



CITY OF MIDDLETON City Council

In Re:

Annexation & Rezone
February 20, 2018 Application
March 21, 2018 Hearing

**Findings of Fact,
Conclusions of Law,
Decision and Order**

SUMMARY OF THE REQUEST

A request by Bill Gilbert, Robin Gilbert and Terry Gilbert to annex and rezone to M-1 (Light Industrial) approximately 16.7 acres of vacant land located on the west side of S. Middleton Rd. south of the Boise River and north of Bass Lane, Middleton, Idaho.

FINDINGS OF FACT

- APPLICANT:** The applicants are Bill, Robin and Terry Gilbert at 22071 Middleton Road, Middleton, ID 83644.
- APPLICATION:** The application was received and accepted by the City on February 20, 2018.
- NOTICE OF PUBLIC HEARING:** Notice of the public hearing before the Planning and Zoning Commission was published, mailed and posted as follows:

Published notice Idaho Press Tribune:	February 25, 2018
Letters mailed to property owners within 300':	February 22, 2018
Letters mailed to agencies providing services:	February 22, 2018
Property posted:	March 2, 2018
- APPLICABLE CODES AND STANDARDS:** The ordinances and standards used in evaluating the application are:
Middleton City Code Title 5 Chapters 2 & 3



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5. The applicant is requesting annexation into City of Middleton limits, with rezoning to M-1 (Light Industrial).
6. The purpose of M-1 (Light Industrial) zoning is to accommodate less intense industrial and manufacturing uses. The request is not an intense industrial or manufacturing use. The request for industrial land use is in compliance with the City of Middleton Comprehensive Plan Future Land Use Map, which shows the proposed subject site in an industrial use area.
7. The subject site is located in a Federal Emergency Management Area (FEMA) designated floodway. As a result, the options for development on this parcel of land are limited.
8. The request would help to bring economic development to Middleton and meets the following policies in the Comprehensive Plan: Economic Development Goal 6: Promote a strong and diverse local economy in the City, Goal 7, Objective B: Improve the tourism economy in the City, and Strategy 1: Provide destination type amenities for residents and visitors.
9. As a result of the request being in a designated floodway the following policies in the Comprehensive Plan apply: Hazardous Areas Goal 16: Minimize the risk of damage to people and property, Strategy 1: Inform residents and developers of hazards and hazardous areas, Strategy 2: Curtail floodway and floodplain areas along the Boise River and its tributaries; Discourage uses which are dangerous to health, safety and property, Strategy 1: Utilize best management practices to minimize water or erosion hazards, and Strategy 2: Maintain integrity of historic floodways. In order to meet these policies it is imperative that the applicant meet all of the flood control regulations found in Title 4, Chapter 3 of the City Code. Applicant shall pay special attention to the specific standards regarding floodways found in 4-3-8-5.F of the City Code.
10. A neighborhood meeting was held at the public hearing room at 6 N. Dewey Ave. on February 13, 2018. Two people signed the sign-in sheet and there is no indication of any opposition at the meeting.



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11. Comments at the City Council hearing included concerns about the following: environmental issues, traffic issues/traffic study, the area looking trashy and becoming a low income rental area, and potential problems with people becoming permanent residents in the RV park.
12. The request meets City Code 5-3-3.C.1(it is reasonably necessary, is in the interest of residents, and is in harmony with the comprehensive plan). It is reasonably necessary because there is already land to the north, south and east that is in city limits and therefore will allow the city to grow in order and not result in an enclave. It is in the interest of residents because it helps to increase real property tax revenue to the city, and is in harmony with the comprehensive plan by bringing economic development to Middleton and meeting the following policies in the Comprehensive Plan: Economic Development Goal 6, Goal 7, Objective B, and Strategy 1.

CONCLUSIONS OF LAW

Notice of the application and public hearing was given according to law. The City Council's public hearing was conducted according to law, and the City has kept a record of the application and related documents.

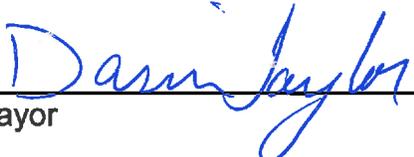
DECISION

Based on the Findings of Fact and Conclusions of Law, the City Council approves the annexation and zone change to M-1 (Light Commercial) as requested.



**CITY OF MIDDLETON
City Council**

WRITTEN DECISION APPROVED ON: March 12, 2018.



Mayor

Attest:



Randall Falkner
Planning and Zoning Official