

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



In the Matter of the Request for Rezoning 0.16 Acres of Land from I-L to O-T to Allow the Construction of a Duplex, by Carl Argon.

Case No(s). H-2021-0089

For the City Council Hearing Date of: March 22, 2022 (Findings on April 5, 2022)

A. Findings of Fact

1. Hearing Facts (see attached Staff Report for the hearing date of March 22, 2022, incorporated by reference)
2. Process Facts (see attached Staff Report for the hearing date of March 22, 2022, incorporated by reference)
3. Application and Property Facts (see attached Staff Report for the hearing date of March 22, 2022, incorporated by reference)
4. Required Findings per the Unified Development Code (see attached Staff Report for the hearing date of March 22, 2022, 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 March 22, 2022, 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 rezoning is hereby approved per the conditions of approval in the Staff Report for the hearing date of March 22, 2022, 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 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 March 22, 2022

By action of the City Council at its regular meeting held on the _____ day of _____, [year].

COUNCIL PRESIDENT BRAD HOAGLUN VOTED_____

COUNCIL VICE PRESIDENT JOE BORTON VOTED_____

COUNCIL MEMBER JESSICA PERREAULT VOTED_____

COUNCIL MEMBER LUKE CAVENER VOTED_____

COUNCIL MEMBER TREG BERNT VOTED_____

COUNCIL MEMBER LIZ STRADER VOTED_____

MAYOR ROBERT SIMISON VOTED_____
(TIE BREAKER)

Mayor Robert 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

EXHIBIT A

STAFF REPORT COMMUNITY DEVELOPMENT DEPARTMENT



HEARING DATE: 3/22/2022

TO: Mayor & City Council

FROM: Alan Tiefenbach, Associate Planner
208-884-5533

SUBJECT: H-2021-0089
Moberly Rezone

LOCATION: Parcel R0406010125, located south of W. Broadway Ave., between NW 2nd St and NW 1st St.



I. PROJECT DESCRIPTION

This is a request to rezone 0.16 acres of land from I-L to O-T to allow the construction of a duplex.

