

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



In the Matter of the Request for Modification to the Existing Development Agreement (Inst. 2021-132713) for the Residential Portion of Prescott Ridge Subdivision to Update the Phasing Plan, by Providence Properties, LLC.

Case No(s). H-2022-0058

For the City Council Hearing Dates of: September 27 and November 15, 2022 (Findings on November 15, 2022)

A. Findings of Fact

1. Hearing Facts (see attached Staff Report for the hearing date of November 15, 2022, incorporated by reference)
2. Process Facts (see attached Staff Report for the hearing date of November 15, 2022, incorporated by reference)
3. Application and Property Facts (see attached Staff Report for the hearing date of November 15, 2022, incorporated by reference)
4. Required Findings per the Unified Development Code (see attached Staff Report for the hearing date of November 15, 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 November 15, 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 a modification to the development agreement is hereby approved per the provisions in the Staff Report for the hearing date of November 15, 2022, 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 November 15, 2022

By action of the City Council at its regular meeting held on the _____ day of _____, 2022.

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

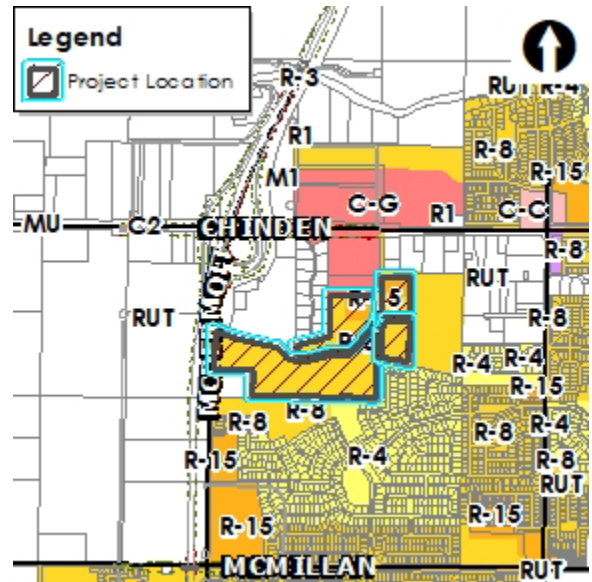
EXHIBIT A

STAFF REPORT

COMMUNITY DEVELOPMENT DEPARTMENT



HEARING DATE: November 15, 2022
TO: Mayor & City Council
FROM: Sonya Allen, Associate Planner
208-884-5533
SUBJECT: H-2022-0058
Prescott Ridge Residential
LOCATION: East of N. McDermott Rd.,
approximately 1/4 mile south of W.
Chinden Blvd., in the north 1/2 of
Section 28, T.4N., R.1W.



This project was heard by City Council on September 27, 2022 and approved. When preparing the amended DA, it came to the attention of the City Attorney's office that the address used in the public hearing notice was incorrect. Therefore, this item is required to be re-noticed and re-heard by the City Council in order to remedy the noticing error.

I. PROJECT DESCRIPTION

Modification to the existing Development Agreement (Inst. [2021-132713](#)) for the residential portion of Prescott Ridge Subdivision to update the phasing plan.

II. SUMMARY OF REPORT

A. Applicant:

Patrick Connor, Providence Properties, LLC – 701 S. Allen St., Ste. 104, Meridian, ID 83642

B. Owners:

Lionwood Properties, LLC – 1513 E. Rivers End Ct., Eagle, ID 83616

Providence Properties, LLC – 701 S. Allen St., Ste. 104, Meridian, ID 83642

C. Representative:

Same as Applicant

EXHIBIT A

III. NOTICING

| | City Council Posting Date |
|--|--------------------------------------|
| Notification published in newspaper | 9/11/2022 & 10/30/2022 |
| Notification mailed to property owners within 300 feet | 9/8/2022 & 10/27/2022 |
| Applicant posted public hearing notice on site | 9/13/2022 & 10/27/2022 |
| Nextdoor posting | 9/8/2022 & 10/28/2022 |

IV. STAFF ANALYSIS

The Applicant proposes to modify the existing Development Agreement (Inst. [2021-132713](#)) for the residential portion of Prescott Ridge Subdivision to update the phasing plan for the development. See existing phase plan and proposed phasing plan in Section VI.

Since the time of annexation, the phasing plan for the overall development has changed. The northern 15-acre medical campus portion of the site was shown on the phasing plan as Phase I in order to create a “legal lot” to convey to the purchaser of that property. Acquiring the out-parcel at the northeast corner of the medical campus enabled the Applicant to do a property boundary adjustment to create a legal lot for development purposes to convey to the new owner so that they can develop their site separately at their own timing. The proposed modification will remove the medical campus from the phasing plan of the residential development.

Other changes to the phasing plan include the following: 1) Phase 1 was expanded to include the location of the pressurized irrigation pump house; 2) the large green space in the center of the development is now part of Phase 3 instead of Phase 6, which will allow the large park and associated amenities to develop sooner; and 3) the updated phasing plan shows larger phases overall to expediate the development process. Phase 1 still includes construction of the collector street (Rustic Oak) from Chinden Blvd. to the southern boundary of the property which is important for emergency access.

