

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



**In the Matter of the Request for a short plat to subdivide an existing parcel consisting of .508 acres of land, into two (2) building lots in the R-4 zoning district., by Dennis Jordan.**

**Case No(s). SHP-2024-0003**

**For the City Council Hearing Date of: October 8<sup>th</sup>, 2024 (Findings on October 22<sup>nd</sup>, 2024)**

**A. Findings of Fact**

1. Hearing Facts (see attached Staff Report for the hearing date of October 8<sup>th</sup>, 2024, incorporated by reference)
2. Process Facts (see attached Staff Report for the hearing date of October 8<sup>th</sup>, 2024, incorporated by reference)
3. Application and Property Facts (see attached Staff Report for the hearing date of October 8<sup>th</sup>, 2024, incorporated by reference)
4. Required Findings per the Unified Development Code (see attached Staff Report for the hearing date of October 22<sup>nd</sup>, 2024, incorporated by reference)

**B. Conclusions of Law**

1. The City of Meridian 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. The Meridian City Council takes judicial notice of its Unified Development Code codified as Title 11 Meridian City Code, and all current zoning maps thereof. The City of Meridian has, by ordinance, established the Impact Area and the Comprehensive Plan of the City of Meridian, which was adopted December 17, 2019, Resolution No. 19-2179 and Maps.
3. The conditions shall be reviewable by the City Council pursuant to Meridian City Code § 11-5A.
4. Due consideration has been given to the comment(s) received from the governmental subdivisions providing services in the City of Meridian planning jurisdiction.
5. It is found public facilities and services required by the proposed development will not impose expense upon the public if the attached conditions of approval are imposed.
6. That the City has granted an order of approval in accordance with this Decision, which shall be signed by the Mayor and City Clerk and then a copy served by the Clerk upon the applicant, the Community Development Department, the Public Works Department and any affected party requesting notice.
7. That this approval is subject to the Conditions of Approval all in the attached Staff Report for the hearing date of October 8<sup>th</sup>, 2024, incorporated by reference. The conditions are concluded to be

reasonable and the applicant shall meet such requirements as a condition of approval of the application.

#### C. Decision and Order

Pursuant to the City Council's authority as provided in Meridian City Code § 11-5A and based upon the above and foregoing Findings of Fact which are herein adopted, it is hereby ordered that:

1. The applicant's request for a short plat is hereby approved per the conditions of approval in the Staff Report for the hearing date of October 8<sup>th</sup>, 2024, attached as Exhibit A.

#### D. Notice of Applicable Time Limits

##### Notice of Preliminary Plat Duration

Please take notice that approval of a preliminary plat, combined preliminary and final plat, or short plat shall become null and void if the applicant fails to obtain the city engineer's signature on the final plat within two (2) years of the approval of the preliminary plat or the combined preliminary and final plat or short plat (UDC 11-6B-7A).

In the event that the development of the preliminary plat is made in successive phases in an orderly and reasonable manner, and conforms substantially to the approved preliminary plat, such segments, if submitted within successive intervals of two (2) years, may be considered for final approval without resubmission for preliminary plat approval (UDC 11-6B-7B).

Upon written request and filed by the applicant prior to the termination of the period in accord with 11-6B-7.A, the Director may authorize a single extension of time to obtain the City Engineer's signature on the final plat not to exceed two (2) years. Additional time extensions up to two (2) years as determined and approved by the City Council may be granted. With all extensions, the Director or City Council may require the preliminary plat, combined preliminary and final plat or short plat to comply with the current provisions of Meridian City Code Title 11. If the above timetable is not met and the applicant does not receive a time extension, the property shall be required to go through the platting procedure again (UDC 11-6B-7C).

##### Notice of Conditional Use Permit Duration

Please take notice that the conditional use permit, when granted, shall be valid for a maximum period of two (2) years unless otherwise approved by the City. During this time, the applicant shall commence the use as permitted in accord with the conditions of approval, satisfy the requirements set forth in the conditions of approval, and acquire building permits and commence construction of permanent footings or structures on or in the ground. For conditional use permits that also require platting, the final plat must be signed by the City Engineer within this two (2) year period.

Upon written request and filed by the applicant prior to the termination of the period in accord with 11-5B-6.G.1, the Director may authorize a single extension of the time to commence the use not to exceed one (1) two (2) year period. Additional time extensions up to two (2) years as determined and approved by the City Council may be granted. With all extensions, the Director or City Council may require the conditional use comply with the current provisions of Meridian City Code Title 11(UDC 11-5B-6F).

#### Notice of Development Agreement Duration

The city and/or an applicant may request a development agreement or a modification to a development agreement consistent with Idaho Code section 67-6511A. The development agreement may be initiated by the city or applicant as part of a request for annexation and/or rezone at any time prior to the adoption of findings for such request.

A development agreement may be modified by the city or an affected party of the development agreement. Decision on the development agreement modification is made by the city council in accord with this chapter. When approved, said development agreement shall be signed by the property owner(s) and returned to the city within six (6) months of the city council granting the modification.

A modification to the development agreement may be initiated prior to signature of the agreement by all parties and/or may be requested to extend the time allowed for the agreement to be signed and returned to the city if filed prior to the end of the six (6) month approval period.

#### E. Judicial Review

Pursuant to Idaho Code § 67-6521(1)(d), if this final decision concerns a matter enumerated in Idaho Code § 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 § 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 §§ 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.

