



Middleton Planning & Zoning Commission

Findings of Facts, Conclusions of Law, and Decision & Recommendation

In the Matter of the Request of Breckon Land Design for Robert Brian Burnett, Drake Investments, Deep River Investments & Deep Water LLC for Annexation/Rezone, Preliminary Plat, Development Agreement Modification, and Comprehensive Plan Map Amendment for the River Pointe Subdivision located at 10481 Highway 44, 0 Highway 44, and 0 Duff Lane (Tax Parcel Nos. R3392000, R3392001 and R33935010A):

A. Findings of Fact:

1. Hearing Facts: (See Staff Report for the hearing date of August 9, 2021, which Report is attached hereto as Exhibit "A" and incorporated herein by this reference.)
2. Commission considered the comment letters from CHD4 dated August 5, 2021 and July 13, 2021.
3. Commission clarified the exact preliminary plat under review (dated 7/16/2021).
4. Commission read and reviewed the draft Reformed and Restated Development Agreement which formatted the Development Agreement in contractual format.
5. Process Facts: (See Staff Report for the hearing date of August 9, 2021, which Report is attached hereto as Exhibit "A" and incorporated herein by this reference.)
6. Application and Property Facts: (See Staff Report for the hearing date of August 9, 2021, which Report is attached hereto as Exhibit "A" and incorporated herein by this reference.)
7. Required Findings per Middleton City Code 1-14-2(E)(7): (See Staff Report for the hearing date of August 9, 2021, 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 hearing 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 and Idaho State Code, Title 67 and Title 50.
6. That City Services can be extended to the property to be annexed, and public facilities and services required by the proposed development will not impose expense upon the public if the attached conditions of approval are imposed.
7. That this recommendation is subject to the Conditions of Approval set forth in the attached Staff Report for the hearing date of August 9, 2021, which Report is incorporated herein by reference.

C. Decision and Recommendation:

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 annexation/rezone application subject to the Conditions of Approval set forth in the Staff Report for the August 9, 2021 Public Hearing attached hereto as Exhibit "A" and incorporated herein by this reference.
2. City Council approve the preliminary plat application subject to the Conditions of Approval set forth in the Staff Report for the August 9, 2021 Public Hearing attached hereto as Exhibit "A" and incorporated herein by this reference.
3. City Council approve the Development Agreement Modification application subject to the Conditions of Approval set forth in the Staff Report for the August 9, 2021 Public Hearing attached hereto as Exhibit "A" and incorporated herein by this reference.
4. City Council approve the comprehensive plan map amendment subject to the Conditions of Approval set forth in the Staff Report for the August 9, 2021 Public Hearing attached hereto as Exhibit "A" and incorporated herein by this reference.
5. Additional conditions of approval applicable to all four applications include:
 - i. Developer shall construct a 15' wide landscaped berm between the River Pointe Subdivision and the Riverbend Ranch Subdivision to the south.
 - ii. E. Sawtooth Lakes Street shall remain barricaded and restricted to only emergency vehicle access until Developer provides an updated Traffic Impact Study that shows Duff Lane and Hwy 44 intersection improvements and constructed traffic light are sufficient to handle the traffic impacts from the subdivision.
 - iii. Section 3.26 of the proposed Development Agreement shall be changed to recommend Developer to provide 4 design elements, rather than just 3 elements, on all commercial buildings.

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

A large, stylized handwritten signature in blue ink, consisting of several overlapping loops and a long horizontal stroke extending to the right.

Ray Waltemate, Chairman
Planning and Zoning Commission

Attest:

A handwritten signature in blue ink, appearing to be 'R. Stewart', written over a horizontal line.

Roberta Stewart
Planning and Zoning Department