

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



**In the Matter of the Request for Conditional Use Permit for a Residential Care Facility on 0.59 Acre of Land in the C-G Zoning District for Brightstar Overland, Located at 2940 E. Overland Rd., by Hatch Design Architecture.**

**Case No(s). H-2022-0061**

**For the Planning & Zoning Commission Hearing Date of: September 15, 2022 (Findings on October 6, 2022)**

**A. Findings of Fact**

1. Hearing Facts (see attached Staff Report for the hearing date of September 15, 2022, incorporated by reference)
2. Process Facts (see attached Staff Report for the hearing date of September 15, 2022, incorporated by reference)
3. Application and Property Facts (see attached Staff Report for the hearing date of September 15, 2022, incorporated by reference)
4. Required Findings per the Unified Development Code (see attached Staff Report for the hearing date of September 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 Planning & Zoning Commission takes judicial notice of its Unified Development Code codified at Title 11 Meridian City Code, and all current zoning maps thereof. The City of Meridian has, by ordinance, established the Impact Area and the Amended Comprehensive Plan of the City of Meridian, which was adopted April 19, 2011, Resolution No. 11-784 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 Chairman of the Commission and City Clerk and then a copy served by the Clerk

upon the applicant, the Planning Department, the Public Works Department and any affected party requesting notice.

7. That this approval is subject to the conditions of approval in the attached staff report for the hearing date of September 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 Planning & Zoning Commission'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 conditional use permit is hereby approved in accord with the conditions of approval in the staff report for the hearing date of September 15, 2022, attached as Exhibit A.

#### D. Notice of Applicable Time Limits

##### Notice of Two (2) Year Conditional Use Permit Duration

Please take notice that the conditional use permit, when granted, shall be valid for a maximum period of two (2) years unless otherwise approved by the City in accord with UDC 11-5B-6F.1. During this time, the applicant shall commence the use as permitted in accord with the conditions of approval, satisfy the requirements set forth in the conditions of approval, and acquire building permits and commence construction of permanent footings or structures on or in the ground. For conditional use permits that also require platting, the final plat must be signed by the City Engineer within this two (2) year period in accord with UDC 11-5B-6F.2.

Upon written request and filed by the applicant prior to the termination of the period in accord with 11-5B-6.F.1, the Director may authorize a single extension of the time to commence the use not to exceed one (1) two (2) year period. Additional time extensions up to two (2) years as determined and approved by the Commission may be granted. With all extensions, the Director or Commission may require the conditional use comply with the current provisions of Meridian City Code Title 11.

#### 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 September 15, 2022

By action of the Planning & Zoning Commission at its regular meeting held on the \_\_\_\_\_ day of \_\_\_\_\_, 2022.

COMMISSIONER ANDREW SEAL, CHAIRMAN VOTED\_\_\_\_\_

COMMISSIONER MARIA LORCHER, VICE CHAIRMAN VOTED\_\_\_\_\_

COMMISSIONER NATE WHEELER VOTED\_\_\_\_\_

COMMISSIONER STEVEN YEARSLEY VOTED\_\_\_\_\_

COMMISSIONER PATRICK GRACE VOTED\_\_\_\_\_

COMMISSIONER MANDI STODDARD VOTED\_\_\_\_\_

COMMISSIONER NICK GROVE VOTED\_\_\_\_\_

\_\_\_\_\_  
Andrew Seal, Chairman

Attest:

\_\_\_\_\_  
Chris Johnson, City Clerk

Copy served upon the Applicant, the Planning and Development Services divisions of the Community Development Department, the Public Works Department and the City Attorney.

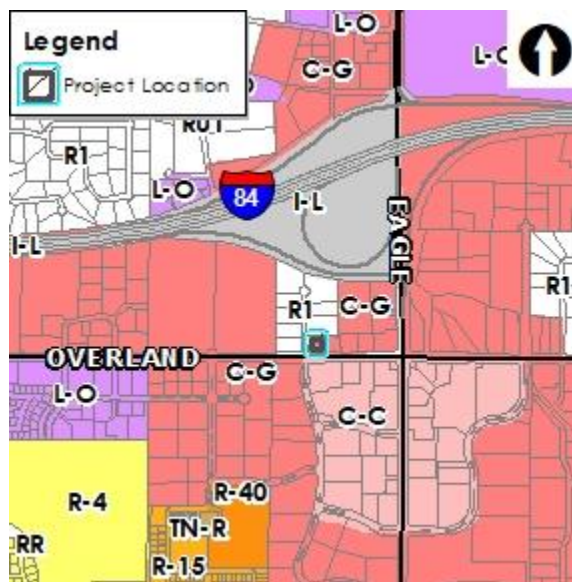
By: \_\_\_\_\_ Dated: \_\_\_\_\_  
City Clerk's Office

# EXHIBIT A

## STAFF REPORT COMMUNITY DEVELOPMENT DEPARTMENT



HEARING DATE: September 15, 2022  
 TO: Planning & Zoning Commission  
 FROM: Sonya Allen, Associate Planner  
 208-884-5533  
 SUBJECT: H-2022-0061  
 Brightstar Overland  
 LOCATION: 2940 E. Overland Rd., in the SE 1/4 of Section 17, T.3N., R.1E.