#### G. Attached: Staff Report for the hearing date of October 8<sup>th</sup>, 2024.

By action of the City Council at its regular meeting held on the \_\_\_\_\_ day of \_\_\_\_\_, 2024.

COUNCIL PRESIDENT LUKE CAVENER VOTED\_\_\_\_\_

COUNCIL VICE PRESIDENT LIZ STRADER VOTED\_\_\_\_\_

COUNCIL MEMBER DOUG TAYLOR VOTED\_\_\_\_\_

COUNCIL MEMBER JOHN OVERTON VOTED\_\_\_\_\_

COUNCIL MEMBER ANNE LITTLE ROBERTS VOTED\_\_\_\_\_

COUNCIL MEMBER BRIAN WHITLOCK VOTED\_\_\_\_\_

MAYOR ROBERT SIMISON VOTED\_\_\_\_\_  
(TIE BREAKER)

\_\_\_\_\_  
Mayor Robert E. Simison

Attest:

\_\_\_\_\_  
Chris Johnson  
City Clerk

Copy served upon Applicant, Community Development Department, Public Works Department and City Attorney.

By: \_\_\_\_\_ Dated: \_\_\_\_\_  
City Clerk's Office

**COMMUNITY DEVELOPMENT  
DEPARTMENT REPORT**

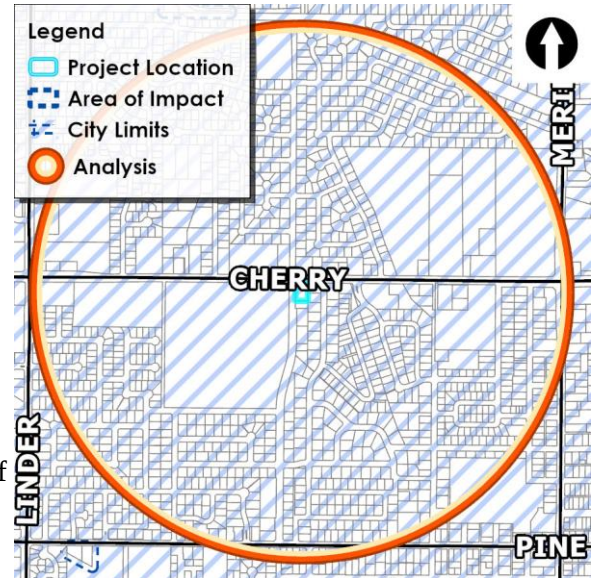


HEARING DATE: 10/8/2024  
TO: Mayor & City Council  
FROM: Nick Napoli, Associate Planner  
208-884-5533  
nnapoli@meridiancity.org

APPLICANT: Dennis Jordan

SUBJECT: SHP-2024-0003  
Bradshaw Corner Short Plat

**LOCATION:** Located at 735 W. Cherry Lane in part of  
the NE corner of Section 12, T.3N.,  
R.1W.



**I. PROJECT OVERVIEW**

**A. Summary**

Short plat to subdivide an existing parcel consisting of .508 acre of land, into two (2) building lots in the R-4 zoning district.

**B. Recommendation**

Staff: Approval with conditions

**C. Decision**

Select: Approved.

## II.COMMUNITY METRICS

**Table 1: Land Use**

| Description                 | Details                          | Map Ref. |
|-----------------------------|----------------------------------|----------|
| Existing Land Use(s)        | Residential                      | -        |
| Proposed Land Use(s)        | Residential                      | -        |
| Existing/Proposed Zoning    | R-4/R-4                          | 0        |
| Future Land Use Designation | Medium Density Residential (MDR) | 0        |

**Table 2: Process Facts**

| Description                 | Details                |
|-----------------------------|------------------------|
| Preapplication Meeting date | Thursday, June 6, 2024 |

**Table 3: Community Metrics**

| Agency / Element                 | Description / Issue                                              | Reference |
|----------------------------------|------------------------------------------------------------------|-----------|
| Ada County Highway District      |                                                                  | III.C     |
| Comments Received                | Yes                                                              | -         |
| Commission Action Required       | No                                                               | -         |
| Access                           | Accessed via common drive off of NW 8 <sup>th</sup> Street       | -         |
| ITD Comments Received            | No                                                               | -         |
| Meridian Public Works Wastewater | Distance to Mainline: Available at site; Impacts or Concerns: No | III.B     |
| Meridian Public Works Water      | Distance to Mainline: Available at site; Impacts or Concerns: no | III.B     |

See City/Agency Comments and Conditions Section for all department/agency comments received or see public record:

(<https://weblink.meridiancity.org/WebLink/Browse.aspx?id=353052&dbid=0&repo=MeridianCity>)

### III. STAFF ANALYSIS

Comprehensive Plan and Unified Development Code (UDC)

#### A. General Overview

The short plat proposes to subdivide property consisting of 0.508 acres of land, into two (2) building lots in the R-4 zoning district. The proposed density of 4 units per acre is consistent with the density desired of 3 to 8 dwelling units per acre in the Medium Density Residential Future Land Use Map designation for this site.

**Table 4: Project Overview**

| Description       | Details               |
|-------------------|-----------------------|
| History           | N/A                   |
| Residential Units | 2 Single Family Homes |
| Acreage           | .508 acre             |
| Lots              | 2 Buildable Lots      |
| Density           | 4 units/acre          |

#### B. Site Development and Use Analysis

1. Existing Structures/Site Improvements (*UDC 11-1*):  
There is an existing single-family home that will remain on Lot 1 and will be accessed via a new driveway wrapping around the north side of the existing building.
2. Dimensional Standards (*UDC 11-2*):  
Future development of the proposed lots should comply with the dimensional standards listed in UDC *Table 11-2A-6* for the R-4 zoning district.

