

**BEFORE THE PLANNING AND ZONING COMMISSION OF THE
CITY OF CASCADE**

In the Matter of the)	
Application of:)	Case No. ANNEX-19-01, ZON-19-01
)	
Steve Arnold, A-Team Land Development)	FINDINGS OF FACT/
& Real Estate. , agent for)	CONCLUSIONS OF LAW AND
Cascade River, LLC)	RECOMMENDATION TO CITY
applicant/owner)	COUNCIL
)	
For annexation and zoning)	
designation upon annexation)	

This matter having come before the Cascade Planning and Zoning Commission (“Commission”) for hearing pursuant to Cascade City Code §3-1-14 on February 19, 2019, the Commission does hereby make the following findings of fact, conclusions of law and recommendations:

I. THE RECORD

The record of the proceedings of the above-referenced matter consists of the following:

1. Application for Annexation, designated as ANNEX-19-01
2. Application for Zoning (upon annexation), designated as ZON-19-01
3. Documents:
 - a. Notice for the February 19, 2019 Public Hearing was provided in accordance with Idaho and City Code on January 31, 2019 and February 7, 2019.

- b. Publisher's Affidavit of Publication of public notice of the February 19, 2019 Public Hearing dated February 7, 2019.
- c. The site was posted on or about February 8, 2019.
- d. Property owners within 300' were notified by mail on or about February 5, 2019. .

3. Public Hearings

- a. Public hearing on February 19, 2019, before the Commission, which included presentation and testimony from city staff and from the Applicant. Receipt of testimony via both written and verbal public comment.

II. DECISION

Whereupon the Commission having been duly informed upon the premises and having reviewed the record, evidence and testimony received and being fully advised does hereby make the following findings of fact, conclusions of law and recommendation to the City Council:

A. FINDINGS OF FACT

- 1. That Cascade River, LLC, is the Owner who has existing interest in the real property which is the subject of the applications for Annexation and Zoning Designation.
- 2. On January 22, 2019, Steve Arnold, A-Team Land Development and Real Estate, as a duly authorized agent for Owner, (jointly "Applicant") submitted written applications for annexation, zoning district designation, subdivision, and planned unit development, including applicable fees at that time, with respect to the Property, described as follows:

W/2 E/2; NE4 NW4; GOV'T. LOTS 1,2, & 5; GOV'T. LOT 6,
LYING N. AND E. OF HWY. 55 S31 T14N R4E

3. Applicant requests annexation of 121.17 acres currently within Valley County into the City of Cascade, with proposed zoning for a mixed-use development with a portion of the Property requested to be zoned R-III (High Density) and a portion to be zoned C (Commercial).
4. The Property proposed for subdivision and development will utilize City services for water and sewer. All roads within the proposed subdivision will be public and will be dedicated to the City of Cascade.
5. The Property is contiguous and adjacent to the present city limits of the City of Cascade.
6. The Property is included in the impact area of the City as represented in the City of Cascade Comprehensive Planning Land Use Map.
7. The Property is located within a flood zone and as such shall be subject to all flood controls and regulations of the State of Idaho and City of Cascade.
8. An annexation and zoning designation of the Property to the requested zones will not have any significant undue impact on the delivery of services by any political subdivision providing public services including the Cascade School District No. 422, Cascade Rural Fire District, and Valley County Roads Department.
9. The proposed request for annexation and zoning designation is in accordance with the adopted comprehensive plan of the City by reason of the following:
 - a. The annexation and zoning encourage a level of population growth that enhances community vitality and culture without exceeding public service capacity; and
 - b. The proposed development of the subject real property will provide for additional housing and commercial economic development within the community; and
 - c. The proposed development of the subject real property will facilitate creation of new business and economic development; and

- d. The proposed development of the subject real property can be accommodated within the Cascade transportation system so as to provide safe, functional, and efficient means for movement of people and goods into and through Cascade; and
- e. The proposed development has the capability to ensure that such new development is planned and designed to recognize and minimize impacts to the Cascade area's environmental and scenic resources, including use of buffering to protect water quality and wildlife habitat along the North Fork of the Payette River; and
- f. The proposed development seeks to satisfy and achieve smart growth principles, including Mixed Land Uses, Range of Housing Opportunities and Choices, Walkable Community, Foster a Distinctive and Attractive Community, Preserve Open Space and Critical Environmental/Wildlife Areas, Directing Development towards the City Limits; and
- g. The proposed development seeks to meet housing needs and provide a range of housing options that are affordable, safe, and attractive with efficient delivery of public services; and
- h. The proposed development protects and preserves private property rights; and
- i. The proposed development provides for a mix of land uses that meet the community's needs and are suitably related to each other and their natural setting, within an efficient pattern of development; and
- j. The proposed development is within an appropriate area to support the development of adequate housing quantities and types of meet projected housing needs, within a framework of interconnected neighborhoods; and