### I. PROJECT DESCRIPTION

Conditional use permit for a residential care facility on 0.59 acre of land in the C-G zoning district.

### II. SUMMARY OF REPORT

#### A. Project Summary

Description	Details	Page
Acreage	0.59-acre	
Future Land Use Designation	Mixed Use – Regional (MU-R)	
Existing Land Use	Vacant/undeveloped land	
Proposed Land Use(s)	Residential care facility	
Current Zoning	General Retail and Service Commercial District (C-G)	
Physical Features (waterways, hazards, flood plain, hillside)	NA	
Neighborhood meeting date	6/6/22	
History (previous approvals)	AZ-05-019 Dorado Subdivision (DA Inst. <a href="#">105127512</a> ); H-2016-0131 (1 <sup>st</sup> Addendum to DA – Inst. <a href="#">2017-007434</a> ); H-2022-0044 (2 <sup>nd</sup> Addendum to DA – not yet recorded)	

### III. APPLICANT/OWNER INFORMATION

#### A. Applicant:

Steve Thiessen, Hatch Design Architecture – 200 W. 36<sup>th</sup> St., Garden City, ID 83714

#### B. Owner:

Devin Morris, Alturas Capital Partners – 500 E. Shore Dr., Ste. 120, Eagle, ID 83616

# EXHIBIT A

C. Representative:

Jeff Hatch, Hatch Design Architecture – 200 W. 36th St., Garden City, ID 83714

## IV. NOTICING

	<b>Planning &amp; Zoning Commission Posting Date</b>
Notification published in newspaper	8/31/2022
Notification mailed to property owners within 300 feet	8/25/2022
Applicant posted public hearing notice on site	8/31/2022
Nextdoor posting	8/25/2022

## V. COMPREHENSIVE PLAN ANALYSIS

**Land Use:** This property is designated Mixed Use – Regional (MU-R) on the Future Land Use Map (FLUM) contained in the Comprehensive Plan.

The purpose of the MU-R 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. The developments are encouraged to be designed consistent with the conceptual MU-R plan depicted in Figure 3D (pg. 3-17).

This site is part of a much larger mixed-use designated area that contains a wide variety and mix of uses as desired in MU-R designated areas. Although the proposed residential care facility use is considered commercial, it is residential in nature as folks reside there. The proposed use provides a good transition between more intense commercial/retail uses and low-density residential uses to the west and north in Overland Way subdivision.

**Transportation:** There are no collector streets designated on the Master Street Map (MSM) for this site. This project will be accessed from the east through the adjacent property via E. Overland Rd., a mobility corridor; direct lot access is not proposed or allowed via S. Loder Pl. or E. Overland Rd. This site is in close proximity to the Overland/Eagle Rd. intersection, a major arterial intersection, on the south side of the I-84 off-ramp. Transit services are available to serve this site via Route 42.

**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 a variety of housing types that meet the needs, preferences, and financial capabilities of Meridian’s present and future residents.” (2.01.02D)

*The proposed residential care facility will contribute to the variety of housing types in the City by offering care for the elderly.*

## EXHIBIT A

- “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 services are available and can be extended by the developer with development in accord with UDC 11-3A-21.*

- “Require all new development to create a site design compatible with surrounding uses through buffering, screening, transitional densities, and other best site design practices.” (3.07.01A)

*The entry of the proposed residential care facility is proposed to face east, away from abutting residential properties. Landscaping is proposed within buffers along the west and north boundaries of the site and a 6-foot tall fence is required for screening along the north boundary. The proposed structures is a single-story, which should be compatible with adjacent residential homes and properties.*

- “Encourage compatible uses and site design to minimize conflicts and maximize use of land.” (3.07.00)

*The proposed residential care facility should be compatible with existing rural residential uses to the north and with the commercial multi-tenant retail/restaurant uses to the east.*

- “Maximize public services by prioritizing infill development of vacant and underdeveloped parcels within the City over parcels on the fringe.” (2.02.02)

*This site and the residential subdivision to the north (Overland Way) is an enclave surrounded by City annexed land. Development of this site will result in a more efficient provision of public services.*

## VI. UNIFIED DEVELOPMENT CODE ANALYSIS

**History:** The existing Development Agreement (DA) [AZ-05-019 Dorado Subdivision – Inst. #[105127512](#); 1<sup>st</sup> amendment H-2016-0131 (Inst. #[2017-007434](#)); and 2<sup>nd</sup> amendment H-2022-0044 (yet to be recorded)] was recently approved by City Council to be amended to include residential care facilities as an allowed use on the site (Lot 1, Block 1, Dorado Subdivision). **The amended DA must be signed, approved by City Council and recorded prior to submittal of a Certificate of Zoning Compliance for the proposed use.**

**Existing Use:** The property currently consists of vacant, undeveloped land.

**Request:** A Conditional Use Permit (CUP) is requested for a 7,800 square foot single-story residential care facility on 0.59 acre of land in the C-G zoning district as required by UDC [Table 11-2B-2](#). The facility will provide care for the elderly and features 12 bedrooms for residents and an office for staff. Dining, entertainment, laundry and storage will be provided on-site for residents. An enclosed courtyard is proposed internally and a covered patio is proposed at the entry.

