

City of Greenleaf
20523 N. Whittier Drive
Greenleaf, Idaho 83626
208/454-0552
208/454-7994 (fax)
cityhall@greenleaf-idaho.us
www.greenleaf-idaho.us/

BEFORE THE PLANNING AND ZONING COMMISSION

IN RE: FINDINGS OF FACT & CONCLUSIONS
OF LAW
ROYAL RIDGE SUBDIVISION

- Annexation of 48.43 Acres, R-5 residential zoning requested
- Planned Unit Development (PUD) Preliminary Plat for Commercial (7.19 Acres) plus mixed density residential (48.43 Acres)
- PUD open space requirement reduction from 20% to 10.7%

FINDINGS OF FACT

Applicant: Royal Pro-C, LLC
1020 E. Homedale Road
Caldwell, ID 83607

Requested Actions:

- Annexation of 48.43 Acres, R-5 residential zoning requested
- Planned Unit Development (PUD) Concept Plan for Commercial (7.19 Acres) plus R5 residential (48.43 Acres)
- PUD open space requirement reduction from 20% to 10.7%

Location:

The site is located south of SH19, east of Friends, and slightly to the West (Across SH19 from Brown Street) from City Hall. The front portion (7.19 acres) of the site are already annexed into the City with a Commercial Zone Designation. The balance of the site is proposed to be annexed and a part of the Planned Unit Development to be known as “Royal Ridge.” Royal Ridge is proposed to have a commercial frontage on SH19 and residential element on the largest portion of the property, with larger view lots near the ridge at the east area of the parcel and a mix of lot sizes ranging from just

Required Setbacks: Per Commercial, Civic Overly, and R-5 standards

Application Submittal: The application was deemed substantially complete by Staff on 27 January 2022, updated by the applicant on 01 February 2022 to correct a discrepancy found, and verified with applicant on 14 February 2022 for public review and completion of staff report.

Public Notice Information:

1. Legal notice of public hearing before the Planning and Zoning Commission was posted in the Idaho Press-Tribune on 15 February 2022 and mailed to properties within 300 feet on 15 February 2022.
2. Notice was also posted at normal agenda posting locations in the community (City Hall, Nathan’s Cafe, Post office, and Chevron Station) on 15 February 2022.
3. 4ft by 4ft signage was posted at the site on 18 February 2022.
4. Agency review request packets were mailed to agencies and placed in the incoming mail bin for the Western Alliance on 15 February 2022. Packet for the Golden Gate Highway District was sent to the wrong address due to clerical error, returned by the post office to City Hall, and hand-delivered on 29 March to Golden Gate Highway District with request for agency review for inclusion with materials for the City Council after recommendation from the Planning and Zoning Commission.

Comprehensive Plan and Code Review: Please see staff report dated 03 March 2022 for comprehensive discussion and review. The application was found to be in general conformance with the 2040 Comprehensive Plan, the 2020 Future Land Use Planning Map, and applicable City Code, with specific topic areas identified for inclusion in the development agreement.

Applicable City Code reviewed:

Annexation:

GC §1-12A-3 ANNEXATION, AREA OF IMPACT
GC §2-2-5(E) DUTIES (of the P&Z)
GC §7-4-12(G)(2) WATER MAIN REGULATIONS
GC §7-5-12(A)(2)) SEWER LINE EXTENSIONS
GC §9-6-2(A)(1) PROCEDURES (subdivision)
GC §9-7-17(A) ACCESSORY DWELLING USES, BUILDINGS, AND STRUCTURES:
GC §9-13-6: ZONING UPON ANNEXATION

Planned Unit Development (PUD):

GC §2-2-5(B) DUTIES (of the P&Z)
GC §7-4-12(G)(2) WATER MAIN REGULATIONS
GC §GC §7-4-12(H) WATER MAIN REGULATIONS
GC §7-5-12(A)(1) SEWER LINE EXTENSIONS:

GC §9-3-3: GENERAL DEVELOPMENT STANDARDS (Residential)
 GC §9-4-3: COMMERCIAL ZONE GENERAL DEVELOPMENT STANDARDS
 GC §9-6-2(A)(2) PROCEDURES (subdivision)
 GC §9-7-1(C): GENERAL REQUIREMENTS (General Development Standards)
 GC §9-7-5(I): LOCATION OF STREETS
 GC §9-7-13(B) PUBLIC SITES, OPEN SPACE, AND PATHWAYS
 GC §9-7-17(A) ACCESSORY DWELLING USES, BUILDINGS, AND STRUCTURES:
 GC §9-8-2(A)(2) SIGN STANDARDS
 GC CHAPTER 9, TITLE 9 - PLANNED UNIT DEVELOPMENTS
 GC §9-10-2(A) APPLICATIONS (Development Agreements)
 GC §9-14-5(A)(B)(C) PROCEDURE (Sign Ordinance)
 GC CHAPTER 15, TITLE 9 - PROCEDURES, APPEALS AND ACTION
 GC §9-17-8: INVESTIGATIONS (Zoning Code)
 GC §9-17-9: PENALTIES (Zoning Code)

