

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



In the Matter of the Request for City Council Review of the Planning Director's determination that a Reduced 5-foot Interior Setback Specified in UDC Table 11-2B-3 did not apply to a new Structure Proposed for Construction on the Property Located at 2560 S. Meridian Road, by Clark Wardle.

Case No(s). CR-2021-0003

For the City Council Hearing Date of: July 6, 2021 (Findings on 08/10/2021)

A. Findings of Fact

1. Hearing Facts (see attached Director's Determination letter for the hearing date of July 6, 2021, incorporated by reference)
2. Process Facts (see attached Director's Determination letter for the hearing date of July 6, 2021, incorporated by reference)
3. Application and Property Facts (see attached Director's Determination letter for the hearing date of July 6, 2021, 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 letter 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.
6. That the City Council has ruled in favor of the Director in accordance with this determination letter dated May 5, 2021, which was reviewed by the Mayor and City Clerk and then a copy served by the Clerk upon the applicant, the Community Development Department and any affected party requesting notice.
7. That this decision upheld the Director's interpretation of the setbacks set in UDC Table 11-2B-3 that apply to the subject property in the letter for the hearing date of July 6, 2021, incorporated by reference.

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 City Council Review of the Director's determination regarding the dimensional standards set forth in UDC Table 11-2B-3 is hereby upheld per the Director's Determination letter for the hearing date of July 6, 2021, attached as Exhibit A based on the following reasons:
 - The Council review of the Ordinance was to determine if the change in minimum setback for an existing building that is being re-used can be less than the allowed setback in the designated zone for a new building; and
 - The City Council agrees with the analysis and interpretation of the Director's Determination that was the basis of the Council's review, and is incorporated by reference to this decision; and
 - The Council determined that the language on its face could be construed in more than one way, but in evaluating the intent of the interpretation to apply to a re-use of an existing structure was more reasonable interpretation to apply to the single residential building, but not to any new buildings to be constructed on the site; and
 - The intent of the code was to grant limited leeway to re-use an existing structure, but not simply waive all setback requirements entirely.

D. Notice of Final Action and Right to Regulatory Takings Analysis

1. **Please take notice** that this is a final action of the governing body of the City of Meridian. When applicable and pursuant to Idaho Code § 67-6521, any affected person being a person who has an interest in real property which may be adversely affected by the final action of the governing board may within twenty-eight (28) days after the date of this decision and order seek a judicial review as provided by Chapter 52, Title 67, Idaho Code.

E. Attached: Director's Determination letter for the hearing date of July 6, 2021

By action of the City Council at its regular meeting held on the _____ day of _____, 2021.

COUNCIL PRESIDENT TREG BERNT VOTED _____

COUNCIL VICE PRESIDENT BRAD HOAGLUN VOTED _____

COUNCIL MEMBER JESSICA PERREAULT VOTED _____

COUNCIL MEMBER LUKE CAVENER VOTED _____

COUNCIL MEMBER JOE BORTON 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