**Specific Use Standards:** The proposed use is subject to the specific use standards listed in UDC [11-4-3-29](#) Nursing or Residential Care Facilities, as follows:

### A. General standards.

1. If the use results in more than ten (10) persons occupying a dwelling at any one time, the applicant or owner shall concurrently apply for a change of occupancy as required by the building code in accord with [Title 10](#) of this Code.
2. The owner and/or operator of the facility shall secure and maintain a license from the

# EXHIBIT A

State of Idaho Department of Health and Welfare, facility standards division.

- B. Additional standards for uses providing care to children and juveniles under the age of eighteen (18) years:
1. All outdoor play areas shall be completely enclosed by a minimum six-foot non-scalable fence to secure against exit/entry by small children and to screen abutting properties. The fencing material shall meet the swimming pool fence requirements of the building code in accord with [title 10](#) of this Code.
  2. Outdoor play equipment over six (6) feet high shall not be located in a front yard or within any required yard.
  3. Outdoor play areas in residential districts or uses adjacent to an existing residence shall not be used after dusk.
- C. Additional standards for uses providing care to patients who suffer from Alzheimer's disease, dementia or other similar disability that may cause disorientation. A barrier with a minimum height of six (6) feet, along the perimeter of any portion of the site that is accessible to these patients shall be provided. The fencing material shall meet the swimming pool fence requirements of the building code in accord with [title 10](#) of this Code.

**Access:** Access is proposed from the east via an existing driveway on the adjacent property from E. Overland Rd. A perpetual vehicular cross-access easement is dedicated on the plat for Dorado Subdivision to all lots within the subdivision. Direct lot access via S. Loder Pl. & E. Overland Rd. is prohibited.

**Parking:** The UDC ([Table 11-3C-6](#)) requires a minimum of 0.5 off-street parking spaces per bed. Based on 12 beds, a minimum of six (6) spaces are required. A total of eight (8) spaces are proposed, including one (1) ADA space. The UDC (11-3C-6G) requires a minimum of one (1) bicycle parking space to be provided; two (2) are proposed. Therefore, the proposed parking meets and exceeds the minimum standards.

**Pathways/Sidewalks:** A 7-foot wide attached sidewalk exists within the right-of-way along E. Overland Rd. adjacent to this site and was constructed with the road widening project for Overland Rd. The UDC (11-3A-17) requires detached sidewalks along arterial streets but because the sidewalk is in good condition and is attached in all locations along this corridor, Staff does not recommend it's reconstructed as a detached walkway.

**A minimum 5-foot wide walkway is required to be provided from the perimeter sidewalk along Overland Rd. to the main building entrance per UDC [11-3A-19B.4a](#).**

**Landscaping:** A 35-foot wide landscaped street buffer was constructed on this site along E. Overland Rd. with development of Dorado Subdivision in accord with UDC standards.

The [DA](#) (provision #5.1.9) requires an additional 5-feet of landscaping to be added to the existing 20-foot wide buffer owned by the Overland Way HOA along S. Loder Pl. along the west boundary of the site. A 10-foot wide buffer is depicted on the plans encompassed by a 10-foot wide public utility easement. The Applicant should verify if trees are allowed within this easement; if not, they should be removed from the plan.

The [DA](#) (provision #5.1.3) allows a reduced landscape buffer width from 25-feet to 5-feet along the north boundary of the site to the residential uses to the north provided a 6-foot tall fence is provided along with added landscaping within the buffer as alternative compliance. A 15-foot wide buffer is depicted on the plans along the north boundary. **An application for Alternative Compliance to the buffer requirements to residential uses in UDC Table 11-2B-3 should be submitted with the Certificate of Zoning Compliance and Design Review applications in accord with the previous**



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## PUD ([CUP-05-031](#)) and Development Agreement (Inst. #[105127512](#)) approval.

Parking lot landscaping is required per the standards listed in UDC [11-3B-8C](#), as proposed.