II. SUMMARY OF REPORT

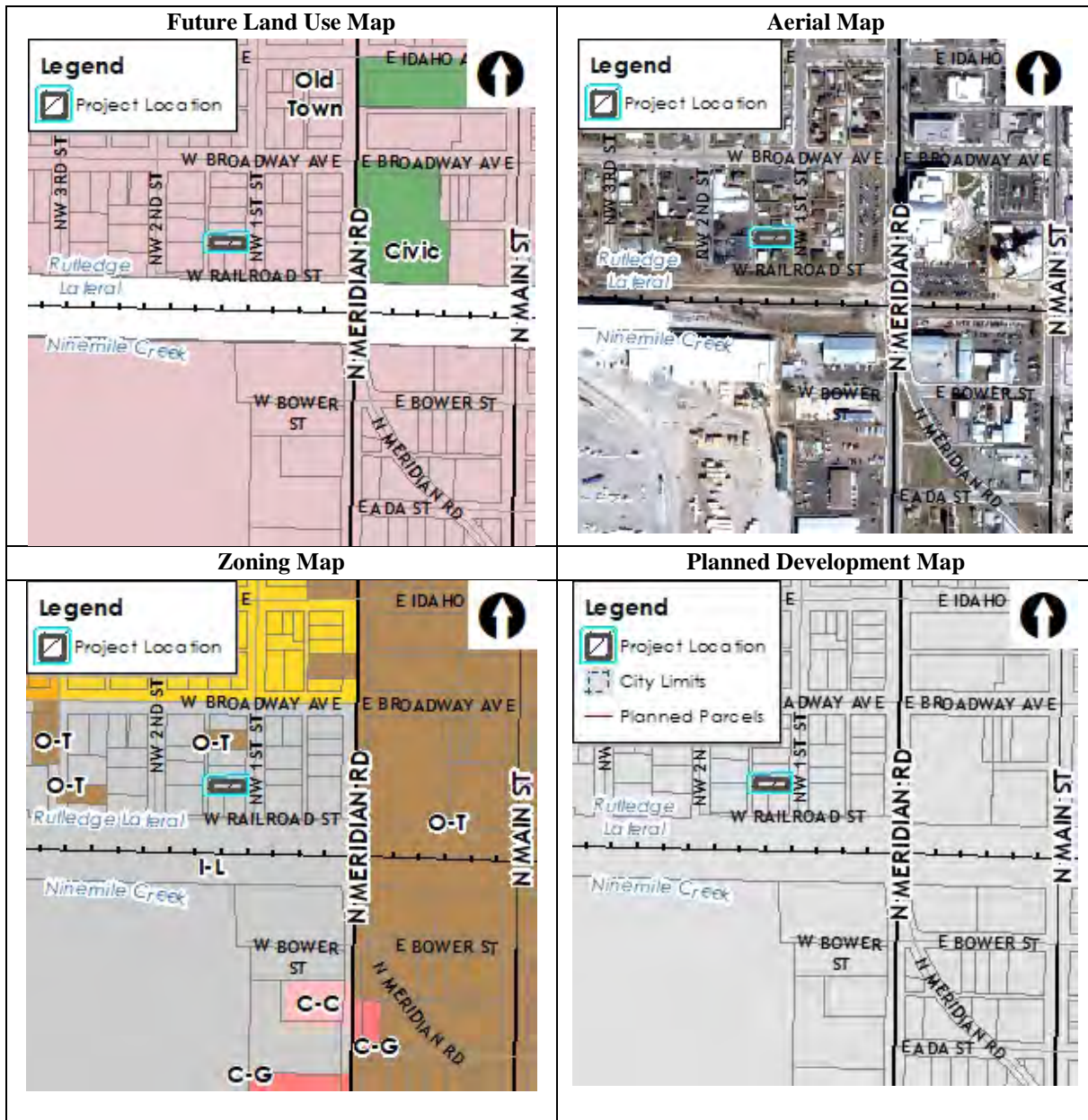
1. Project Summary

Description	Details	Page
Acreage	0.16 acres	
Future Land Use Designation	Old Town (O-T)	
Existing Land Use(s)	Vacant	
Proposed Land Use(s)	One duplex	
Lots (# and type; bldg./common)	1 lot	
Phasing Plan (# of phases)	NA	
Number of Residential Units (type of units)	2	
Density	12 du/ac	
Open Space (acres, total [%]/buffer/qualified)	None required	
Amenities	NA	
Physical Features (waterways, hazards, flood plain, hillside)	No unique physical features	
Neighborhood meeting date; # of attendees:	Octboer 19, 2021 – 4 attendees	
History (previous approvals)	J.M. Anderson’s Second Addition, platted in 1905	

2. Community Metrics

Description	Details	Page
Ada County Highway District	No traffic impact study required	
<ul style="list-style-type: none"> • Staff report (yes/no) • Requires ACHD Commission Action (yes/no) 	No	
Access (Arterial/Collectors/State Hwy/Local)(Existing and Proposed)	Access will occur from an alley accessed from W. Broadway Ave and W. Railroad St	
Stub Street/Interconnectivity/Cross Access	None	
Existing Road Network	NW 2 nd St, W. Broadway Ave, W. Railroad St and NW 1 st St.	
Existing Arterial Sidewalks / Buffers	No buffers proposed or required	
Proposed Road Improvements	No road improvements required, sidewalk will be required along the NW 2 nd St frontage	
Distance to nearest City Park (+ size)	Approx. 1/4 mile to Centennial Park	
Fire Service	No comments	
Police Service	No comments	
Wastewater		
<ul style="list-style-type: none"> • Comments 	<ul style="list-style-type: none"> • Additional 306 gpd committed to model. Total committed flow to treatment plant is 14.25 MGD. • Currently sewer is from back alleyway to the west. However, City is planning on abandoning the line in the alley and installing a new main in W 1st St. The plan is for this project to start Spring of 2022. If the applicant wishes to connect to sewer in the alleyway before the new sewer is installed they will be required to install a dry line to the east property boundary for easy connection to the new main once built. 	
Water		
Distance to Water Services	0	
Pressure Zone	2	
Water Quality	No concerns	
Project Consistent with Water Master Plan	Yes	
Impacts/Concerns	A utility plan will need to be submitted, reviewed and approved by PW.	

3. Project Area Maps



III. APPLICANT INFORMATION

A. Applicant:

Carl Argon – 4515 E. Copper Point Dr. Meridian, ID 83642

B. Owner:

Moberly Holdings, LLC - 4408 W. Saddle Ridge Dr., Nampa, ID 83687

IV. NOTICING

	Planning & Zoning Posting Date	City Council Posting Date
Newspaper Notification	1/18/2022	3/7/2022
Radius notification mailed to properties within 300 feet	1/14/2022	3/7/2022
Sign Posting	1/24/2022	3/8/2022
Nextdoor posting	1/14/2022	3/8/2022

V. STAFF ANALYSIS

This is a proposal to rezone from I-L to O-T to allow for the construction of duplex.