#### C. Design Standards Analysis

1. Existing structure and Site Design Standards (*Comp Plan, UDC 11-3A-19*):  
There is an existing home that is proposed to stay on Lot 1 and one (1) accessory structure on the property that is proposed to remain on Lot 2. Both structures currently comply with the setback standards in UDC 11-2A-5. However, the accessory structure will need to be converted into a dwelling unit with adequate parking or be removed from Lot 2 before the City Engineer's Signature.
2. Landscaping (*UDC 11-3B*):
  - i. Landscape buffers along streets  
A 25-foot wide street buffer is required adjacent to Cherry Lane, an arterial street, and a 20-foot wide street buffer is required adjacent to 8<sup>th</sup> Street, collector street. This buffer should be landscaped per the standards listed in UDC 11-3B-7C. *The landscape plan shall be revised to extend the landscape buffer south of the shared driveway. Additionally, the landscape plan shall be revised to include boulders or decorative wall/permeable hardscape materials.*
  - ii. Tree preservation  
A Tree Mitigation Plan should be submitted with the final plat signature application detailing all existing trees and methods of mitigation outlined by the City Arborist before any trees are to be removed as set forth in UDC 11-3B-10C.5.

3. Parking (*UDC 11-3C*):

i. Residential parking analysis

Off-street parking is required to be provided in accord with the standards listed in *UDC* Table 11-3C-6 for single-family dwellings based on the number of bedrooms per unit. The applicant is proposing a new garage for the existing residence to meet this standard. Staff will confirm compliance with these standards at the time of building permit submittal for each residence.

**D. Transportation Analysis**

1. Access (*Comp Plan, UDC 11-3A-3, UDC 11-3H-4*):

Access to this property is provided via NW 8<sup>th</sup> Street, an existing collector street. There is a cross access easement along the west portion of Lot 2 to allow Lot 1 access to the drive serving the site.

**E. Services Analysis**

1. Pressurized Irrigation (*UDC 11-3A-15*):

Underground pressurized irrigation water is required to be provided to each lot within the subdivision as set forth in *UDC 11-3A-15*.

2. Storm Drainage (*UDC 11-3A-18*):

An adequate storm drainage system is required in all developments in accord with the City's adopted standards, specifications and ordinances. Design and construction shall follow best management practice as adopted by the City as set forth in *UDC 11-3A-18*.

3. Utilities (*Comp Plan, UDC 11-3A-21*):

Connection to City water and sewer services is required and are available to be extended by the developer with development in accord with *UDC 11-3A-21* and Goals 3.03.03G & 3.03.03F. Urban sewer and water infrastructure and curb, gutter, and sidewalks are required to be provided with development of the subdivision.

**III. CITY/AGENCY COMMENTS & CONDITIONS**

**A. Meridian Planning Division**

1. If the City Engineer's signature has not been obtained within two (2) years of the City Council's approval of the short plat, the short plat shall become null and void unless a time extension is obtained, per *UDC 11-6B-7*.
2. The short plat and landscape plan prepared by Evan J. Wood, on 08/23/2024, included in Section VI.A, shall be revised as follows:
  - The 20-foot landscape buffer along NW 8<sup>th</sup> Street shall be extended on the south side of the existing driveway.
  - Graphically depict public utility, drainage, and irrigation easements along all property boundaries.
  - Graphically depict the landscape buffer easements along NW. 8<sup>th</sup> Street (20 feet) and W. Cherry Lane (25 feet).
  - Shorten the easement for cross access to encompass the existing driveway width and add a note regarding maintenance of this easement/driveway.
  - Revise the landscape plan to include boulders or decorative wall/permeable hardscape materials.

- Prior to signature on the plat, the applicant shall submit a new residential building for Lot 2, Block 1 to convert the existing detached garage to single family dwelling OR remove it.
  - Prior to signature on the plat, the applicant shall provide an updated common drive exhibit showing setbacks, fencing, building envelope, and orientation of the lots and structures.
3. Future development shall comply with the dimensional standards listed in UDC *Table 11-2A-5* for the R-4 zoning district and the common driveway exhibit in Section VI.
  4. Staff's failure to cite specific ordinance provisions or conditions from the previous approvals noted above does not relieve the Applicant of responsibility for compliance.

## B. Meridian Public Works

### SITE SPECIFIC CONDITIONS:

1. Request for new Water Service connection and/or any changes to the existing services will need to be submitted for review and approval by Land Development.

