

**CITY OF MERIDIAN
FINDINGS OF FACT, CONCLUSIONS OF LAW,
FINAL DECISION, AND ORDER**



Date of Order: August 9, 2022
Case No.: H-2021-0070 (Burnside Ridge Estates)
Applicant: Kimberly-Horn and Associates, Inc.
In the Matter of: Request for (1) annexation & zoning of 121.29 acres of land from RUT in Ada County to the R-2 (11.76 acres) and R-4 (109.53) zoning districts and (2) a preliminary plat consisting of 299 total lots (275 single-family residential lots and 24 common lots) on 119.31 acres of land.

Pursuant to testimony and evidence received regarding this matter at the public hearing before the Meridian City Council on June 7, 2022, as to this matter, the City Council enters the following findings of fact, conclusions of law, final decision, and order.

A. Findings of Fact. The City Council finds that:

1. The facts pertaining to the 121.29 acres of land (“the Property”), the Applicant’s request, and the process are set forth in the staff report for Case No. H-2021-0070, which is fully incorporated herein by reference.
2. The Property is not located within the incorporated area of the City of Meridian.
3. The Applicant is requesting annexation of the Property in order to develop a residential subdivision.
4. The proposed annexation is a Category A annexation under Idaho Code section 50-222(3)(a).
5. The Property is contiguous to land to the east (“Brundage Estates”), which serves as a point of contiguity for the Applicant’s proposed annexation. The City approved a preliminary plat for Brundage Estates in 2016, but a final plat has not yet been recorded, leading the City Council to find that annexation of additional land to the west of Brundage Estates is not a logical expansion of the city limits at this time.
6. Based on the foregoing, the proposed annexation is not in the best interest of the City of Meridian.

B. Conclusions of law. The City Council concludes that:

1. The City Council takes judicial notice of Idaho Code section 50-222, which governs annexations by cities.
2. The City Council takes judicial notice of the Local Land Use Planning Act (“LLUPA”), codified at Chapter 65, Title 67, Idaho Code.

3. The City Council takes judicial notice of the Unified Development Code of the City of Meridian (UDC), all current zoning maps, the City of Meridian Comprehensive Plan, previous land use decisions, and all minutes and maps concerning the priority of growth in the City of Meridian's area of city impact.
 4. In order to grant an annexation and rezone, the City Council must make certain findings as delineated in UDC section 11-5B-3, including a finding that the proposed annexation is in the best interest of the City of Meridian. UDC § 11-5B-3(E)(5).
 5. Because the City Council found that the proposed annexation is not in the best interest of the City of Meridian, the requirements set forth in UDC section 11-5B-3 have not been satisfied, and the proposed annexation shall not proceed.
 6. A city's decision to deny a Category A annexation is not subject to judicial review under Idaho Code section 50-222(6). *Black Labrador Investing, LLC v. Kuna City Council*, 147 Idaho 92, 97, 205 P.3d 1228, 1233 (2009).
 7. The purpose of the UDC is to “[c]arry out the policies of the comprehensive plan by classifying and regulating the uses of property and structures **within the incorporated areas of the City of Meridian**[.]” UDC § 11-1-2(B) (emphasis added). Because the Property is not located within the incorporated area of the City of Meridian, and because the proposed annexation shall not proceed, the City Council is precluded from granting the Applicant's request for a preliminary plat.
 8. Pursuant to Idaho Code section 67-6503, the City of Meridian has properly exercised the powers conferred by LLUPA.
- C. Order.** Pursuant to the above findings of fact and conclusions of law, the City Council hereby denies Applicant's request for annexation and zoning of the Property. Further, because the Property is not located within the incorporated area of the City of Meridian, the City Council hereby denies Applicant's request for a preliminary plat.
- D. Final decision.** Upon approval by majority vote of the City Council, this is a final decision of the governing body of the City of Meridian.
- E. Judicial review.** Pursuant to Idaho Code section 67-6521(1)(d), if this final decision concerns a matter enumerated in Idaho Code section 67-6521(1)(a), an affected person aggrieved by this final decision may, within twenty-eight (28) days after all remedies have been exhausted, including requesting reconsideration of this final decision as provided by Meridian City Code section 1-7-10, seek judicial review of this final decision as provided by Chapter 52, Title 67, Idaho Code. This notice is provided as a courtesy; the City of Meridian does not admit by this notice that this decision is subject to judicial review under LLUPA.
- F. Notice of right to regulatory takings analysis.** Pursuant to Idaho Code sections 67-6521(1)(d) and 67-8003, an owner of private property that is the subject of a final decision may submit a written request with the Meridian City Clerk for a regulatory takings analysis.

IT IS SO ORDERED by the City Council of the City of Meridian, Idaho, on this 9th day of August, 2022.

Robert E. Simison
Mayor

Attest:

Chris Johnson
City Clerk