The subject property is a vacant lot comprising 0.16-acres which is zoned I-L. Along NW 1st St. (east side of the property) is predominately single family, multifamily and duplexes, nearly all of which is at least 50 years of age (with many dating back to the early 1900s). West of the property is a mixture of industrial uses, a food bank, religious facility and residential, both single family and attached. North of the property is single family attached and multifamily. One of the properties approximately 100 feet to the north is already zoned O-T (631 NW 1st St). Railroad tracks are approximately 200 feet south of the property. An alley borders the property along the west.

1. Rezoning

The applicant proposes to rezone from I-L to O-T to construct a duplex. A duplex is a principally-permitted use in the O-T zoning district and the zoning would be in conformance with the FLUM as described below.

The City may require a development agreement (DA) in conjunction with a rezoning pursuant to Idaho Code section 67-6511A. As this property is already within the City, the infrastructure surrounding the property has already been installed, and all other requirements have been addressed through pertinent regulations, staff comments, and the design review required for the duplex, staff is not recommending a development agreement with this rezoning.

2. Future Land Use Map Designation (<https://www.meridiancity.org/compplan>)

The FLUM recommends the property for Old Town. This designation includes the historic downtown and the true community center. Sample uses include offices, retail and lodging, theatres, restaurants, and service retail for surrounding residents and visitors. A variety of residential uses are also envisioned and could include reuse of existing buildings, new construction of multi-family residential over ground floor retail or office uses.

The purpose of the O-T district is to accommodate and encourage further intensification of the historical city center in accord with the Meridian Comprehensive Plan. The intent of the O-T district is to delineate a centralized activity center and to encourage its renewal, revitalization and growth as the public, quasi-public, cultural, financial and recreational center of the city. Public and quasi- public uses integrated with general business, and medium high to high density residential is encouraged to provide the appropriate mix and intensity of activities necessary to establish a truly urban city center.

The applicant proposes to construct a duplex (2units) on the subject property once the rezone process is concluded. Although the Plan does specifically mention multi-family residential over ground floor retail or office uses, the property is surrounded on three sides by existing one story residential and multifamily with only a small number of industrial or non-residential uses in close

proximity. Although a work / live situation is feasible, because the subject property is on a residential street with no commercial frontage, staff finds the proposed residential use in this area appropriate.

3. Comprehensive Plan Policies (<https://www.meridiancity.org/compplan>):

- Encourage diverse housing options suitable for various income levels, household sizes, and lifestyle preferences. (2.01.01)

This application is for a rezoning from I-L to O-T to allow a duplex on an infill site. This would allow for more diversity in housing.

- Maintain a range of residential land use designations that allow diverse lot sizes, housing types, and densities. (2.01.01C)

A duplex would increase the diversity in lot sizes, housing types and densities.

- Encourage the development of high quality, dense residential and mixed-use areas near in and around Downtown, near employment, large shopping centers, public open spaces and parks, and along major transportation corridors, as shown on the Future Land Use Map. (2.02.01E)

The subject property is an infill site near the downtown core, within a large area which is designated for Old Town zoning by the Comprehensive Plan, near N. Meridian Rd., a principal arterial, and is within walking distance of a large amount of goods, services and jobs.

- Encourage infill development. (3.03.01E.)

The property is vacant property, surrounded by existing residential development on all sides, except for a body repair shop directly to the west. This is an infill development.

- Ensure development is connected to City of Meridian water and sanitary sewer systems and the extension to and through said developments are constructed in conformance with the City of Meridian Water and Sewer System Master Plans in effect at the time of development. (3.03.03A)

This project can be serviced by City of Meridian water and sewer, and all infrastructure will be designed in conformance with City standards.

4. Existing Structures/Site Improvements:

The property is presently vacant.

5. Proposed Use Analysis:

The applicant proposes to rezone from I-L to O-T to construct a duplex. This is a principally-permitted use in the O-T zoning district subject to applicable standards for development in the traditional neighborhood districts.