### GENERAL CONDITIONS:

1. Sanitary sewer service to this development is available via extension of existing mains adjacent to the development. Water service to this site is available via extension of existing mains adjacent to the development.
2. All improvements related to public life, safety and health shall be completed prior to occupancy of the structures. Where approved by the City Engineer, an owner may post a performance surety for such improvements in order to obtain City Engineer signature on the final plat as set forth in UDC 11-5C-3B.
3. Upon installation of the landscaping and prior to inspection by Planning Department staff, the applicant shall provide a written certificate of completion as set forth in UDC 11-3B-14A.
4. A letter of credit or cash surety in the amount of 110% will be required for all incomplete fencing, landscaping, amenities, pressurized irrigation, prior to signature on the final plat.
5. The City of Meridian requires that the owner post with the City a performance surety in the amount of 125% of the total construction cost for all incomplete sewer, water infrastructure prior to final plat signature. This surety will be verified by a line item cost estimate provided by the owner to the City. The applicant shall be required to enter into a Development Surety Agreement with the City of Meridian. The surety can be posted in the form of an irrevocable letter of credit, cash deposit or bond. Applicant must file an application for surety, which can be found on the Community Development Department website. Please contact Land Development Service for more information at 887-2211.
6. The City of Meridian requires that the owner post to the City a warranty surety in the amount of 20% of the total construction cost for all completed sewer, and water infrastructure for a duration of two years. This surety amount will be verified by a line item final cost invoicing provided by the owner to the City. The surety can be posted in the form of an irrevocable letter of credit, cash deposit or bond. Applicant must file an application for surety, which can be found on the Community Development Department website. Please contact Land Development Service for more information at 887-2211.
7. In the event that an applicant and/or owner cannot complete non-life, non-safety and non-health improvements, prior to City Engineer signature on the final plat and/or prior to occupancy, a surety agreement may be approved as set forth in UDC 11-5C-3C.
8. It shall be the responsibility of the applicant to ensure that all development features comply with the Americans with Disabilities Act and the Fair Housing Act.
9. Applicant shall be responsible for application and compliance with any Section 404 Permitting that may be required by the Army Corps of Engineers.
10. Developer shall coordinate mailbox locations with the Meridian Post Office.
11. All grading of the site shall be performed in conformance with MCC 11-1-4B.
12. Compaction test results shall be submitted to the Meridian Building Department for all building pads receiving engineered backfill, where footing would sit atop fill material.
13. The applicants design engineer shall be responsible for inspection of all irrigation and/or drainage facility within this project that do not fall under the jurisdiction of an irrigation district or ACHD.

The design engineer shall provide certification that the facilities have been installed in accordance with the approved design plans. This certification will be required before a certificate of occupancy is issued for any structures within the project.

14. At the completion of the project, the applicant shall be responsible to submit record drawings per the City of Meridian AutoCAD standards. These record drawings must be received and approved prior to the issuance of a certification of occupancy for any structures within the project.
15. Street light plan requirements are listed in section 6-7 of the Improvement Standards for Street Lighting ([http://www.meridiancity.org/public\\_works.aspx?id=272](http://www.meridiancity.org/public_works.aspx?id=272)). All street lights shall be installed at developer's expense. Final design shall be submitted as part of the development plan set for approval, which must include the location of any existing street lights. The contractor's work and materials shall conform to the ISPWC and the City of Meridian Supplemental Specifications to the ISPWC. Contact the City of Meridian Transportation and Utility Coordinator at 898-5500 for information on the locations of existing street lighting.
16. The applicant shall provide easement(s) for all public water/sewer mains outside of public right of way (include all water services and hydrants). The easement widths shall be 20-feet wide for a single utility, or 30-feet wide for two. The easements shall not be dedicated via the plat, but rather dedicated outside the plat process using the City of Meridian's standard forms. The easement shall be graphically depicted on the plat for reference purposes. Submit an executed easement (on the form available from Public Works), a legal description prepared by an Idaho Licensed Professional Land Surveyor, which must include the area of the easement (marked EXHIBIT A) and an 8 1/2" x 11" map with bearings and distances (marked EXHIBIT B) for review. Both exhibits must be sealed, signed and dated by a Professional Land Surveyor. DO NOT RECORD. Add a note to the plat referencing this document. All easements must be submitted, reviewed, and approved prior to signature of the final plat by the City Engineer.
17. Applicant shall be responsible for application and compliance with and NPDES permitting that may be required by the Environmental Protection Agency.
18. The City of Meridian requires that pressurized irrigation systems be supplied by a year-round source of water (UDC 11-3B-6.). The applicant should be required to use any existing surface or well water for the primary source. If a surface or well source is not available, a single-point connection to the culinary water system shall be required. If a single-point connection is utilized, the developer will be responsible for the payment of assessments for the common areas prior to development plan approval.
19. All irrigation ditches, canals, laterals, or drains, exclusive of natural waterways, intersecting, crossing or laying adjacent and contiguous to the area being subdivided shall be addressed per UDC 11-3A-6. In performing such work, the applicant shall comply with Idaho Code 42-1207 and any other applicable law or regulation.

## C. Ada County Highway District (ACHD)



Alexis Pickering, President  
Miranda Gold, Vice-President  
Jim Hansen, Commissioner  
Kent Goldthorpe, Commissioner  
Dave McKinney, Commissioner

July 23, 2024

To: Dennis Jordan, via email  
Focus Engineering & Surveying  
1001 N Rosario Street  
Meridian, ID 83642

Subject: MPP24-0013/SHP-2024-0003  
735 W Cherry Lane  
Bradshaw Subdivision

This is a staff level approval of a preliminary plat for Bradshaw Subdivision. The Ada County Highway District has reviewed the submitted application for the preliminary plat referenced above and has determined that there are no improvements required to the adjacent streets. The proposed preliminary plat is approved without conditions.

The existing location of the 28-foot wide paved curb-cut type driveway 195-feet south of Cherry Lane should remain as is. The existing driveway is located directly outside of the influence area of the intersection of Cherry Lane and 8<sup>th</sup> Street but does not meet District Policy 7206.4.3 which requires full-movement driveways to be located either outside of the area of influence of an intersection or 440-feet from an intersection, whichever is greater. Due to the site's limited frontage on 8<sup>th</sup> Street (165-feet), the existing driveway has been placed as far from the intersection as feasibly possible. Relocation of the driveway would further deviate from ACHD policy.