- k. The proposed development is within an appropriate area to support desired economic development; and
 - l. The proposed developed is appropriate buffered from any incompatible uses.
10. It is in the best interests of the City to annex the Property and to accordingly designate the zoning upon annexation as City of Cascade R-III district and C district as requested and designated in the applications.
11. Notice of public hearing for annexation and zoning district designation was duly published and served in accordance with the requirements of Idaho Code and the Cascade City Code.

B.

CONCLUSIONS OF LAW

- 1. Idaho Code § 50-222 (3) provides that the City is empowered to annex land lying contiguous to the City upon all private landowners having consented to the annexation.
- 2. Idaho Code § 50-222 further provides that annexation be accomplished by City ordinance with a proper legal description declaring it a part of the City.
- 3. Idaho Code § 50-223 provides that a certified copy of annexation ordinance must be filed with the County Auditor, County Treasurer and County Assessor and with the Idaho State Tax Commission in compliance with the provisions of Idaho Code § 63-2215.
- 4. Idaho Code § 67-6525 provides that prior to annexation of an unincorporated area, City Council shall request and receive recommendation from the Planning and Zoning Commission on proposed plan and zoning ordinance changes for unincorporated area.

5. Cascade City Code § 3-1-14 (A)(5) provides the hearing procedures for consideration of annexation of unincorporated areas, including initial consideration and recommendation by the Commission and final action by the City Council.

6. Cascade City § 3-1-14 (A)(2) provides the hearing procedures for consideration of zoning designations and amendment to the zoning ordinances, including initial consideration and recommendation by the Commission and final action by the City Council.

7. Cascade City Code § 3-1-15 (A) provides that prior to annexation and zoning designation of any unincorporated area, the City Council shall request and receive a recommendation from the Planning and Zoning Commission on the proposed plan and zoning ordinance changes for the unincorporated area.

8. Cascade City Code §3-1-15 (B) provides for the initiation of amendments to the zoning ordinance, including rezoning, by application of a property owner or person who has existing interest in property within the area proposed to be changed or affected by said amendment.

9. Cascade City Code Title 3, Chapter 7 authorizes and provides for a development agreement as a condition of annexation and zoning.

10. Idaho Code § 67-6511 and Cascade City Code Title 3, Chapter 1 specifies procedures and standards for the processing and evaluation of a zoning ordinance amendment, including for initial recommendation by the Planning and Zoning Commission.

11. The analysis of an application for zone change or designation upon annexation shall include considerations of public necessity, convenience, general welfare, or good zoning practices, the effects of any proposed zone change upon the delivery of services by any political subdivision providing public services including school districts, within the planning jurisdiction;

and that the request is in accordance with the comprehensive plan. Idaho Code § 67-6511; Cascade City Code §§3-2-3(B)(5)(c)(1), 3-5-4(E)(3)(h), 3-1-14(A)(2)(b)(2), 3-2-4, and Idaho Legislation House Bill HO148

C.

RECOMMENDATION TO CITY COUNCIL

Based upon the above and foregoing Findings of Fact/Conclusions of Law and good cause appearing from the record, the Planning and Zoning Commission makes the following recommendations to the City Council:

1. That the City Council find this annexation and zoning designation application as harmonious and in accordance with the Cascade Comprehensive Plan and that the proposed annexation and zoning designation would be in the best interest of the City of Cascade, and therefore approve subject to conditions the requests for annexation and zoning designations as presented;
2. That an ordinance of annexation of the Property into the City be drafted and that an ordinance designating the zoning of the Property in portion as R-III and in portion as C, as described in the Record, be drafted.
3. That such approval will be conditioned upon and will not be final until satisfaction of the following recommended conditions:
 - (a) Approval and execution of a Development Agreement between Owner and City, as may be concurrent with or subsequent to these applications or the accompanying applications for subdivision and planned unit development;
 - (b) Resolution and approval of the accompanying applications for subdivision (SUB-19-01) and planned unit development (PUD-19-01);

(c) *Written approval* by ITD.

4. Upon approval and satisfaction of the conditions above, that the Mayor is authorized to sign and effectuate the prepared ordinances on annexation and zoning designation.

DATED this ___ day of June, 2019.

Lori Hunter, Planning & Zoning Commission Chair

ATTEST:

Heather Soelberg, City Clerk