**Trash Enclosure:** Trash bins are depicted on the plans on the south side of the building. A trash enclosure is depicted on the plans on the adjacent property to the east. **If the Applicant plans to utilize this dumpster, permission should be obtained from the adjacent property owner and/or business owners. Otherwise, the Applicant should coordinate with Republic Services on trash pick-up.**

**Building Elevations:** Conceptual building elevations were submitted for the proposed structures as shown in Section VIII.C. Building materials consist mainly of stucco with cultured stone veneer accents and vinyl railing with decorative arches and wagon wheel trim with asphalt roof shingles. The proposed elevations are *not* approved; the final building design is required to comply with the design standards in the [Architectural Standards Manual](#).

## VII. DECISION

### A. Staff:

Staff recommends approval of the conditional use permit with the conditions noted above in Section IX.

### B. The Meridian Planning & Zoning Commission heard this item on September 15, 2022. At the public hearing, the Commission moved to approve the subject CUP request.

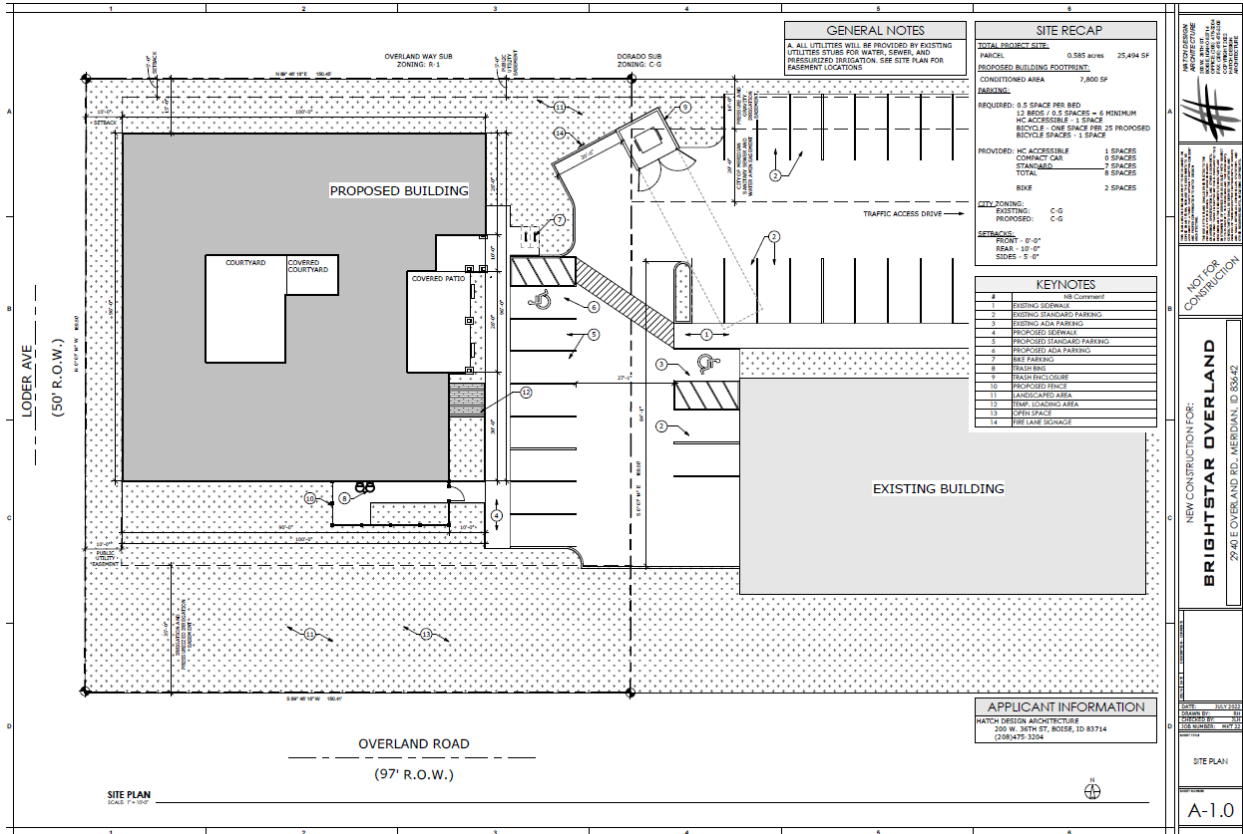
#### 1. Summary of the Commission public hearing:

- a. In favor: Jeff Hatch
  - b. In opposition: None
  - c. Commenting: None
  - d. Written testimony: Steve Thiessen
  - e. Staff presenting application: Bill Parsons
  - 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

