

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



In the Matter of the Request for Annexation 1.01 acres of land with an R-2 zoning district for the purpose of complying with the terms outlined in the consent to annex agreement for the existing home that is already connected to City utilities, by Robert Taylor.

Case No(s). H-2023-0062

For the City Council Hearing Date of: April 23, 2024 (Findings on May 7, 2024)

A. Findings of Fact

1. Hearing Facts (see attached Staff Report for the hearing date of April 23, 2024, incorporated by reference)
2. Process Facts (see attached Staff Report for the hearing date of April 23, 2024, incorporated by reference)
3. Application and Property Facts (see attached Staff Report for the hearing date of April 23, 2024, incorporated by reference)
4. Required Findings per the Unified Development Code (see attached Staff Report for the hearing date of April 23, 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 April 23, 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 annexation is hereby approved per the conditions of approval in the Staff Report for the hearing date of April 23, 2024, attached as Exhibit A.

D. Notice of Applicable Time Limits

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 April 23, 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 _____

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

EXHIBIT A

STAFF REPORT

COMMUNITY DEVELOPMENT DEPARTMENT



HEARING DATE: April 23, 2024

TO: Mayor & City Council

FROM: Stacy Hersh, Associate Planner
208-884-5533

SUBJECT: Taylor Annexation AZ
[H-2023-0062](#)

LOCATION: 3840 E. Overland Road in the Southeast 1/4 of the Southwest 1/4 of Section 16, Township 3N, Range 1E (Parcel #R4626240475)



I. PROJECT DESCRIPTION

Annexation of 1.01 acres of land with an R-2 zoning district for the purpose of complying with the terms outlined in the consent to annex agreement for the existing home that is already connected to City utilities.

II. SUMMARY OF REPORT

A. Project Summary

Description	Details	Page
Acreage	1.01 acres Annexation	
Future Land Use Designation	Mixed Use Regional (MU-R)	
Existing Land Use	No change, continue existing single-family residential use	
Proposed Land Use(s)	Single-Family detached residential	
Current Zoning	Single-Family residential zone (R1) in Ada County	
Proposed Zoning	R-2 (Low Density Residential)	
Lots (# and type; bldg/common)	<u>1 building lot</u>	
Phasing plan (# of phases)	N/A	
Number of Residential Units (type of units)	N/A	
Neighborhood meeting date	08/24/2023	

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B. Community Metrics

Description	Details	Page
Ada County Highway District		
• Staff report (yes/no)	No	
• Requires ACHD Commission Action (yes/no)	No	
• Existing Conditions	Existing curb, gutter, and sidewalk.	
• CIP/IFYWP	<p>PROJECT: South Meridian Improvements B - Overland Rd and Eagle Rd</p> <hr/> <p>Project Description: Widen intersection to 7-lanes on Eagle Rd and 9-lanes on Overland Rd as per the 2020 CIP. Project to be done in coordination with the Idaho Transportation Department.</p> <p>Project Manager: choman - Cody Homan Design Year: 2025 Right-of-Way Year: Future Construction Year: FUT Project #: IN218-04</p>	