PUD Open Space Requirement Reduction:

GC §9-9-4(A)(3) STANDARDS (Open Space)

Subdivisions:

GC CHAPTER 6, TITLE 9 - SUBDIVISIONS
 9-6-1: JURISDICTION:
 9-6-2: PROCEDURES:
 9-6-3: SUBDIVISION APPROVAL REQUIRED:
 9-6-4: PREAPPLICATION:
 9-6-5: PRELIMINARY PLAT:
 9-6-6: FINAL PLAT:
 9-6-7: PROTECTIVE COVENANTS:

Public Hearing before the Planning and Zoning Commission: A public hearing was held before the Planning and Zoning Commission on 03 March 2022. The venue was changed from City Hall to the Greenleaf Community Center to accommodate the large number of people in attendance. Staff provided a staff report with including review of public hearing notice, comprehensive plan, applicable city code, staff recommendations, and written comments received. The public hearing was opened, oral testimony was received, and the public hearing was closed, as reflected in meeting minutes.

Agency Responses received before the 03 March 2022 Public Hearing before the Planning and Zoning Commission:

Idaho Department of Fish and Game	See Appendix
Boise Project Board of Control	See Appendix
Idaho Department of Environmental Quality	See Appendix

Written Correspondence received before or at the 03 March 2022 Public Hearing before the Planning and Zoning Commission. Copy available upon request:

Dan M. Dixon	•
Greenleaf Friends Church	•
Jim and Karen Sample	•
Mail Carrier	CBO box requirement

List of Testimony received at the 03 March 2022 Public Hearing before the Planning and Zoning Commission. Recording available upon request:

John Koch – 23382 Freezeout	•
Jason Miller – 22951 Signature Point	•
Rick Fisher – 101 Roundtable Court	•
Doug Garner – 20644 Whittier	•
Dan Dixon – 20033 Friends	•
Jamie J. Winters	•
Kathryn Ralstin – 20691 Gem Court	•
Andy Weldon – 19726 Friends	•
Jake Brobeck – 20723 Friends	•
Erin Henas – 21049 Harmony	•
Mel Beers – 20839 Whittier	•
Rebecca Reader – 20865 Whittier	•
Estevan Ruiz – 20865 Whittier	•
Jeffrey Lawson – 20592 Brown	•
Miss Huxt	•
Alicia Villavicencio – 20635 Whittier	•
Julie Humphreys - 21325 Harmony	•
Matt Rettkowski – 20560 Antrim	•
Wes Whitley – 20874 Whittier	•
Tina Buskirk – Upper Pleasant Ridge Road	•

Written Correspondence received after the 03 March 2022 Public Hearing before the Planning and Zoning Commission:

Barry Andrews – Tucker Road (email dated 09 Mar 2022)	•
Audra Humphrey – 21298 Whittier (email dated 06 Mar 2022 requesting reply, reply email sent 09 Mar 2022)	•
Greenleaf Friends Church (letter dated 21 Feb 2022, received 15 Mar 2022)	•
Ron Ratteryee – 21177 Antrim (letter received 05 Apr 2022)	•

Required Action by the Planning and Zoning Commission:

9-15-5: ACTION BY THE COMMISSION: Within forty five (45) working days after the public hearing, the commission shall recommend to the council either approval, conditional approval, or disapproval of an application; or, in the case of preliminary approval of a subdivision plat, make its decision to approve or not to approve such plat, with or without conditions. Upon making a recommendation, granting or denying an application, the commission shall specify in the minutes, and forward to the council, findings of fact and conclusions of law which shall include:

- A. The ordinance and standards used in the evaluation of the application;
- B. The manner in which the applicant complies or does not comply with the standards used in evaluating the application;
- C. The reasons for the recommendation upon, or approval or denial of the application; and
- D. The conditions, if any, upon which a recommendation or an approval was made. (Ord. 205, 10-25-2006)

P&Z Deliberation:

The P&Z deliberated the application on 31 March 2022 and on 07 April 2022.