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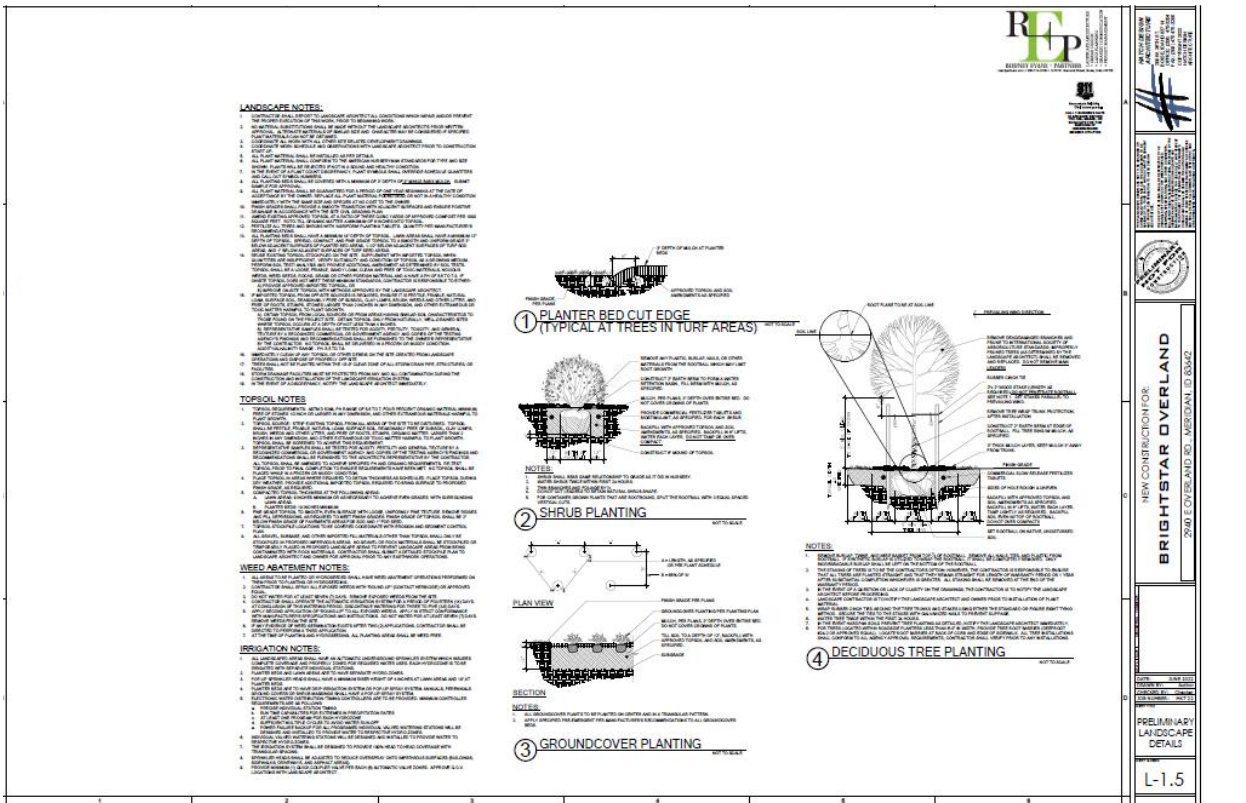
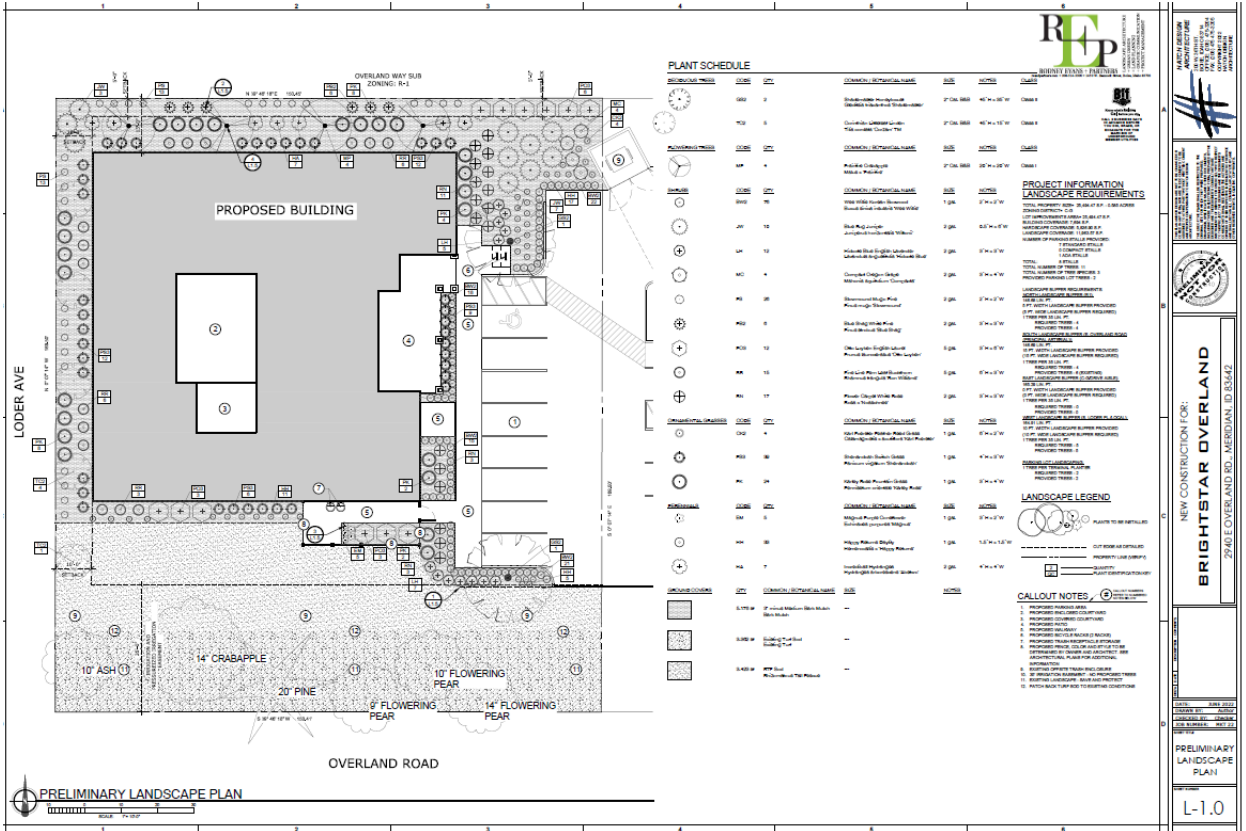
## VIII. EXHIBITS