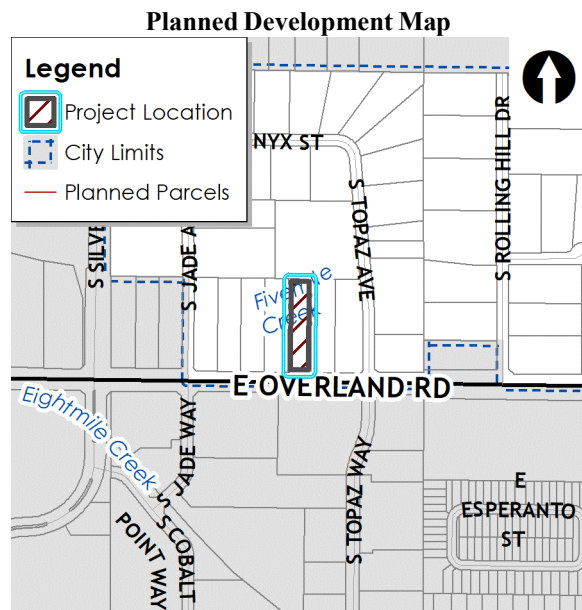
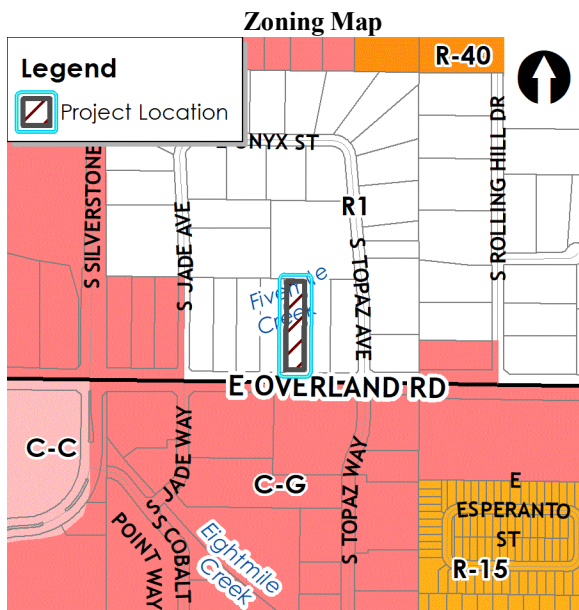
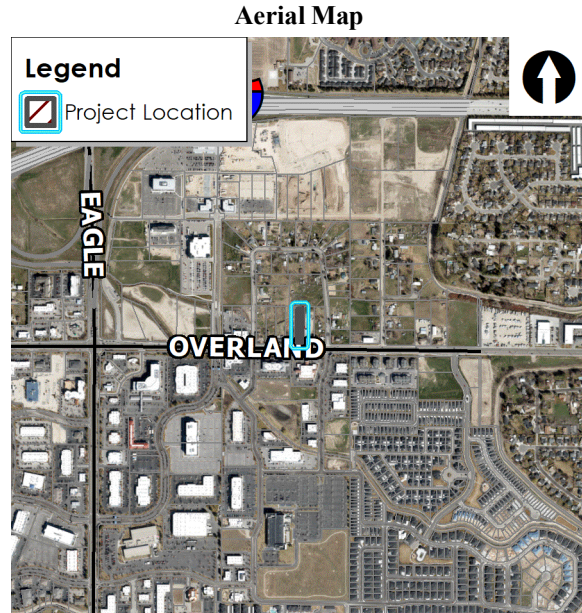
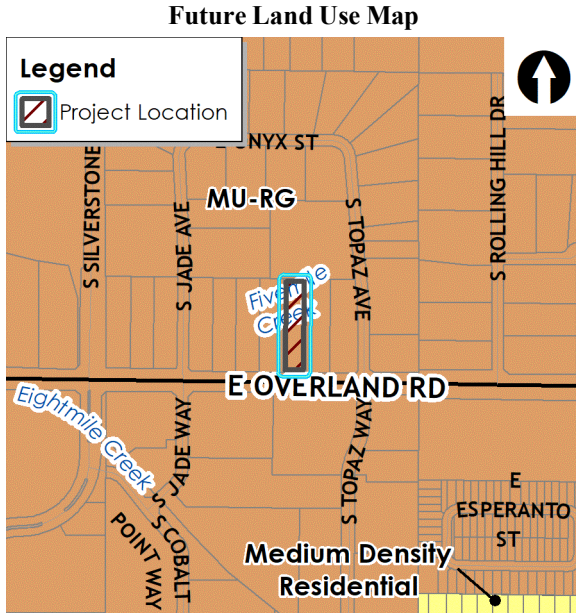
Access (Arterial/Collectors/State Hwy/Local)(Existing and Proposed)	Overland Road is classified as a principal arterial roadway.	
Proposed Road Improvements	None	
Fire Service	No comments received	
Police Service	No comments received.	

