

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



**Date of Order:** September 15, 2022  
**Case No.:** H-2022-0047 (Bridgetower Multi-family CUP)  
**Applicant:** Brad Watson, Alpha Development Group  
**In the Matter of:** Request for Conditional Use Permit (CUP) for a multi-family development consisting of 235 units on 16.61 acres of land in the R-15 zoning district.

Pursuant to testimony and evidence received regarding this matter at the public hearing before the Meridian Planning and Zoning Commission (the “Commission”) on September 1, 2022, as to this matter, the Commission enters the following findings of fact, conclusions of law, final decision, and order.

**A. Findings of Fact.** The Commission finds that:

1. The facts pertaining to the 16.61 acres of land (the “Property”), the Applicant’s request, and the process are set forth in the staff report for Case No. H-2022-0047, which is incorporated herein by reference.
2. The Property is located within the City of Meridian and is subject to the Unified Development Code of the City of Meridian (the “UDC”).
3. The Applicant is requesting a CUP for a multi-family development (the “Development”) consisting of 235 units.
4. It is estimated that the Development will generate 1,788 vehicle trips per day and 148 vehicle trips per hour in the PM peak hour.
5. The comments and analysis received from the Ada County Highway District (“ACHD”) are based, in part, on an average daily traffic count for McMillan Road from January 31, 2018.
6. Based on testimony received, the Commission finds that the average daily traffic count for McMillan Road from January 31, 2018, does not accurately reflect the average daily traffic count for McMillan Road in 2022.
7. Based on testimony received, the Commission finds that, even if the Applicant constructs a westbound right-turn lane on McMillan Road at the intersection of Vicenza Way, McMillan Road is not adequate to serve the Development.

**B. Conclusions of law.**

1. The Commission takes judicial notice of the Local Land Use Planning Act (“LLUPA”), codified at Chapter 65, Title 67, Idaho Code.

2. The Commission takes judicial notice of the UDC, all current zoning maps, and the City of Meridian Comprehensive Plan.
  3. In order to grant a CUP, the Commission must make certain findings as delineated in UDC section 11-5B-6(E), including a finding “[t]hat the proposed use will be served adequately by essential public facilities and services such as . . . streets . . .” UDC § 11-5B-6(E)(5).
  4. Because the Commission found that the Development will not be served adequately by McMillan Road, the requirements set forth in UDC section 11-5B-6 have not been satisfied, and the CUP shall not be approved.
  5. 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 Commission hereby denies Applicant’s request for a CUP for the proposed Development.
- D. Final decision.** This is a final decision of the Commission.
- E. City Council Review Process.** Pursuant to UDC section 11-5A-7, an Applicant may request City Council review of the Commission’s final decision. A request for review must be filed in writing within fifteen (15) days after the Commission’s final decision.
- F. 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 City Council review as provided by UDC section 11-5A-7, 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.
- G. 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 Planning and Zoning Commission of the City of Meridian, Idaho, on this 15th day of September, 2022.

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Maria Lorcher, Vice Chair

Attest:

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Joy Hall, Deputy City Clerk