### A. Site Plan (July 2022)



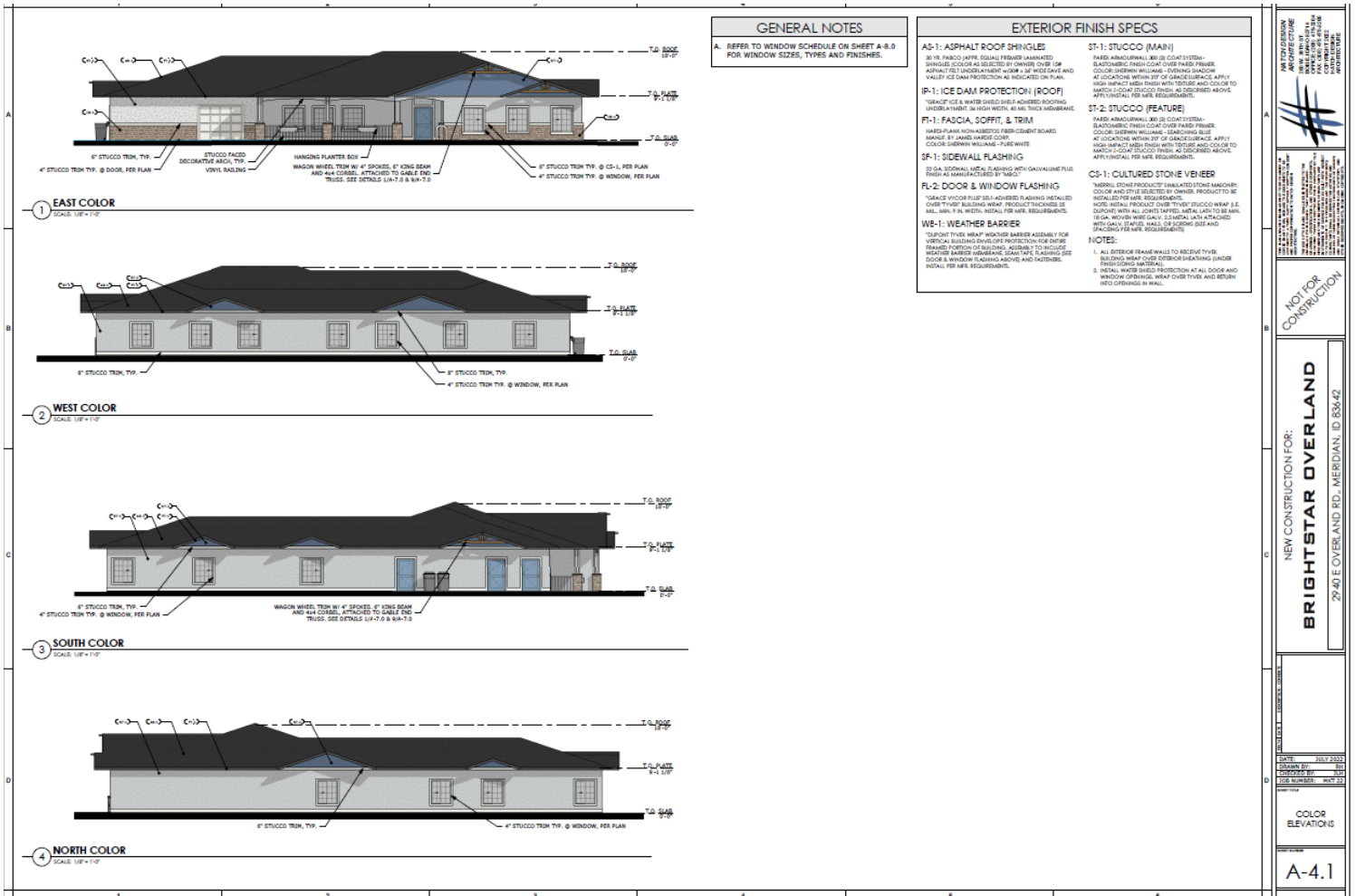
**EXHIBIT A**

**B. Landscape Plan (dated: June 2022)**



# EXHIBIT A

## C. Building Elevations (dated: July 2022) – NOT APPROVED



## IX. CITY/AGENCY COMMENTS & CONDITIONS

### 1. PLANNING

1. Future development of this site shall comply with the previous conditions of approval and terms of the existing Development Agreement and the conditions contained herein [AZ-05-019 Dorado Subdivision (DA Inst. 105127512); H-2016-0131 (Dorado 1st Addendum to DA – Inst. 2017-007434); H-2022-0044 (Brightstar Overland 2nd Addendum to DA – not yet recorded)].
2. The amended Development Agreement associated with [H-2022-0044](#) shall be signed, approved by City Council and recorded prior to submittal of the Certificate of Zoning Compliance application for the proposed use.
3. The site plan and landscape plan submitted with the Certificate of Zoning Compliance application shall be revised as follows:
  - a. Depict a minimum 5-foot wide walkway from the perimeter sidewalk along Overland Rd. to the main building entrance as set forth in UDC [11-3A-19B.4a](#).
  - b. If the 10-foot wide public utility easement along the west boundary of the site prohibits trees, they should be removed from the plan. *The Applicant should verify what type of*

## EXHIBIT A

*utilities are within this easement and if trees are allowed. The Applicant stated their locate did not show any utilities within the easement.*

- c. Depict a 6-foot tall fence along the northern property boundary and additional trees within the buffer to residential uses along the northern boundary of the site in accord with the standards listed in UDC [11-3B-9C](#) per the development agreement (provision #5.1.3) as alternative compliance for a reduced buffer width.
  - d. Depict 19-foot wide parking stalls as set forth in UDC [Table 11-3C-5](#).
  - e. Depict the common lot owned by the Overland Way HOA along the west boundary in between the right-of-way for S. Loder Pl. and the west boundary of the site.