The applicant will be required to pay all applicable platting and review fees prior to final approval.

If you have any questions, please contact me at (208) 387-6391.

Sincerely,

KaraLeigh Troyer  
Planner  
Development Services

cc: City of Meridian (Nick Napoli), via email  
Alan Bradshaw, via email

## IV.FINDINGS

### A. Short Plat

In consideration of a preliminary plat, combined preliminary and final plat, or short plat, the decision-making body shall make the following findings:

1. The plat is in conformance with the comprehensive plan and is consistent with this unified development code;

*The Comprehensive Plan designates the future land use of this property as Medium Density Residential, the current zoning district of the site is R-4. The Council finds the proposed short plat complies with the short plat standards listed in UDC 11-6B-5. The proposed development complies with the dimensional standards of the R-4 zoning district listed in UDC Table 11-2A-5.*

2. Public services are available or can be made available and are adequate to accommodate the proposed development;

*City Council finds that public services will be provided and are adequate to serve the proposed lots.*

3. The plat is in conformance with scheduled public improvements in accord with the city's capital improvement program;

*City Council finds all required utilities will be provided with lot development at the developer's expense.*

4. There is public financial capability of supporting services for the proposed development;

*City Council finds that the development will not require major expenditures for providing supporting services as services are already being provided in this area.*

5. The development will not be detrimental to the public health, safety or general welfare; and

*City Council finds the proposed development will not be detrimental to the public health, safety or general welfare.*

6. The development preserves significant natural, scenic or historic features.

*City Council is not aware of any significant natural, scenic or historic features associated with short platting the structure on this site.*

#### **IV. ACTION**

##### **A. Staff:**

Staff recommends approval of the proposed short plat with the conditions noted in Section VII of this report and in accord with the findings in Section VIII.

##### **B. City Council:**

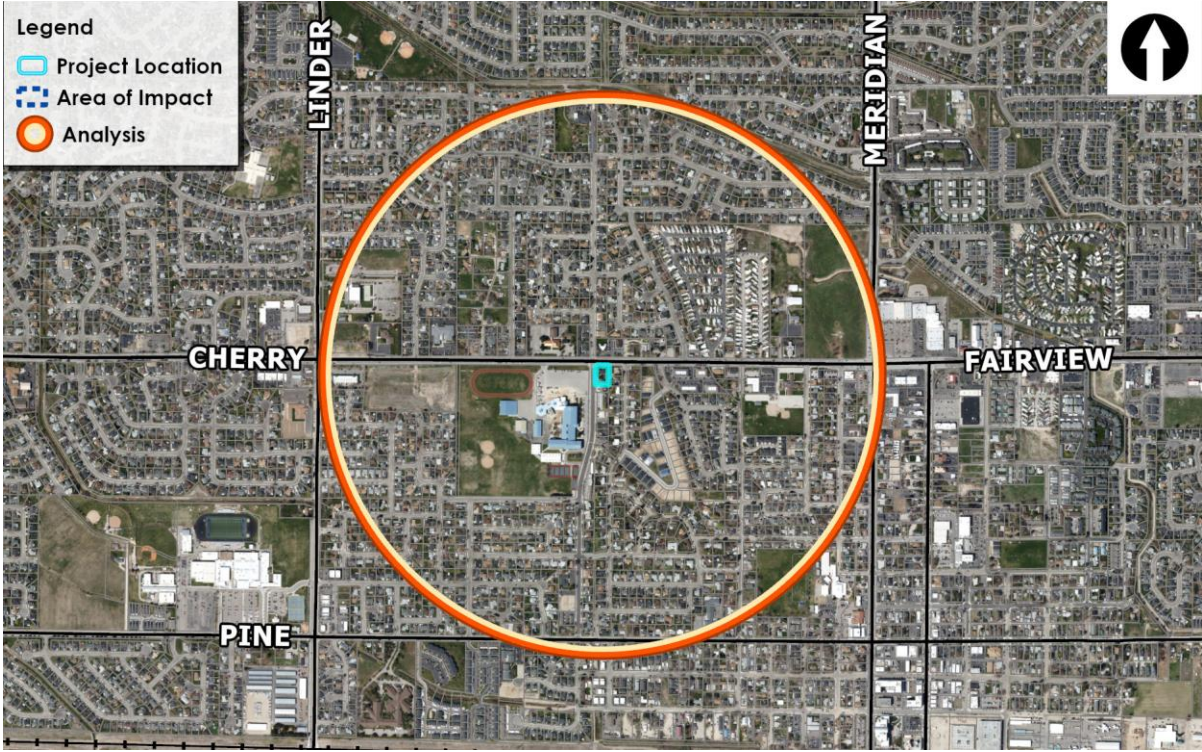
Approved.