6. Dimensional Standards (UDC 11-2):

UDC 11-2D-4 requires a minimum height of 35 feet and all buildings should be a minimum of 2-stories. There are no minimum setbacks in the O-T zoning district. The proposed elevations reflect a building that is 2-stories.

7. Access (UDC 11-3A-3, 11-3H-4):

The subject property would be alley-loaded. This brings the building closer to the street and removes garages and driveways from the front view of the home. This is consistent with new urbanist principles in an old town zone district. Access will occur via an alley at the west which connects from W. Broadway to W. Railroad St. At present, there is a dumpster blocking the alley north of the property. This requires access to occur by traveling southbound on NW 2nd St and

then eastbound on W. Railroad St, which is a one-way street. There is presently a fence in the location where the driveway is proposed, but staff did confirm by a site visit that the 16 ft. wide alley to the location of the proposed driveway is adequate. ACHD and Fire have reviewed the proposed access configuration and have not expressed comments or concerns.

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

The applicant proposes a duplex with two-bedroom units. UDC 11-3C-6 requires 2 parking spaces per dwelling unit with at least one in an enclosed garage, other spaces may be enclosed or a minimum 10-foot by 20-foot parking pad.

The concept site plan reflects two one-car garages with a driveway area of 30 ft. long by 44 ft. wide. In addition, there is plenty of on-street guest parking along NW 1st Street. The parking provided meets the minimum requirements of 11-3C. As required per UDC 11-3C-5, all off street parking areas and driveways into and through a parking area shall be improved with a compacted gravel base, not less than four (4) inches thick, surfaced with asphaltic pavement.

9. Sidewalks (*UDC 11-3A-17*):

There is presently no sidewalk, curb or gutter along NW 1st St. The applicant will be required to install a sidewalk a minimum of 5 ft. in width as required per UDC 11-3A-17.

10. Landscaping (*UDC 11-3B*):

A landscape buffer is not required for a duplex in the O-T zone district. The UDC does not regulate landscaping on residential lots.

11. Fencing (*UDC 11-3A-6, 11-3A-7*):

There is existing fencing along the side and rear property line. The rear fencing would need to be removed to accommodate parking at the alley-loaded structure. Any new or relocated fencing should comply with fencing regulations per UDC 11-3A-7.

12. Utilities (*UDC 11-3A-21*):

Public services are available to accommodate the proposed development.

13. Building Elevations (*UDC 11-3A-19 | Architectural Standards Manual*):

A conceptual elevation was provided with this application. The elevation indicates a structure with pitched roofs, fishscale accents, clapboard siding, shuttered windows and a small ground level patio on each side. As is required by the O-T zoning district, the units are at least two-stories, although the elevations do not indicate whether the minimum required 35' height is met.

Design review is required prior to building permit. The dwelling units will be reviewed against the Architectural Standards Manual (ASM). The ASM for residential requires visually heavier and more massive elements or materials, such as stone or masonry, primarily at the base of buildings, and lighter elements and materials such as siding. Also, the ASM states primary building entries to be clearly defined using any unique combination of architectural elements, materials, or façade modulation meeting other architectural standards in the Manual.

The elevations show a combined front entrance inset for both units with minimal overhang. This project is near the downtown core and is being proposed for Old-Town zoning. A key element of old-town design is walkability in residential areas, bringing houses to the street with narrow setbacks (or build-to's) and offering a sense of community and gathering places through the uses of useable porches. In order to set the precedent for how NW 1st develops in the future, staff recommends a condition of approval that at time of design review submittal the structure shall

include a ground-level covered porch for each unit (individual or combined) of sufficient size to allow covered seating at the front.

VI. DECISION

A. Staff:

Staff recommends approval of the proposed rezoning from I-L to O-T with the conditions noted in Section VII of this report.

B. The Meridian Planning & Zoning Commission heard this item on February 3, 2021. At the public hearing, the Commission moved to approve the subject rezone request.

1. Summary of the Commission public hearing:

- a. In favor: Carl Argon
- b. In opposition: Rebecca Weland, Don Weland and Bogdan Martsenyuk
- c. Commenting: Carl Argon
- d. Written testimony: None
- e. Staff presenting application: Alan Tiefenbach
- f. Other Staff commenting on application: None

2. Key issue(s) of public testimony:

- a. Two-story height of buildings.
- b. Using the alley for access and whether it would impact the food bank.
- c. Desire to keep the neighborhood industrial.