4. Submit an application for Alternative Compliance to UDC Table 11-2B-3 for a reduced buffer width to the residential use to the north with the Certificate of Zoning Compliance application in accord with the previous PUD ([CUP-05-031](#)) and Development Agreement (Inst. #[105127512](#)) approval.
  5. Compliance with the standards listed in UDC [11-4-3-29](#) – Nursing or Residential Care Facilities is required.
  6. Direct access via E. Overland Rd. and S. Loder Pl. is prohibited.
  7. The business hours of operation are restricted to 6:00 am to 11:00 pm in the C-G zoning district per UDC [11-2B-3B](#).
  8. A Certificate of Zoning Compliance and Design Review application shall be submitted and approved for the proposed use prior to submittal of a building permit application. The design of the site and structure shall comply with the standards listed in UDC [11-3A-19](#); the design standards listed in the [Architectural Standards Manual](#) and with the Development Agreement.
  9. The conditional use permit is valid for a maximum period of two (2) years unless otherwise approved by the City. During this time, the Applicant shall commence the use as permitted in accord with the conditions of approval, satisfy the requirements set forth in the conditions of approval, and acquire building permits and commence construction of permanent footings or structures on or in the ground as set forth in UDC [11-5B-6](#). A time extension may be requested as set forth in UDC 11-5B-6F.

### B. PUBLIC WORKS

#### Site Specific Conditions of Approval

1. The existing 8” water main in Loder Place to be extended to north end of the property boundary.
2. Ensure no sewer services pass through infiltration trenches.

#### General Conditions of Approval

3. Applicant shall coordinate water and sewer main size and routing with the Public Works Department, and execute standard forms of easements for any mains that are required to provide service outside of a public right-of-way. Minimum cover over sewer mains is three feet, if cover from top of pipe to sub-grade is less than three feet then alternate materials shall be used in conformance of City of Meridian Public Works Departments Standard Specifications.