Wastewater		
• Distance to Sewer Services	No changes in public sewer infrastructure shown in record. Any changes must be approved by Public Works.	
• Sewer Shed		
• Estimated Project Sewer ERU's		
• WRRF Declining Balance		
• Project Consistent with WW Master Plan/Facility Plan	Yes	
• Impacts/Concerns	None	
Water		
• Distance to Services	Water available at site.	
• Pressure Zone	4	
• Estimated Project Water ERU's	See application	
• Water Quality Concerns	None	

EXHIBIT A

• Project Consistent with Water Master Plan	Yes
• Impacts/Concerns	None

C. Project Maps



III. APPLICANT INFORMATION

A. Applicant:

Robert Taylor, Owner – 3840 E. Overland Road, Meridian, ID 83642

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B. Owner:

Robert Taylor, Owner – 3840 E. Overland Road, Meridian, ID 83642

C. Representative:

Same as Applicant

IV. NOTICING

	Planning & Zoning Posting Date	City Council Posting Date
Newspaper notification published in newspaper	2/5/2024	4/3/2024
Radius notification mailed to property owners within 500 feet	3/1/2024	4/5/2024
Public hearing notice sign posted on site	3/10/2024	4/11/2024
Nextdoor posting	3/4/2024	4/3/2024

V. COMPREHENSIVE PLAN ANALYSIS

LAND USE: This property is designated as Mixed Use Regional (MU-R) on the Future Land Use Map (FLUM) contained in the [Comprehensive Plan](#).

The purpose of this designation is to provide a mix of employment, retail, and residential dwellings and public uses near major arterial intersections. The intent is to integrate a variety of uses together, including residential, and to avoid predominantly single-use developments such as a regional retail center with only restaurants and other commercial uses. Developments should be anchored by uses that have a regional draw with the appropriate supporting uses. For example, an employment center should have supporting retail uses; a retail center should have supporting residential uses as well as supportive neighborhood and community services. The standards for the MU-R designation provide an incentive for larger public and quasi-public uses where they provide a meaningful and appropriate mix to the development. The developments are encouraged to be designed consistent with the conceptual MU-R plan depicted.

Due to the presence of an existing home on this property with the intention to maintain its residential use, an R-2 zoning district is requested as a “placeholder” zoning district until the property redevelops in the future. Opting for a zoning district within the Mixed-Use Regional (MU-R) designation would create a non-conforming use. For example, a single-family residential dwelling on an acre is not a permitted use in a commercial zoning district and it fails to meet density requirements for an R-15 or R-40 zoning district, which is not preferred. Prior to re-development, a rezone should be requested and development proposed consistent with the Commercial FLUM designation.

COMPREHENSIVE PLAN POLICIES (<https://www.meridiancity.org/compplan>):

Goals, Objectives, & Action Items: Staff finds the following Comprehensive Plan policies to be applicable to this application and apply to the proposed use of this property (staff analysis in *italics*):

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

The Plan aims to integrate mixed-use by incorporating a variety of uses, including residential.

Residential uses should comprise a minimum of 10% of the development area, with gross densities

EXHIBIT A

ranging from 6 to 40 units/acre. The current application seeks annexation of the property into the City to comply with the terms outlined in the consent to annex agreement, particularly due to the existing home already connected to City utilities. Specifics regarding the housing types and density will be addressed with future development. Given that the residential would be in a mixed-use center and at a higher density, it would likely lead to diversity in housing satisfying this goal.

- “Permit new development only where it can be adequately served by critical public facilities and urban services at the time of final approval, and in accord with any adopted levels of service for public facilities and services.” (3.03.03F)

City water and sewer service is available and the existing home is already connected to City utilities in accordance with UDC 11-3A-21.

- “Support infill development that does not negatively impact the abutting, existing development. Infill projects in downtown should develop at higher densities, irrespective of existing development.” (2.02.02C)

The proposed development will not likely impact the existing abutting developments to the east, west, and north, as they are all residential uses currently zoned R1 in Ada County.

- “Eliminate existing private treatment and septic systems on properties annexed into the City and instead connect users to the City wastewater system; discourage the prolonged use of private treatment septic systems for enclave properties.”

The existing home has already abandoned the existing septic system and is connected to the City wastewater system.

VI. STAFF ANALYSIS

A. ANNEXATION (AZ)

The Applicant proposes to annex 1.01 acre parcel, including the adjacent right-of-way to the section line of E. Overland Road with an R-2 (Low-Density Residential) zoning district. A legal description and exhibit map for the annexation area is included in Section VIII.A. This property is within the City’s Area of City Impact boundary. The reason for annexation is the water table for the existing well on the single-family residential property failed late last year and the Applicant had to hook-up to City water and sewer service. No new development or redevelopment of the property is proposed at this time and the use will remain residential for the foreseeable future.

