 2, 2020
Property Posted:	May 22, 2020
- APPLICABLE CODES AND STANDARDS:**
  - Idaho Code Title 67, Chapter 65
  - Middleton City Code, (MCC) 1-14-5; 1-15-1; 5-4-3 and -4
  - Idaho Standards for Public Works Construction (ISPWC)
  - Middleton Supplement to the ISPWC
  - Middleton Comprehensive Plan and Maps, Dec. 4, 2019 version
- CITY STAFF COMMENTS REGARDING THE PROPOSED PRELIMINARY PLAT:**

The subject property is zoned R-3, three residential units per gross acre. The proposed preliminary plat complies with that zoning density standard.

The minimum buildable lot size in this community is 7,794 square feet and the largest is 14,103 square feet.



## ADMINISTRATIVE REVIEW AND REPORT Middleton Planning and Zoning Commission

Road names are still to be confirmed so that the plat meets MCC 5-4-10-2.J.2.

Cluster mailboxes are required and shown per correspondence from the Middleton Post Master and the United States Postal Service regional office.

MCC 5-4-3 requires developer to prepare and submit for city approval a traffic analysis (TIS) and payment of proportionate share of traffic impact at intersections. That is still required and is noted as a condition of approval.

A neighborhood meeting was not required.

**City Planning and Zoning Review Comments:** Are to be completed and approved as a condition.

**City Engineer Review Comments:** Are to be completed and approved as a condition.

**Written Agency Responses Received to Date:** None.

**Written Comments From Landowners Received to Date:** None

### 5. CONCLUSION

The proposed preliminary plat complies with most of the city's code and standards. If the Planning and Zoning Commission recommend that the City Council approve the preliminary plat, it is recommended to be with the following conditions.

1. City of Middleton municipal domestic water, fire flow, sanitary sewer services and transportation facilities are extended to serve the subdivision.
2. The TIS must be approved by the city, and before City Council approval, the applicants proportionate share for traffic impacts at all required intersections must be determined.
3. Cluster mailbox location(s) must be shown.
4. Preliminary plat corrections identified by the City Engineer and Planning and Zoning Official are made.
5. Requirements of Middleton Rural Fire are incorporated.
6. Requirements of CHD#4 are incorporated.
7. Minimum lot size of 8,000 square feet must be attained.

Drafted by: Bruce Bayne

Date: June 5, 2020



# **ADMINISTRATIVE REVIEW AND REPORT**

## **Middleton Planning and Zoning Commission**