Exhibits

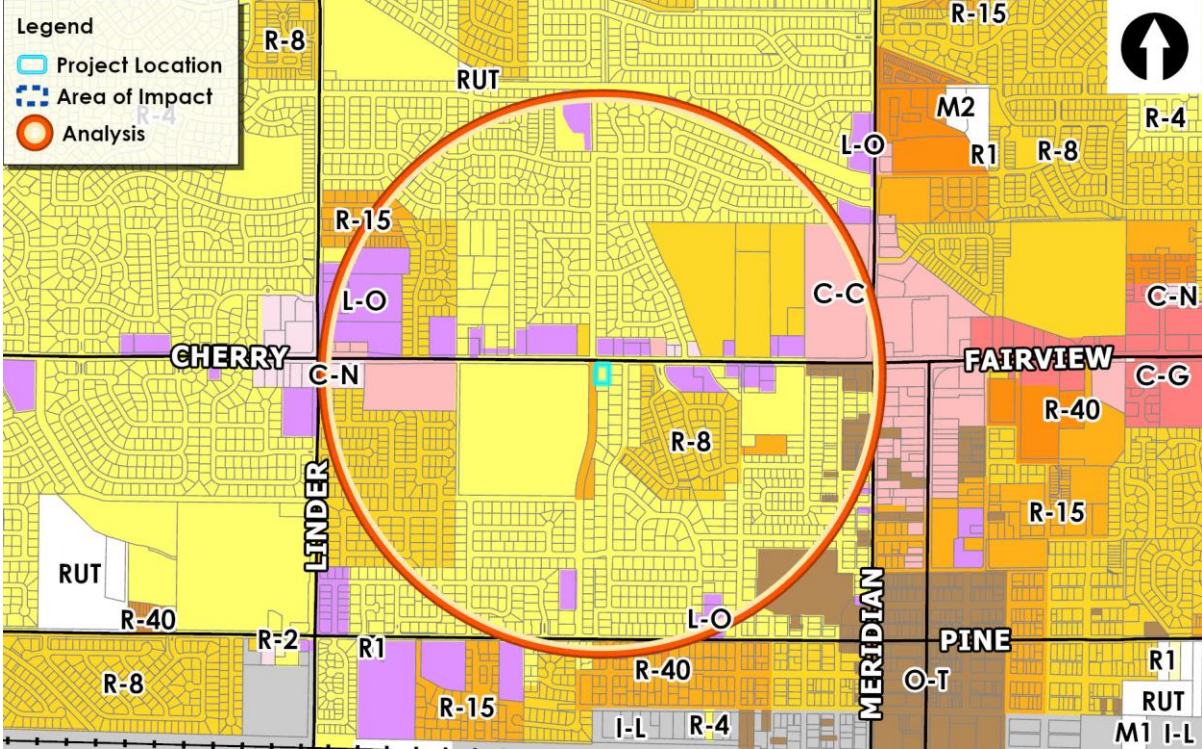
Project Area Maps

(link to Project OVERVIEW)