The Applicant entered into an agreement with the City for extension of domestic water and sewer service outside Meridian city limits for the subject property (Inst. #2023-037612). This agreement allowed the property to hook up to City water and sanitary sewer service with disconnection from the private well and septic system. A provision of the agreement requires the property owner to apply for annexation of the property into the City as proposed with this application.

Single-family detached dwellings are listed as a principally permitted use in the R-2 zoning district per UDC Table 11-2A-2.

The City may require a development agreement (DA) in conjunction with an annexation pursuant to Idaho Code section 67-6511A. **To ensure future development is consistent with the Comprehensive Plan and the land use desired for this property, Staff recommends a Development Agreement as a provision of annexation pursuant to Idaho Code Section 67-6511A, which requires the property to be rezoned and the agreement modified to include a conceptual development plan prior to any change in use and/or development of the property.**

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Dimensional Standards (UDC 11-2): The proposed existing house appears to comply with the dimensional standards of the district.

Access: Access to this property is currently from E. Overland Road. With future redevelopment of the property, access via E. Overland Road and interconnectivity with adjacent properties will be evaluated in accordance with the provisions listed in UDC 11-3A-3.

Parking (UDC 11-3C): 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 existing home does not meet the required number of off-street parking spaces per [UDC Table 11-3C-6](#) for a three (3) bedroom home; four (4) parking spaces are required, at least 2 in an enclosed garage, other spaces may be enclosed or a minimum 10-foot by 20-foot parking pad. The existing home does not have an enclosed two-car garage; however, there is an existing 30-foot by 20-foot driveway.

The existing home is recognized as non-conforming due to the off-street parking requirements in UDC 11-3C-6. Per [UDC 11-1B-4](#), no existing structure containing a nonconforming use may be enlarged, extended, constructed, reconstructed, moved, or structurally altered except through the approval of a conditional use permit. As a result of the non-conformity, the Applicant is required to apply for a Conditional Use Permit for any future expansions on the property or attain compliance by constructing a new two-car garage (see figure below).



Sidewalks (11-3A-17): Overland Road is improved with an existing 7-foot wide attached concrete sidewalk abutting the site in accordance with UDC standards. Staff is not recommending that this sidewalk be replaced with and 7-foot detached sidewalk.

Pathways ([UDC 11-3A-8](#)): The Meridian Pathways Master Plan Map indicates a planned pathway on the north side of the Five Mile Creek to be constructed by the City in the future. **The Applicant should submit a dedicated easement for the pathway to the City. Easements shall be a minimum of 14' wide (10' wide pathway + 2' shoulder on each side).**

Utilities ([UDC 11-3A-21](#)): Connection to City water and sewer services is required in accordance with UDC 11-3A-21. **The Applicant entered into an agreement with the City for extension of domestic water and sewer service outside Meridian city limits for the subject property (Inst. #2023-037612). The Applicant is currently connected to City utilities.**

Fencing ([UDC 11-3A-6](#), [11-3A-7](#)): All fencing is required to comply with the standards listed in UDC 11-3A-7. **The Applicant is not proposing fencing with this application.**

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VII. DECISION

A. Staff:

Staff recommends approval of the proposed annexation with the requirement of a Development Agreement per the provisions in Section IX in accord with the Findings in Section X.

B. The Meridian Planning & Zoning Commission heard these items on March 21, 2024. At the public hearing, the Commission moved to recommend approval of the subject Annexation requests.

1. Summary of Commission public hearing:
 - a. In favor: Robert Taylor, Owner
 - b. In opposition: None
 - c. Commenting: None
 - d. Written testimony: None
 - e. Staff presenting application: Stacy Hersh, Associate
 - f. Other Staff commenting on application: None
2. Key issue(s) of public testimony:
 - a. None
3. Key issue(s) of discussion by Commission:
 - a. None
4. Commission change(s) to Staff recommendation:
 - a. None
5. Outstanding issue(s) for City Council:
 - a. None

C. The Meridian City Council heard these items on April 23, 2024. At the public hearing, the Council moved to approve the subject Annexation request.

1. Summary of the City Council public hearing:
 - a. In favor: Robert Taylor, Owner
 - b. In opposition: None
 - c. Commenting: None
 - d. Written testimony: None
 - e. Staff presenting application:
 - 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

EXHIBIT A

VIII. EXHIBITS

A. Annexation Legal Description and Exhibit Map



CENTURION ENGINEERS, INC.