No changes to the text of the development agreement are proposed.

V. DECISION

A. Staff:

Staff recommends approval of the proposed modification to the DA with the change to the phasing plan described above as shown in Section VI.B.

B. The Meridian City Council heard this item on 9/27/22 and 11/15/22. At the public hearing, the Council moved to approve the subject MDA request.

1. Summary of the City Council public hearing:

- a. In favor: Patrick Connor, Applicant’s Representative
- b. In opposition: None
- c. Commenting: None
- d. Written testimony: Patrick Connor, Applicant’s Representative
- e. Staff presenting application: Sonya Allen, Bill Parsons
- f. Other Staff commenting on application: None

2. Key issue(s) of public testimony:

- a. None

EXHIBIT A

3. Key issue(s) of discussion by City Council:
 - a. None
4. City Council change(s) to Commission recommendation:
 - a. None

VI. Exhibits

A. Existing Phasing Plan

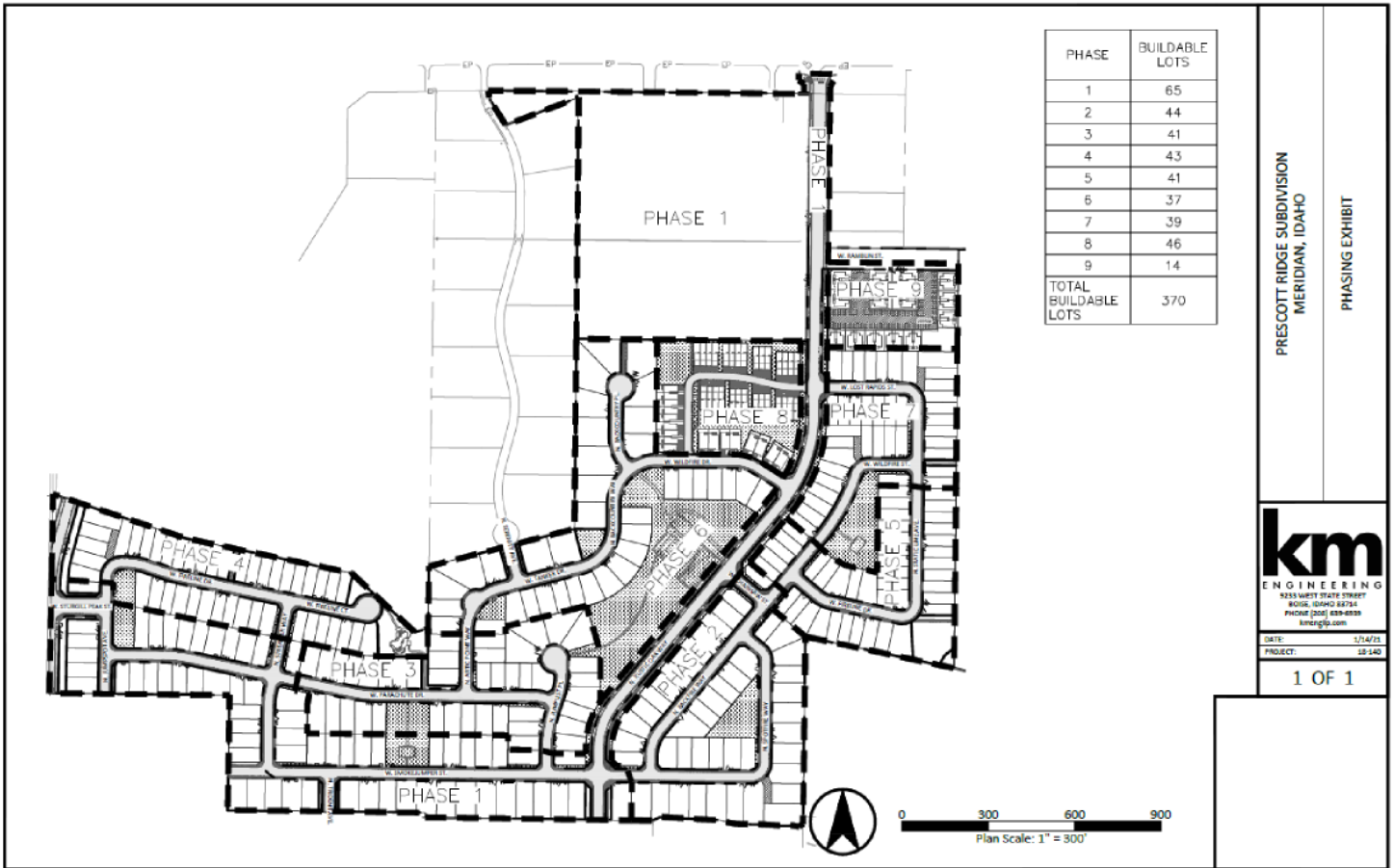


EXHIBIT A

B. Proposed Phasing Plan