3. Key issue(s) of discussion by Commission:

- a. Whether there were other 2-story buildings in the vicinity.
- b. Whether the Plan recommendations of Old Town made sense in this area.
- c. Concerns regarding preservation of buildings and how new buildings could be compatible.

4. Commission change(s) to Staff recommendation:

- a. Commission recommended a condition of approval that architectural design and materials should be generally consistent with neighborhood aesthetics.

C. The Meridian City Council heard these items on March 22, 2022. At the public hearing, the Council moved to approve the subject rezoning request.

1. Summary of the City Council public hearing:

- a. In favor: Carl Argon
- b. In opposition: None
- c. Commenting: None
- d. Written testimony: None
- e. Staff presenting application: Alan Tiefenbach
- f. Other Staff commenting on application: None

2. Key issue(s) of public testimony:

- a. None

3. Key issue(s) of discussion by City Council:

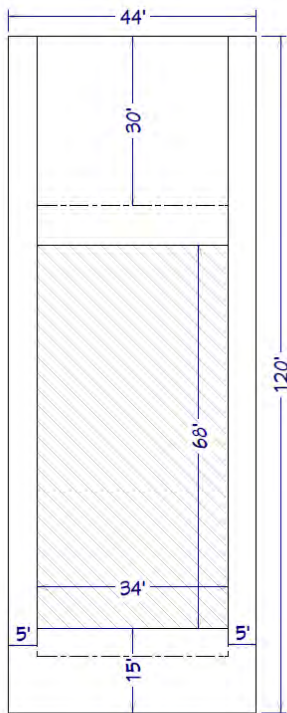
- a. None

4. City Council change(s) to Commission recommendation:

- a. None

VII. EXHIBITS

1. Building Envelope and Elevations (date: 3/22/2022)



1ST STREET

Site Map
SITE MAP SCALE: 1/4" = 2'



FOR FABRICATING ANY FORMS:

To the best of my knowledge this is in conformity with current laws and regulations and any changes in laws or regulations shall be the contractor's expense and responsibility. I shall verify all dimensions and specifications. NO CONSTRUCTION IS PERMITTED UNTIL ALL DIMENSIONS AND SPECIFICATIONS HAVE BEEN VERIFIED AND APPROVED BY THE CITY ENGINEER. WHILE NO DIMENSIONS OR OTHER DETAILS HAVE BEEN MADE IN THE SPECIFICATION, IF ANY, THE CONTRACTOR SHALL BE RESPONSIBLE FOR ANY MISTAKES. THE CONTRACTOR SHALL GUARANTEE THE CORRECTNESS OF ALL DIMENSIONS AND OTHER DETAILS IN THE SPECIFICATION AND BE SOLELY RESPONSIBLE.

BUILDING CONTRACTOR(S) SHALL BE RESPONSIBLE FOR VERIFYING ALL DIMENSIONS AND CONNECTIONS BEFORE CONSTRUCTION BEGINS. ELECTRICAL SYSTEM CODE, MECHANICAL SYSTEM CODE, PLUMBING SYSTEM CODE, ETC.



2. Rezoning Legal Description (date: 12/9/2021)

Description for
O-T Zone
December 9, 2021

A portion of the in the Northeast 1/4 of the Southeast 1/4 of Section 12, Township 3 North, Range 1 West, Boise Meridian, City of Meridian, Ada County, Idaho more particularly described as follows:

Commencing at a 5/8" Iron pin marking the centerline intersection of N. Meridian Road and W. Broadway Avenue, from which a 5/8" Iron pin marking the centerline intersection of W. 3rd Street and W. Broadway Avenue, bears North 89°25'49" West, 956.87 feet; thence on the centerline of W. Broadway Avenue, North 89°25'49" West, 323.00 feet to the centerline of NW 1st Street; thence on the centerline of NW 1st Street, South 00°30'09" West, 246.25 feet to the easterly extension of the north boundary line of the South 3/4 of Lot 9, Block 2, J.M. Andersons Second Addition to Meridian, as file in Book 2 of Plats at Page 87, records of Ada County, Idaho and the **REAL POINT OF BEGINNING**;

thence continuing on said centerline, South 00°30'09" West, 43.75 feet to the easterly extension of the south boundary line of Lot 10, Block 2 of said J.M. Andersons Second Addition to Meridian;

thence on said south boundary line and the easterly and westerly extension thereof, North 89°25'49" West, 158.06 feet to the centerline of a public alley;

thence on the centerline of the public alley, North 00°30'09" East, 43.75 feet to the westerly extension of the north boundary line of the South 3/4 of said Lot 9;