On 31 March 2022, the P&Z discussed concerns raised at the 03 March 2022 public hearing. Discussion included:

1. Traffic – A concern across the Treasure Valley however the proposed traffic increase from Royal Ridge is not a safety issue, especially with mitigation proposed in the applicant’s traffic study and possible improvement for Friends Road at intersection with State Highway 19.
2. Property values – Addition of increased property values to be levied within the City does not necessarily threaten the resident’s tax burden and if there is a belief that new property values harm current residents, it must be proven.
3. Ability of the development to pay for itself regarding utility services (notably potable water and sanitary sewer), public services (notably police) and ongoing road maintenance expenses – is the City has confirmed there is capacity in water and sewer treatment utilities, the re-use system needs added capacity, and that an increased base could lower user rates for these utilities.
4. Staff report p.74 discussion was mentioned, with conclusion that the city should have ability to cover anticipated police costs as the development builds out. The developer has expressed willingness to adjust phasing to limit the impact of 2021 HB 389 possible penalties to city property tax revenue.
5. Maintaining the rural character of the community, including affordability and visual characteristics – It was noted that preservation of rural character is not required by state of city code but the applicant is willing to do so.
6. Proposed street lighting – P&Z recommends reduction of street lighting and all lighting “dark sky” compliant.
7. Common lots, requested open space reduction, and proposed density – Consensus of the P&Z was agreeable to the requested open space reduction, based on design and location of open space for significant pathways. Consensus of the P&Z was also agreeable to proposed density.
8. On-street parking and homeowner’s association (HOA) covenants, conditions, and restrictions (CC&Rs) – The City may not dictate or determine the CCRs implemented as long as said CCRs are lawful but encourages a limited amount of restrictions to keep with the essence of the community.

On 07 April 2022, the P&Z specifically discussed the requirements of GC §9-15-5, including:

- The ordinance and standards used in the evaluation of the application – Applicable city code and comprehensive plan standards, as per staff report discussion and summarized above. The reasons for the recommendation upon, or approval or denial of the application – The P&Z recommends as given below under ‘Planning and Zoning Commission Decision’ for the following reasons:

1. The application is in general conformance with comprehensive plan standards and city ordinances, as discussed and analyzed in the staff report which is incorporated herein as well.
 2. City quality of life is enhanced by the availability of developed public open space proposed by the applicant, whether maintained by the city or by the HOA.
 3. City potable water and sanitary sewer utilities will benefit from an increased base for fixed costs.
 4. The development should pay for itself regarding city general public services, such as police level of service and open spaces, with implementation of recommended conditions.
 5. Conditions identified and recommended below are sufficient to move the application from general conformance to compliance with ordinances and standards, and address concerns raised at the 03 March 2022 public hearing.
- The conditions, if any, upon which a recommendation or an approval was made:
 - The P&Z reviewed each of the recommended conditions given below under ‘conditions of approval’ intended to mitigate concerns identified through review of ordinances and standards and from deliberation following the 03 March 2022 public hearing. These conditions are recommended to move the application from general conformance to compliance with ordinances and comprehensive plan standards, as well as addressing concerns raised by the public.

2023 P&Z Activity and Deliberations:

Findings of Fact and Conclusions of Law (FFCL) were approved by the P&Z on 07 April 2022, and revised on 05 May 2022. The applicant subsequently developed a detailed Preliminary Plat which was the subject of a public hearing before the P&Z on 21 June 2023. The P&Z deliberated on the proposed preliminary plat at the same meeting, with decision to accept the preliminary plat as presented for recommendation to the City Council with notes to be added regarding storm-water and prohibition of direct lot access to State Highway 19 and to Friends Road. FF&CL adjustments to improve formatting, correct misspellings, and for addition of this section was considered and approved by the P&Z at their 19 July 2023 meeting.

CONCLUSIONS OF LAW

1. The City of Greenleaf is a duly constituted political subdivision of the State of Idaho
2. The City of Greenleaf has a Comprehensive Plan, as required by Idaho Code.
3. The City of Greenleaf has adopted a land use and zoning code, in accordance with Idaho Code.

4. The City of Greenleaf has authority to hear, review, and process the applicant's application, including creation of a development agreement, in accordance with the Idaho Local Land Use Planning Act (LLUPA) and applicable City Ordinances.
5. The application is in general conformance with the 2040 Comprehensive Plan, the 2020 Future Land Use Planning Map, and applicable City Code.
6. The Public Hearing held before the Planning and Zoning Commission on 03 March 2022 and subsequent consideration of the application were correctly noticed per applicable Idaho Code and City Ordinances.
7. The Planning and Zoning Commission met on 31 March 2022 and 07 April 2022 to deliberate and develop a reasoned recommendation to the City Council in conformance with GC §9-15-5.

PLANNING AND ZONING COMMISSION DECISION

THEREFORE, the Planning and Zoning Commission for the City of Greenleaf hereby recommends **conditional approval** of the Royal Ridge Subdivision – a Planned Unit Development application subject to the following conditions.