Consulting Engineers, Land Surveyors, Planners 2323
S. Vista Ave @ Ste 205 Boise, ID 83705 Telephone
209.343.3381 | www.centurionengr.com

Annexation & Zone Land Description For: Robert Taylor

December 27, 2023

Lot 3, Block 2 of Jewell Subdivision as shown in Book: 34 of Plats at Pages 2056 & 2057 records, Ada County, Idaho and including right-of-way. Situate in the Southeast Quarter or the Southwest Quarter of Section 16, Township 3 North, Range 1 East, Boise Meridian, Ada County, Idaho being more particularly described as follows:

Commencing at the south quarter corner of said Section 16: thence S89°59'45"-W, 483.11 feet along the southerly boundary of the southwest quarter of said Section 16 to the **Point of Beginning**;

Thence S40°00'00"E, 439.85 feet along the easterly boundary of said Lot 3 (as extended to the southerly boundary of the southeast quarter of the southwest quarter) to the northeast corner of said Lot 3;

Thence N90°00'00"W, 100 feet along the northerly boundary of said Lot 3 to the northwest corner of said Lot 3;

Thence S00°00'00"E, 439.86 feet along the westerly boundary of said Lot 3 (as extended to the southerly boundary of the southeast quarter of the southwest quarter) to a point which bears N89°59'45"E, 749.26 feet from the southwest corner of the southeast quarter of the southwest quarter of said Section 16 and which point also bears S89°59'10"E, 1,332.50 feet from the southwest section corner of said Section 16;

thence N89°59'45"E, 100.00 feet to the **Point of Beginning**.

Containing 1.01 acres, more or less.

This description was prepared from information of record in the office of the Ada County, recorder. Jewell Subdivision Book: 34, Pages 2056 & 2057 and Recon: 1 of Survey No. 8191. A new land survey was not performed.

The basis of bearing for this description is said Jewell Subdivision.



