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| **BEFORE THE PLANNING AND ZONING COMMISSION OF THE**  **CITY OF CASCADE** | |
| In the Matter of the Application of:  Steve Arnold, A-Team Land Development & Real Estate, agent for Cascade River, LLC applicant/owner  For annexation and zoning designation upon annexation | Case No. PUD-19-01, SUB-19-01  FINDINGS OF FACT/ CONCLUSIONS OF LAW AND DECISION AND RECOMMENDATIONS TO CITY COUNCIL |

This matter having come before the Cascade Planning and Zoning Commission (“Commission”) for hearing pursuant to Cascade City Code §3-2-6 on July 1, 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, and associated Findings with approval by the Commission,
2. Application for Zoning, designated as ZON-19-01, and associated Findings with approval by the Commission,
3. Application for Planned Unit Development, designated as PUD-19-01,
4. Application for Subdivision Preliminary Plat, designated as SUB-19-01,
5. Third Staff Report for Special P&Z Meeting, July 1, 2019, and incorporating previous staff reports and all other documents referenced in such report;
6. Notice of Hearing published April 25, 2019 and May 2, 2019.
7. Public Hearing: Public hearing originally scheduled for May 20, 2019 and continued to July 1, 2019, before the Commission, which included presentation and testimony from city staff and from the Applicant, as well as receipt of recorded 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 decisions 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 on the Record.
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

1. Applicant requested 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). This Commission has previously recommended such annexation and initial zoning designation for approval to the City Council, contingent upon later action and approval on the PUD and subdivision applications.
2. The applications for planned unit development, and subdivision are appropriately considered in combination in order to reduce error, misunderstanding, confusion, or unnecessary delay for all involved. Cascade City Code 3-2-1(G).
3. 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.
4. The Property is contiguous and adjacent to the present city limits of the City of Cascade.
5. The Property is included in the impact area of the City.
6. 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.
7. The proposed request is in accordance with the adopted comprehensive plan of the City by reason of the following:
8. The proposed development encourages a level of population growth that enhances community vitality and culture without exceeding public service capacity; and
9. The proposed development of the subject real property will provide for additional housing and commercial economic development within the community; and
10. The proposed development of the subject real property will facilitate creation of new business and economic development; and
11. 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
12. 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
13. 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
14. 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
15. The proposed development protects and preserves private property rights; and
16. 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
17. 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
18. The proposed development is within an appropriate area to support desired economic development; and
19. The proposed developed is appropriately buffered from incompatible uses.
20. The proposed development contains minimum areas satisfying the requirements of Cascade City Code 3-2-6(C)(2) with respect to a planned unit development (“PUD”).
21. Applicant has provided an appropriate site development plan satisfying the criteria of Cascade City Code 3-2-6(C)(3).
22. The proposed development sufficiently satisfies street construction standards for proposed public and private streets, as based upon recommendations and comments from the City Engineer.
23. The proposed development includes intent to establish a home owner’s association, which shall be subject to further review and approval by the City Council in this process per Cascade City Code 3-2-6(C)(5).
24. The proposed development provides satisfactory storage areas, as contemplated by Cascade City Code 3-2-6(C)(6), based upon the particular plan and needs of this development.
25. The proposed development provides satisfactory parking spaces, as contemplated by Cascade City Code 3-2-6(C)(7), based upon the particular plan and needs of this development.
26. The proposed development provides a satisfactory maintenance building, sufficient to satisfy Cascade City Code 3-2-6(C)(8).
27. The proposed development provides for appropriate open space of such shape and area to be usable and convenient, satisfying Cascade City Code 3-2-6(C)(9).
28. The proposed development provides for such ownership and site control, and phasing and time limits as necessary and to be committed to in an associated development agreement, sufficient to satisfy Cascade City Code 3-2-6(C)(10).
29. The proposed development has provided the required and sufficient information to the City regarding portions of the development within flood areas, with such information being satisfactory to evidence justification for the development per the criteria set forth under Cascade City Code 3-2-6(G).
30. The proposed development sufficiently meets and satisfies the purposes of the City of Cascade Subdivision Regulations (Cascade City Code Title 3, Chapter), including:
    * 1. Promoting the public health, safety, and general welfare;
      2. Providing for harmonious development of the area;
      3. Coordinating streets and roads within the proposed development with existing or planned streets and roads;
      4. Providing adequate transportation, water drainage, and sanitary facilities;
      5. Avoiding scatted subdivision of land that would result in a detrimental lack of public service or unnecessarily impose excessive expenditure of public funds;
      6. Providing for the creation and improvement of roads, water and sewer facilities, and other necessary public infrastructure
31. Applicant’s filing of a preliminary plat is complete and satisfies the preliminary plat requirements of Cascade City Code 3-2-3(C), with a final plat to be submitted, reviewed, and approved at a later date.
32. The proposed subdivision conforms with the Comprehensive Plan, for those reasons set forth in Finding 9 above.
33. The proposed subdivision provides for sufficient availability of public services to accommodate the proposed development.
34. The proposed development does not disrupt the continuity of the City’s capital improvement plans and programs.
35. The proposed subdivision appropriately considers the public capability to provide supporting services for the proposed development.
36. The proposed subdivision appropriately remedies or mitigates other health, safety, or environmental problems raised to the Commission’s attention.
37. Notice and the holding of public hearing for the combined consideration of PUD-19-01 and SUB-19-01 was duly published and served in accordance with the requirements of Idaho Code and the Cascade City Code.
38. The Commission may approve, conditionally approved, disapprove, or table a preliminary plat as a final decision, not a recommendation to the Council, subject to appeal. Cascade City Code 3-2-3(C)(9)(c)
39. However due to the combination of the PUD and subdivision applications, concurrent with associated annexation and zoning applications, the Commission finds it appropriate that the complete and combined applications all be submitted to the Council as recommendations for a final decisions and actions by the Council as deemed appropriate.