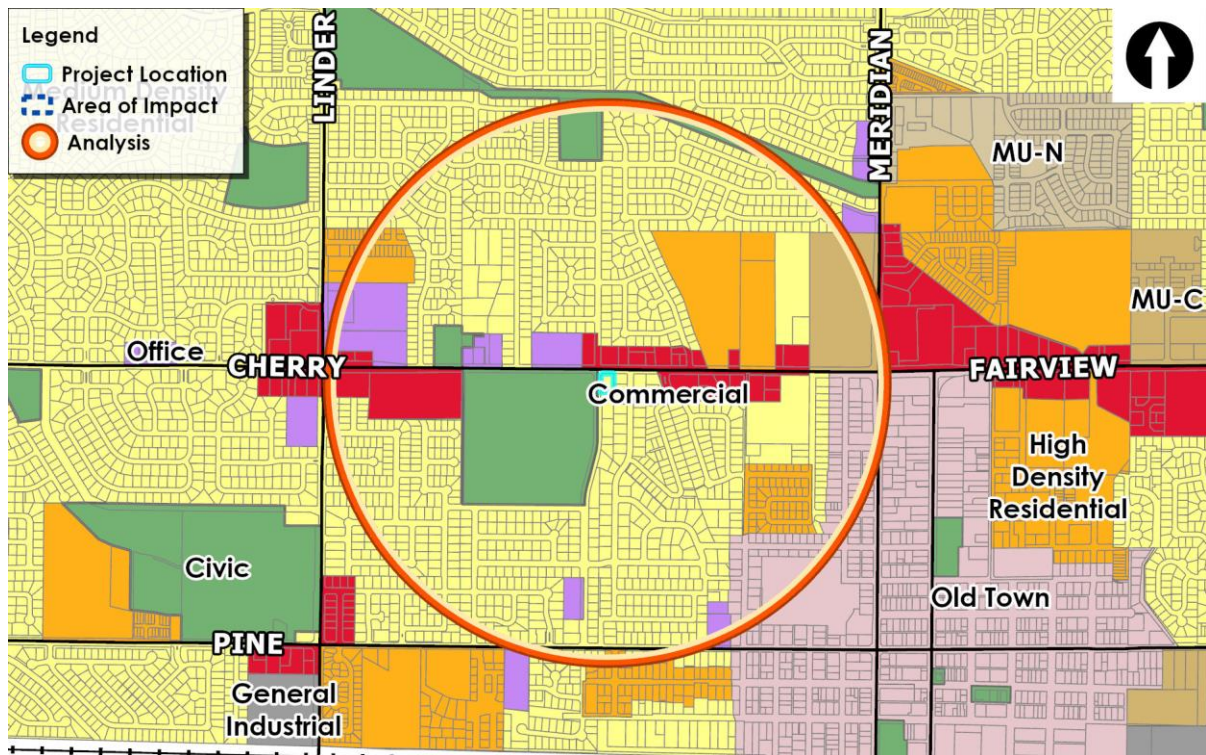
Aerial



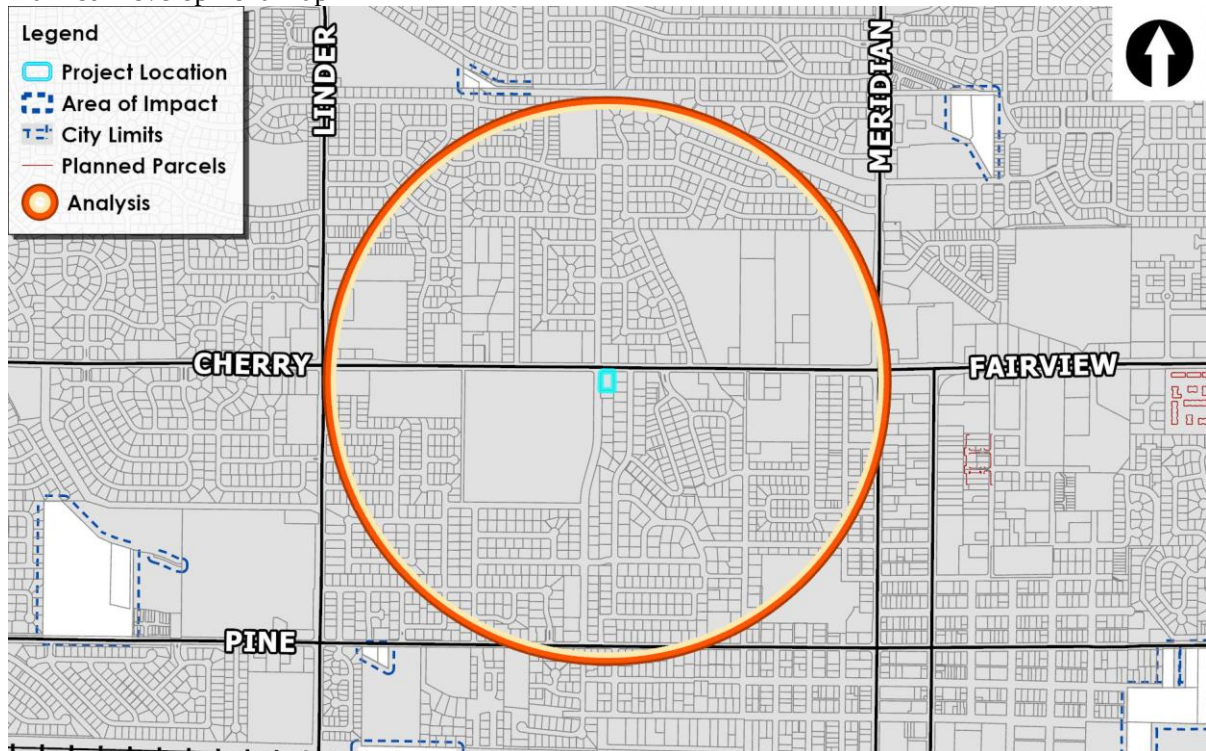
Zoning Map



Future Land Use



Planned Development Map



## Subject Site Photos



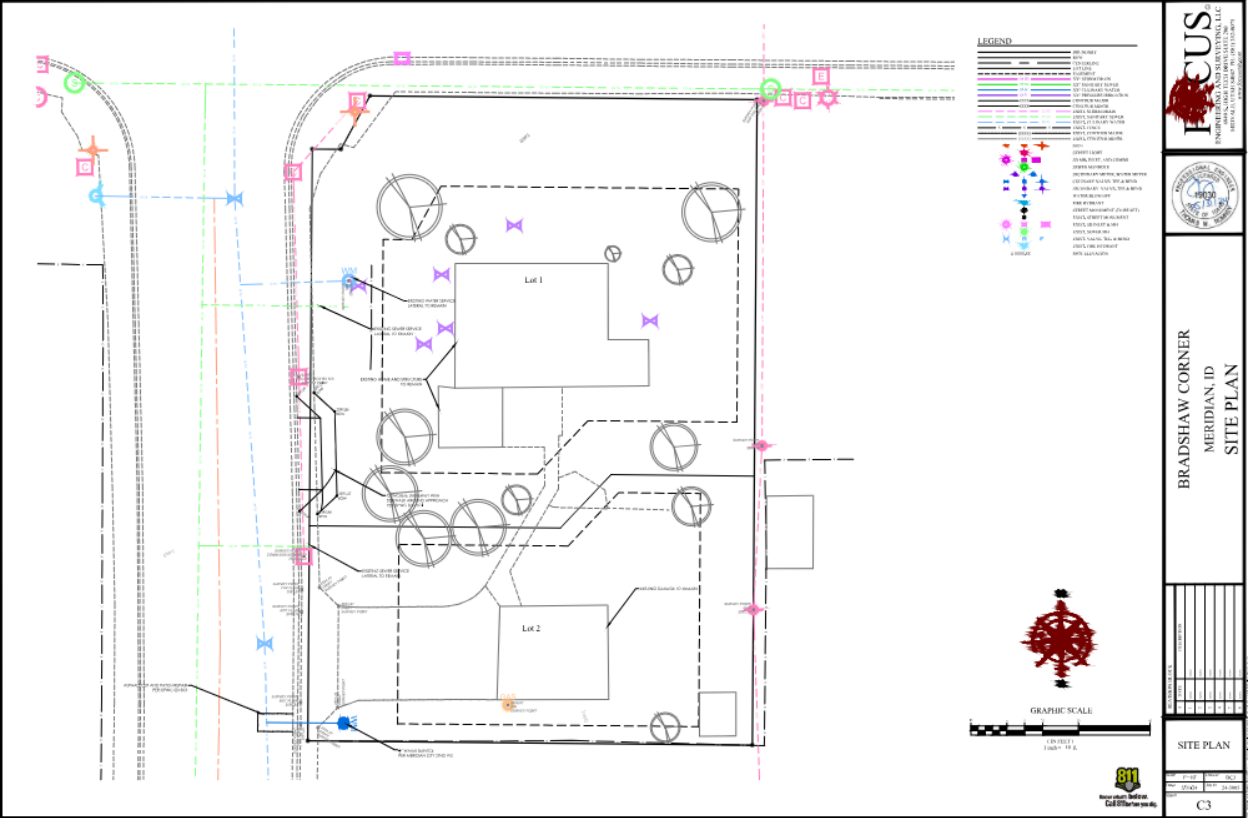




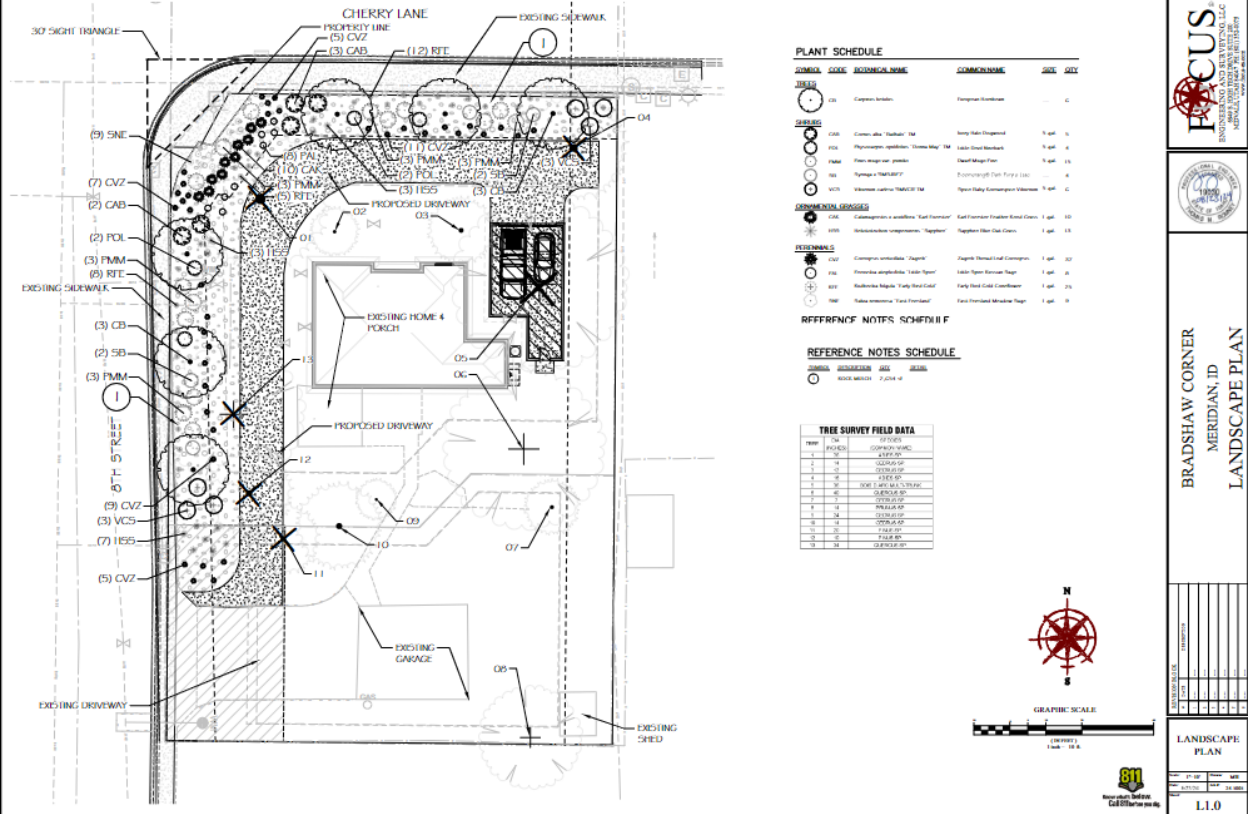
### Service Accessibility Report

| Criteria                      | Description                                                                                                                | Indicator |
|-------------------------------|----------------------------------------------------------------------------------------------------------------------------|-----------|
| Location                      | In City Limits                                                                                                             | GREEN     |
| Extension Sewer               | Trunkshed mains < 500 ft. from parcel                                                                                      | GREEN     |
| Floodplain                    | Either not within the 100 yr floodplain or > 2 acres                                                                       | GREEN     |
| Emergency Services Fire       | Response time 5-9 min.                                                                                                     | YELLOW    |
| Emergency Services Police     | Meets response time goals most of the time                                                                                 | GREEN     |
| Pathways                      | Within 1/4 mile of current pathways                                                                                        | GREEN     |
| Transit                       | Not within 1/4 of current or future transit route                                                                          | RED       |
| Arterial Road Buildout Status | Ultimate configuration (# of lanes in master streets plan) matches existing (# of lanes)                                   | GREEN     |
| School Walking Proximity      | Within 1/2 mile walking                                                                                                    | GREEN     |
| School Drivability            | Either a High School or College within 2 miles OR a Middle or Elementary School within 1 mile driving (existing or future) | GREEN     |
| Park Walkability              | No park within walking distance by park type                                                                               | RED       |

Site Plan (date: 5/31/2024)



Landscape Plan (date: 8/23/2024)



[illegible]