EXHIBIT A

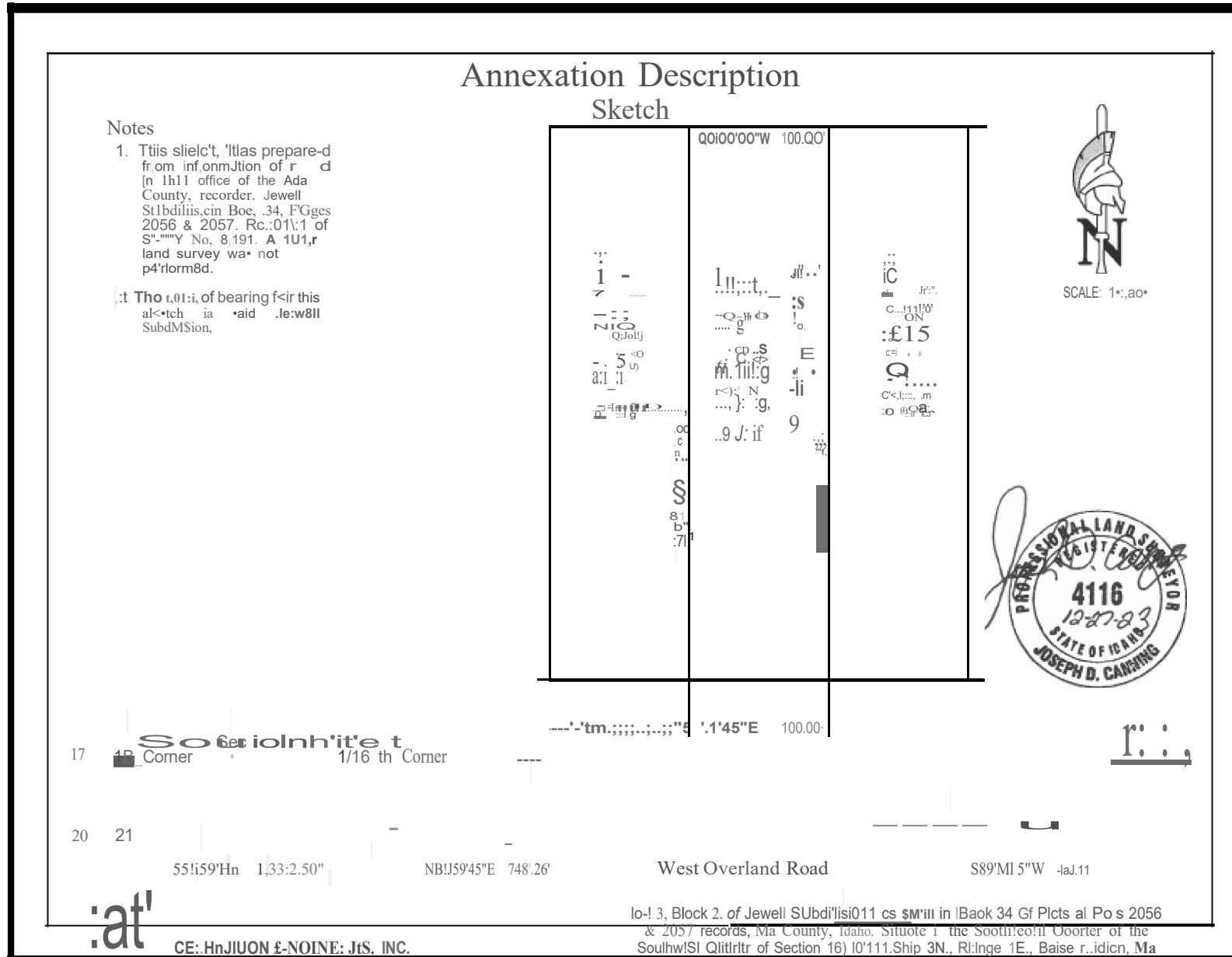


EXHIBIT A

B. Site Map

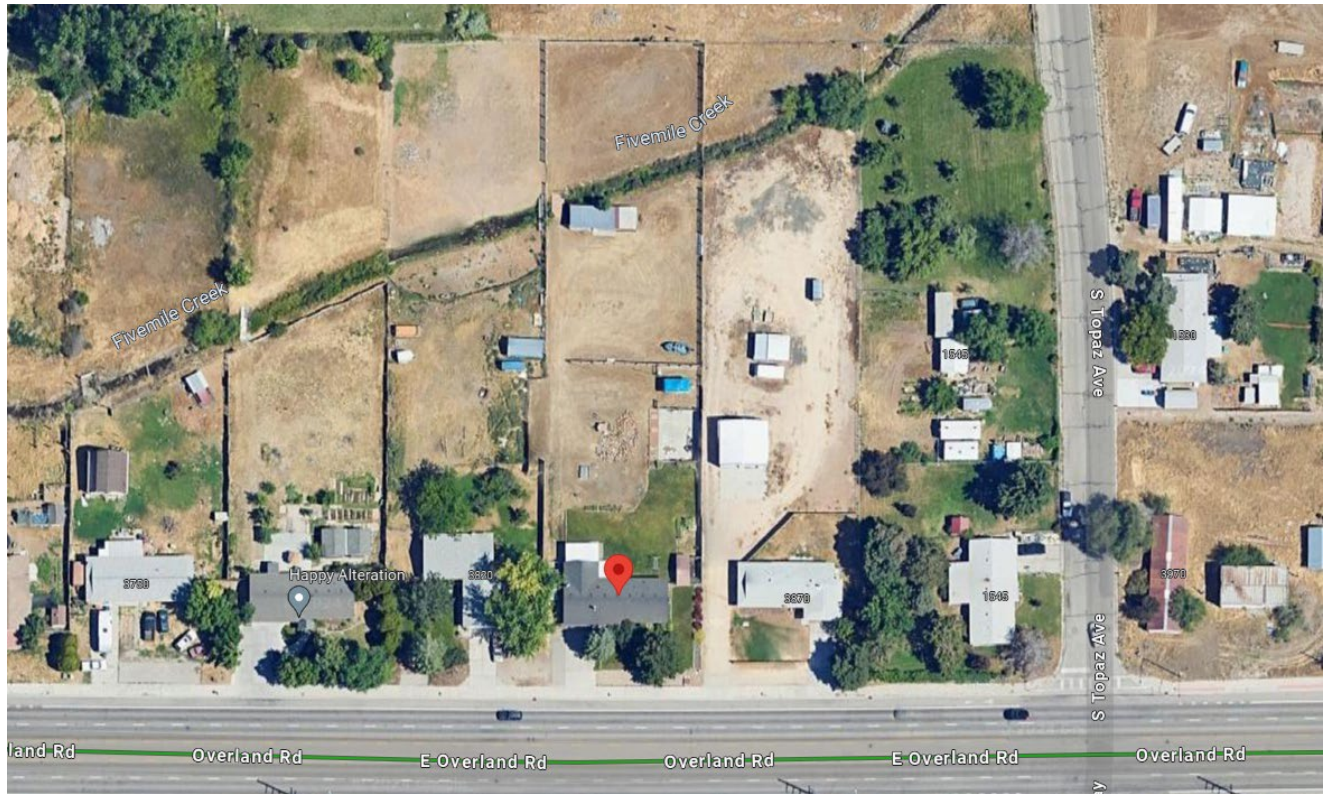


EXHIBIT A

C. Existing Home



EXHIBIT A

IX. CITY/AGENCY COMMENTS & CONDITIONS

A. PLANNING DIVISION

1. A Development Agreement (DA) is required as a provision of annexation of this property. Prior to approval of the annexation ordinance, a DA shall be entered into between the City of Meridian, the property owner(s) at the time of annexation ordinance adoption, and the developer.

Currently, a fee of \$303.00 shall be paid by the Applicant to the Planning Division prior to commencement of the DA. The DA shall be signed by the property owner and returned to the Planning Division within six (6) months of the City Council granting the annexation. The DA shall, at minimum, incorporate the following provisions *IF* City Council determines annexation is in the best interest of the City:

- a. Prior to any change in use or redevelopment of the subject property, a rezone to a commercial and/or a higher density residential zoning district and a modification to this agreement shall be requested to include a conceptual development plan consistent with the Mixed-Use Regional Future Land Use Map (FLUM) designation and guidelines in the Comprehensive Plan.
- b. Future development of this site shall be consistent with the applicable standards in the city of Meridian's Unified Development Code.
- c. As a result of the non-conformity to the existing home due to the off-street parking requirements in UDC 11-3C-6, the Applicant/Owner is required to apply for a Conditional Use Permit for any future expansions on the property or attain compliance by constructing a new two-car garage.
- d. The Applicant shall submit a dedicated easement for the future pathway along the north side of the Fivemile Creek for the length of the property to the City. Easements shall be a minimum of 14' wide (10' wide pathway + 2' shoulder on each side).

B. PUBLIC WORKS

