



## **Middleton Planning & Zoning Commission**

### **Findings of Facts, Conclusions of Law, Recommendation & Order**

**In the Matter of the applications of Taylor Schmidt/BST DEV LLC for annexation/rezone, preliminary plat, development agreement and special use permit with respect to the Reed's Landing Subdivision located at 880 W. Main Street and 0 Hwy 44 (Tax Parcel Nos. R17900010 and R17900011):**

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

1. Hearing Facts: See Staff Report for the hearing date of May 9, 2022, 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 May 9, 2022, Exhibit "A".
3. Application and Property Facts: See Staff Report for the hearing date of May 9, 2022, Exhibit "A".
4. Required Findings per Middleton City Code 1-14-2(E)(7), Idaho State Statute Title 67, Chapter 65, Idaho Standards for Public Works Construction and Middleton Supplement thereto, Middleton City Code 1-14, 1-15, 5-1, 5-2, 5-3 & 5-4 and Idaho Code Title 67, Chapter 65 & Title 50, Chapters 2 and 13: See Staff Report for the hearing date of May 9, 2022, Exhibit "A".

#### **B. Conclusions of Law:**

1. That the City of Middleton has exercised 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 was 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 pertinent 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, 5-1, 5-2, 5-3, and 5-4 and Idaho Code Title 67, Chapter 65 and Idaho Code Title 50, chapters 2 and 13.
6. 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 & 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 application of Taylor Schmit/BST DEV LLC for Annexation/Rezone to C-3, M-F and R-3 subject to the conditions of approval set forth in the Staff Report for the May 9, 2022, public hearing.
2. City Council approve the application of Taylor Schmidt/BST DEV LLC for Development Agreement subject to the conditions of approval set forth in the Staff Report for the May 9, 2022, public hearing.
3. City Council approve the application of Taylor Schmidt/BST DEV LLC for preliminary plat subject to the conditions of approval set forth in the Staff Report for the May 9, 2022, public hearing.

**D. Decision & 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 Ordered that:

1. The application of Taylor Schmidt/BST DEV LLC for Special Use Permit to construct townhomes be approved subject to the following conditions:
  - a. Developer/Owner meet with the staff of Middleton School District 134 to determine if there are any measures or actions Developer/Owner can take to mitigate any impacts on the school district.
  - b. No windows shall be located on the 2<sup>nd</sup> floor rear of the townhomes located in Block three on the east boundary of the project.
  - c. Approval is subject to the conditions of approval set forth in the Staff Report for the May 9, 2022, public hearing.
2. The application of Taylor Schmidt/BST DEV LLC for waiver of perimeter fencing requirement (MCC 5-4-11-2) is approved subject to the condition that the HOA maintain the swath of land between the rear fences and the canal/ditch as set forth in the conditions of approval of the Staff Report for May 9, 2022.

WRITTEN RECOMMENDATION AND ORDER APPROVED ON: June 13, 2022.

  
Ray Waltemate, Chairman  
Planning and Zoning Commission

Attest:



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Roberta Stewart  
Planning and Zoning Official

***Please take notice that pursuant to MCC 1-14-2(E)(10), applicant shall have 14 days after a signed final decision to request reconsideration by the final-decision maker. Such request must identify specific deficiencies in the final decision. Failure to request reconsideration may invalidate a subsequent judicial appeal. Additionally, pursuant to Idaho State Statute 67-6521, any affected person aggrieved by a final decision may, within 28 days after all remedies have been exhausted under local ordinances, seek judicial review as provided in chapter 52, Title 67.***

***Additionally, please take notice that Applicant has a right to request a regulatory taking analysis pursuant to Idaho State Statute section [67-8003](#).***