At the 07 April 2022 P&Z Meeting, the commission also approved recommendations as follows regarding the applicant's requested actions:

1. For annexation of 48.43 Acres, R-5 residential zoning, conditioned to no more than 111 lots
2. For a Planned Unit Development (PUD) Concept Plan for Commercial (7.19 Acres) plus R5 residential (48.43 Acres)
3. For PUD open space requirement reduction from 20% to 10.7%

RECOMMENDED CONDITIONS OF APPROVAL

1. Development agreement provision limiting the 48.43 Acres proposed for R-5 residential zoning to no more than 111 lots and minimum residential lot size 5775 ft².
2. Development agreement provision requiring the developer to provide a provision in the CC&Rs regarding that any potential increased impact/density such as accessory dwelling units are subject to City Code approval. [2040 Comprehensive Plan Rural Character of the Community design element guidelines referenced as an action item under Chapter 13 - Community Design]
3. Development agreement provisions ensuring that ongoing funding is adequate to meet population growth demand increase on both utility services (water,

sewer, roads, garbage) and services provided to the general public and funded through the general fund and property taxes, including law enforcement services (city funded through contract with the City of Wilder), fire protection (separate taxing district - Caldwell Rural Fire Protection District), emergency medical services (separate taxing district - Canyon County Paramedic District), the city park system (city funded but extremely limited at this point in time), and public library service (currently not funded and not available) in light of property tax restrictions imposed by the 2021 Idaho Legislature under HB389, including discussion of HB389 and phasing per p. 07 of the application development narrative. [2040 Comprehensive Plan Chapter 2 – Population, 2040 Comprehensive Plan Chapter 8 – Public Facilities, Services and Utilities]

4. Development agreement provision requiring infrastructure installation to support fiber-optic broadband internet provision to all parcels (fiber to the premises, or FTTP), either with FTTP provided as the development is built out, or with conduit placed for future fiber pull and option of service. [2040 Comprehensive Plan Chapter 3 – School Facilities]
5. Development agreement provision for community recreation needs and land to be set aside for parks and recreation to accommodate the need for public space that comes with growth, as part of consideration of request for reduction of PUD open space requirement as allowed in city code §9-9-7. [2040 Comprehensive Plan Chapter 5 – Land Use, 2040 Comprehensive Plan Chapter 10 – Recreation]
6. Development agreement provision for amenities per GC §9-9-4:A:4:b regarding possible addition of a neighborhood park or other public open space in the commercial section of the project or other provision to fulfill code requirement that, “...A provision for addition upon or public access to a neighborhood park or other public open space is required.” Other community improvements that support active recreation may be considered.
7. Development agreement provision for a residential density bonus for dedications of land for public use as school, park, library, public utility, fire station or recreational facility per GC §9-9-6:A:6 for 17 lots which do not meet minimum lot size for r5 zone and with density bonus allowable per GC §9-9-4:A:2 within density formula and density limits.
8. Development agreement provision acknowledging and approving the applicant’s request for open space reduction and waiver per GC § 9-9-4A3 and GC §9-9-7.
9. Development agreement provision regarding development impact, including consideration of existing land uses and ground water protection and availability of water. [2040 Comprehensive Plan Chapter 5 – Land Use, 2040 Comprehensive Plan Chapter 6 – Natural Resources]
10. Development agreement provision regarding a designated area or areas to support carpool / van-pool / future regional mass transit [2040 Comprehensive

11. Development agreement provision regarding an eastbound right turn lane at the Brown Street and Main Street (SH19) intersection, per traffic study section 4.4. [2040 Comprehensive Plan Chapter 7 – Hazardous Areas, 2040 Comprehensive Plan Chapter 9 – Transportation] and possible mitigation, such as pavement widening and line striping, to Friends Road at the intersection of Friends with SH-19 to mitigate traffic concerns along Friends Road.
12. Development agreement provision regarding a COMPASS financial impact analysis (FIT) requested by zoning staff [2040 Comprehensive Plan Chapter 8 – Public Facilities, Services and Utilities]
13. Development agreement provision regarding GC §7-4-12(H) WATER MAIN REGULATIONS - The developer/applicant of a subdivision or planned unit development shall be required to enter into a development agreement with the City that will more closely define the roles and responsibilities of the City and the developer.
14. Development agreement provision regarding lighting in the development, to work with the developer to reduce street lights from the number proposed to minimal lighting while maintaining dark sky requirements, and safety.
15. Development agreement provision regarding recommendations for keeping HOA CC&Rs congruent with the rural character of the community. Minimal restrictions and sunset of provisions are recommended concepts for consideration.