No comments, Applicant has signed the agreement for extension of domestic water and sewer service outside Meridian City Limits (Inst. #2023-037612) and connected to City utilities.

C. PARK'S DEPARTMENT

<https://weblink.meridiancity.org/WebLink/DocView.aspx?id=331534&dbid=0&repo=MeridianCity>

D. ADA COUNTY DEVELOPMENT SERVICES (ACDS)

<https://weblink.meridiancity.org/WebLink/DocView.aspx?id=332238&dbid=0&repo=MeridianCity&cr=1>

E. DEPARTMENT OF ENVIRONMENTAL QUALITY (DEQ)

<https://weblink.meridiancity.org/WebLink/DocView.aspx?id=331968&dbid=0&repo=MeridianCity>

F. IDAHO TRANSPORTATION DEPARTMENT (ITD)

<https://weblink.meridiancity.org/WebLink/DocView.aspx?id=332554&dbid=0&repo=MeridianCity>

EXHIBIT A

X. FINDINGS

A. Annexation and/or Rezone (UDC 11-5B-3E)

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;

Staff finds annexation of the subject property with an R-2 zoning district and requirement for the property to redevelop in the future consistent with the Mixed-Use Regional future land use map designation in the Comprehensive Plan is appropriate for this property (see Section V for more information).

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

Staff finds the proposed map amendment to the R-2 zoning district is consistent with the purpose statement for the residential districts in UDC 11-2B-1, in that it will contribute to the range of housing opportunities available in the City consistent with the Comprehensive Plan.

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

Staff finds the proposed map amendment should not be detrimental to the public health, safety and welfare as the proposed residential use should be compatible with adjacent single-family residential homes/uses in the area.

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

Staff finds that the proposed zoning amendment will not result in any adverse impact upon the delivery of services by any political subdivision providing services to this site.

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

Staff finds the proposed annexation is in the best interest of the City.