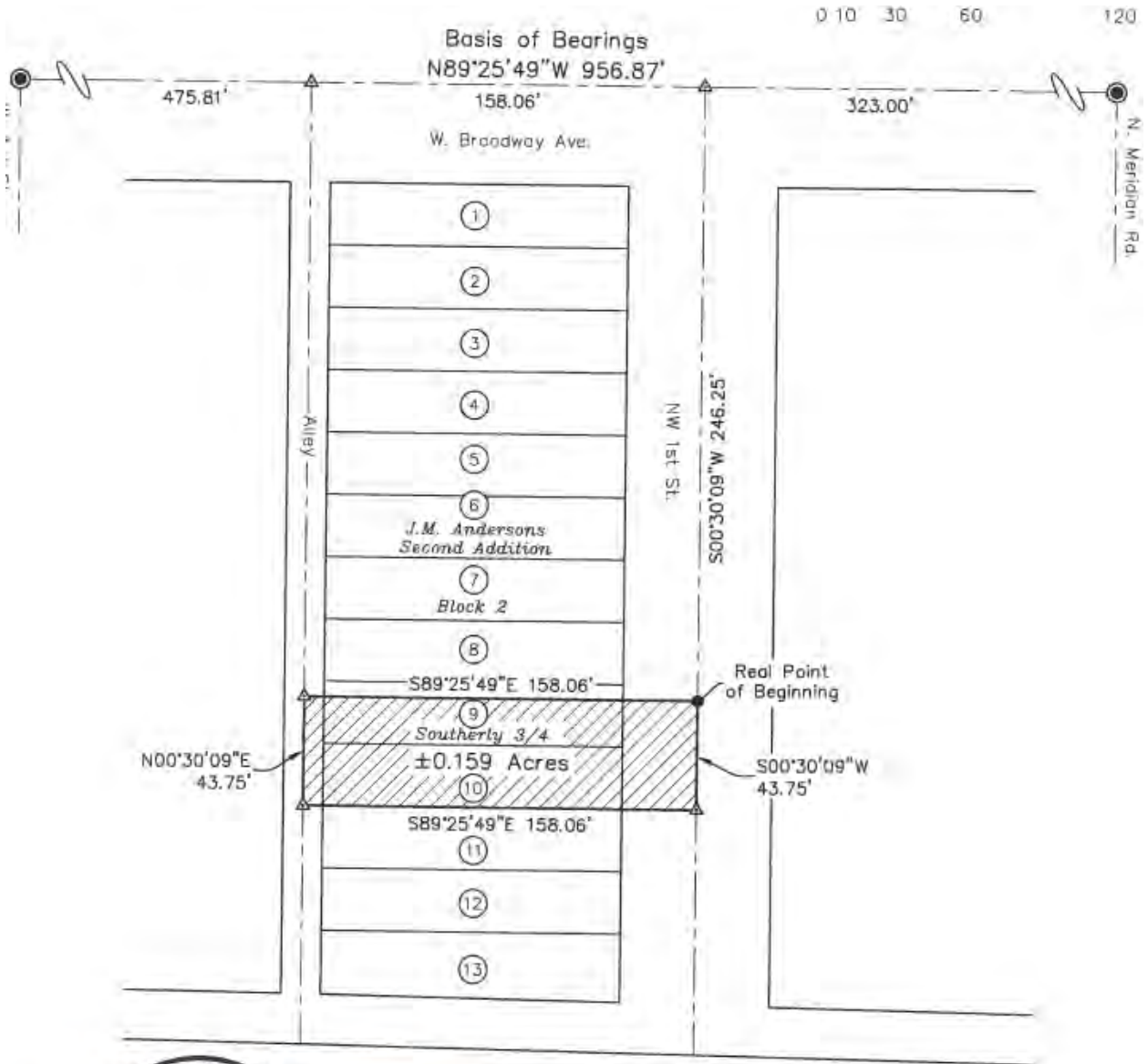
thence on said north boundary line and the easterly and westerly extension thereof, South 89°25'49" East, 158.06 feet to the **REAL POINT OF BEGINNING**.

Containing 0.159 acres, more or less.