## EXHIBIT A

4. Per Meridian City Code (MCC), the applicant shall be responsible to install sewer and water mains to and through this development. Applicant may be eligible for a reimbursement agreement for infrastructure enhancement per MCC 8-6-5.
5. The applicant shall provide easement(s) for all public water/sewer mains outside of public right of way (include all water services and hydrants). The easement widths shall be 20-feet wide for a single utility, or 30-feet wide for two. Submit an executed easement (on the form available from Public Works), a legal description prepared by an Idaho Licensed Professional Land Surveyor, which must include the area of the easement (marked EXHIBIT A) and an 8 1/2" x 11" map with bearings and distances (marked EXHIBIT B) for review. Both exhibits must be sealed, signed and dated by a Professional Land Surveyor. DO NOT RECORD.
6. The City of Meridian requires that pressurized irrigation systems be supplied by a year-round source of water (MCC 9-1-28.C). The applicant should be required to use any existing surface or well water for the primary source. If a surface or well source is not available, a single-point connection to the culinary water system shall be required. If a single-point connection is utilized, the developer will be responsible for the payment of assessments for the common areas prior to receiving development plan approval.
7. Any structures that are allowed to remain shall be subject to evaluation and possible reassignment of street addressing to be in compliance with MCC.
8. 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.
9. 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.
10. 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.
11. All improvements related to public life, safety and health shall be completed prior to occupancy of the structures.
12. 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.
13. 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.
14. Applicant shall be responsible for application and compliance with any Section 404 Permitting that may be required by the Army Corps of Engineers.
15. Developer shall coordinate mailbox locations with the Meridian Post Office.
16. 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.
17. 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

## EXHIBIT A

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.

18. At the completion of the project, the applicant shall be responsible to submit record drawings per the City of Meridian AutoCAD standards. These record drawings must be received and approved prior to the issuance of a certification of occupancy for any structures within the project.
19. A street light plan will need to be included in the civil construction plans. Street light plan requirements are listed in section 6-5 of the Improvement Standards for Street Lighting. A copy of the standards can be found at [http://www.meridiancity.org/public\\_works.aspx?id=272](http://www.meridiancity.org/public_works.aspx?id=272).
20. The City of Meridian requires that the owner post to the City a warranty surety in the amount of 20% of the total construction cost for all completed sewer, water and reuse infrastructure for duration of two years. This surety will be verified by a line item cost estimate provided by the owner to the City. The surety can be posted in the form of an irrevocable letter of credit, cash deposit or bond. Applicant must file an application for surety, which can be found on the Community Development Department website. Please contact Land Development Service for more information at 887-2211.

### C. ADA COUNTY HIGHWAY DISTRICT (ACHD)

<https://weblink.meridiancity.org/WebLink/DocView.aspx?id=270757&dbid=0&repo=MeridianCity>

### D. NAMPA & MERIDIAN IRRIGATION DISTRICT (NMID)

<https://weblink.meridiancity.org/WebLink/DocView.aspx?id=271592&dbid=0&repo=MeridianCity>

## X. FINDINGS

Conditional Use (UDC 11-5B-6)

Findings: The commission shall base its determination on the conditional use permit request upon the following:

1. That the site is large enough to accommodate the proposed use and meet all the dimensional and development regulations in the district in which the use is located.

*The Commission finds the site is large enough to accommodate the proposed development and meet all dimensional and development regulations of the C-G zoning district.*

2. That the proposed use will be harmonious with the Meridian comprehensive plan and in accord with the requirements of this title.

*The Commission finds the proposed residential care facility will be harmonious with the Comprehensive Plan and is consistent with applicable UDC standards with the conditions noted in Section IX of this report.*

3. That the design, construction, operation and maintenance will be compatible with other uses in the general neighborhood and with the existing or intended character of the general vicinity and that such use will not adversely change the essential character of the same area.

## EXHIBIT A

*The Commission finds the design, construction, operation and maintenance of the proposed use will be compatible with other uses in the general neighborhood, with the existing and intended character of the vicinity and will not adversely change the essential character of the area.*

4. That the proposed use, if it complies with all conditions of the approval imposed, will not adversely affect other property in the vicinity.

*The Commission finds the proposed use will not adversely affect other properties in the vicinity if it complies with the conditions in Section IX of this report.*

5. That the proposed use will be served adequately by essential public facilities and services such as highways, streets, schools, parks, police and fire protection, drainage structures, refuse disposal, water, and sewer.

*The Commission finds the proposed use will be served by essential public facilities and services as required.*

6. That the proposed use will not create excessive additional costs for public facilities and services and will not be detrimental to the economic welfare of the community.

*The Commission finds the proposed use will not create additional costs for public facilities and services and will not be detrimental to the economic welfare of the community.*

7. That the proposed use will not involve activities or processes, materials, equipment and conditions of operation that will be detrimental to any persons, property or the general welfare by reason of excessive production of traffic, noise, smoke, fumes, glare or odors.

*The Commission finds the proposed use will not be detrimental to any persons, property or the general welfare by the reasons noted above.*

8. That the proposed use will not result in the destruction, loss or damage of a natural, scenic or historic feature considered to be of major importance. (Ord. 05-1170, 8-30-2005, eff. 9-15-2005)

*The Commission finds the proposed use will not result in the destruction, loss or damage of any such features.*

9. Additional findings for the alteration or extension of a nonconforming use:

- a. That the proposed nonconforming use does not encourage or set a precedent for additional nonconforming uses within the area; and,

*This finding is not applicable.*

- b. That the proposed nonconforming use is developed to a similar or greater level of conformity with the development standards as set forth in this title as compared to the level of development of the surrounding properties.

*This finding is not applicable.*