**B. CONCLUSIONS OF LAW**

1. Idaho Code §67-6515 authorizes and provides for a city to set a process for the application and consideration of planned unit development permits.
2. Idaho Code §67-6513 authorizes and provides for a city to establish a process for the application and consideration of subdivision permits.
3. Idaho Code Title 50, Chapter 13 authorizes and provides for certain considerations and requirements for a city in evaluating, establishing, and providing for subdivisions plats.
4. Idaho Code §67-6509, as referenced in Idaho Code §67-6513, provides for certain notice and hearing procedures for the processing of subdivision permits.
5. Pursuant to Cascade City Code 3-2-6(C), planned unit development applications are subject to the requirements of both the City’s zoning ordinance and the subdivision regulations; therefore, a PUD is appropriately considered initially by the Commission for recommendation and then recommended to the City Council for a final decision.
6. Pursuant to Cascade City Code 3-2-3(C)(9)(c) the Commission may make a final decision on a preliminary plat application; but it is contemplated and appropriate in combined permit circumstances of this nature for the Commission to include a preliminary plat as part of a combined permit in a combined recommendation to the City Council for decision.
7. A final plat will later be required to go to the City Council for review and a final decision, per Cascade City Code 3-2-3(D).
8. Cascade City Code Title 3, Chapter 7 authorizes and provides for a development agreement as a condition of annexation and zoning.

**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 application for planned unit development, PUD-19-01, satisfies the regulations and conditions as specified above and is approved;
2. That the application, SUB-19-01, as considered in combination with PUD-19-01, satisfies the regulations and conditions as specified above and is approved as a preliminary plat;
3. That such approvals, once final and in conjunction with the approval and execution of a Development Agreement, will satisfy the contingencies for the approvals of ANNEX-19-01 and ZON-19-01, thus allowing those approvals to be finalized and executed as necessary.
4. Upon approval and satisfaction of the above, that the Mayor is authorized to sign and effectuate the associated permits.

DATED , 2019.

Lori Hunter, Planning & Zoning Commission Chair

ATTEST:

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Heather Soelberg, City Clerk