This description was prepared using record data as shown on Record of Survey No. 9863, recorded as Instrument No. 2014-056419, records of Ada County, Idaho and was not verified with a survey on the ground by Idaho Survey Group, LLC.

End of Description.





VIII. CITY/AGENCY COMMENTS & CONDITIONS

A. PLANNING

Staff Comments:

1. Administrative design review is required prior to building permit for all new attached residential structures containing two (2) or more dwelling units. Elevations should include at least two field materials, accent materials, a heavier accent material around the base of the buildings, covered porches, and overhangs matching the rooflines or porches over the garage doors.
2. The duplex shall include a ground-level covered porch at the front for each unit (individual or combined) of sufficient size to allow covered seating. Conformance will be reviewed at time of design review.
3. **Architectural design and materials shall be generally consistent with neighborhood aesthetics.**
4. All off street parking areas and driveways shall be improved with a compacted gravel base, not less than four (4) inches thick, surfaced with asphaltic pavement, as required per UDC 11-3C-5.
5. Sidewalk should be constructed along NW 1st Street pursuant to UDC 11-3A-17.
6. Staff's failure to cite specific ordinance provisions does not relieve the applicant of responsibility for compliance.
7. The applicant shall construct all proposed fencing and/or any fencing required by the UDC, consistent with the standards as set forth in UDC 11-3A-7 and 11-3A-6B, as applicable.
8. The development shall comply with all provisions of the O-T zoning district as set forth in UDC 11-2D-1.

B. PUBLIC WORKS CONDITIONS:

Site Specific Conditions:

1. There is a sewer main running through the alley on the west side of this parcel that currently serves the area, however, the City will be installing a new line in West 1st Street which will need to be utilized. The applicant can use the current sewer line, but must install a dry line to the east for future connection to the new main once it is built.
2. A utility plan must be provided for review and approval by the City with the building permit application.

General Conditions:

3. Any structures that are allowed to remain shall be subject to evaluation and possible reassignment of street addressing to be in compliance with MCC.
4. 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.
5. Any wells that will not continue to be used must be properly abandoned according to Idaho Well Construction Standards Rules administered by the Idaho Department of Water Resources. The Developer's Engineer shall provide a statement addressing whether there are any existing wells in

the development, and if so, how they will continue to be used, or provide record of their abandonment.

6. Any existing septic systems within this project shall be removed from service per City Ordinance Section 9-1-4 and 9 4 8. Contact Central District Health for abandonment procedures and inspections (208)375-5211.
7. All improvements related to public life, safety and health shall be completed prior to occupancy of the structures.
8. Applicant shall be required to pay Public Works development plan review, and construction inspection fees, as determined during the plan review process, prior to the issuance of a plan approval letter.
9. 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.
10. Applicant shall be responsible for application and compliance with any Section 404 Permitting that may be required by the Army Corps of Engineers.
11. Developer shall coordinate mailbox locations with the Meridian Post Office.
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.

C. NAMPA & MERIDIAN IRRIGATION DISTRICT (NMID)

<https://weblink.meridiancity.org/WebLink/DocView.aspx?id=250046&dbid=0&repo=MeridianCity>

IX. FINDINGS

A. Rezoning

Required Findings: Upon recommendation from the commission, the council shall make a full investigation and shall, at the public hearing, review the application. In order to grant an annexation and/or rezone, the council shall make the following findings:

1. The map amendment complies with the applicable provisions of the comprehensive plan;

Council finds the proposed zoning map amendment to rezone the property from the I-L zoning district to the O-T zoning district is consistent with the Comprehensive Plan, if all conditions of approval are met.

2. The map amendment complies with the regulations outlined for the proposed districts, specifically the purpose statement;

Council finds the proposed zoning map amendment and the request for the development

complies with the regulations outlined in the requested O-T zoning district and is consistent with the purpose statement of the requested traditional neighborhood zoning districts in general.

- 3. The map amendment shall not be materially detrimental to the public health, safety, and welfare;**

As this is an infill site surrounded by predominately residential development, Council finds the proposed zoning map amendment should not be detrimental to the public health, safety and welfare.

- 4. The map amendment shall not result in an adverse impact upon the delivery of services by any political subdivision providing public services within the city including, but not limited to, school districts; and**

Council finds the proposed zoning map amendment will not result in an adverse impact on the delivery of services by any political subdivision providing public services within the City.

- 5. The annexation (as applicable) is in the best interest of city.**

Subject site is already annexed so Council finds this finding nonapplicable.