

**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. #2020-059662 – provision #5.1g) to Allow Building Permits for the Commercial Portion of the Development to be Issued prior to Subdivision of the Property, by Brighton Development.

Case No(s). H-2020-0080

For the City Council Hearing Date of: July 28, 2020 (Findings on August 11, 2020)

A. Findings of Fact

1. Hearing Facts (see attached Staff Report for the hearing date of July 28, 2020, incorporated by reference)
2. Process Facts (see attached Staff Report for the hearing date of July 28, 2020, incorporated by reference)
3. Application and Property Facts (see attached Staff Report for the hearing date of July 28, 2020, incorporated by reference)
4. Required Findings per the Unified Development Code (see attached Staff Report for the hearing date of July 28, 2020, 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 July 28, 2020, 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 existing Development Agreement (Inst. No. 2020-059662) is hereby approved per the provisions in the Staff Report for the hearing date of July 28, 2020, 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. Notice of Final Action and Right to Regulatory Takings Analysis

1. The Applicant is hereby notified that pursuant to Idaho Code 67-8003, denial of a development application entitles the Owner to request a regulatory taking analysis. Such request must be in writing, and must be filed with the City Clerk not more than twenty-eight (28) days after the final decision concerning the matter at issue. A request for a regulatory takings analysis will toll the time period within which a Petition for Judicial Review may be filed.
2. **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.

F. Attached: Staff Report for the hearing date of July 28, 2020

By action of the City Council at its regular meeting held on the 11th day of August, 2020.

COUNCIL PRESIDENT TREG BERNT VOTED AYE

COUNCIL VICE PRESIDENT BRAD HOAGLUN VOTED AYE

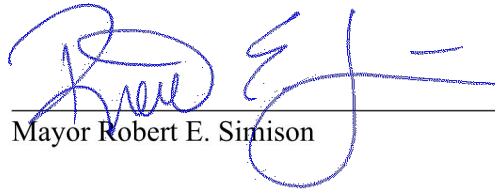
COUNCIL MEMBER JESSICA PERREAULT VOTED AYE

COUNCIL MEMBER LUKE CAVENER VOTED AYE

COUNCIL MEMBER JOE BORTON VOTED AYE

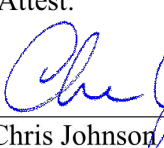
COUNCIL MEMBER LIZ STRADER VOTED AYE

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: Charlene Way Dated: 8-11-2020
City Clerk's Office

EXHIBIT A**STAFF REPORT****COMMUNITY DEVELOPMENT DEPARTMENT**

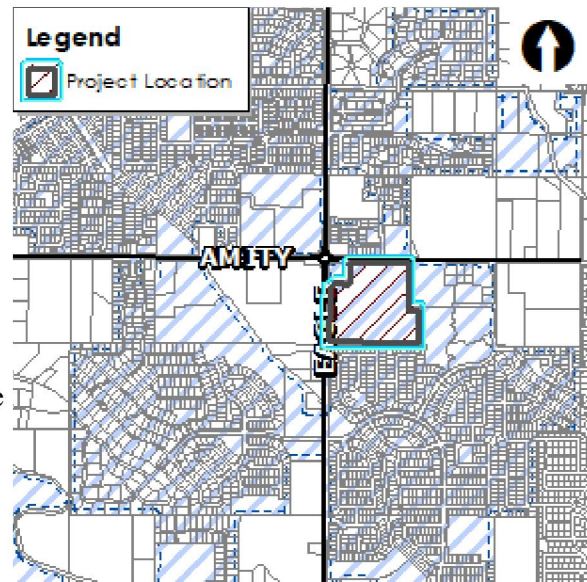
HEARING DATE: 7/28/2020

TO: Mayor & City Council

FROM: Sonya Allen, Associate Planner
208-884-5533

SUBJECT: H-2020-0080
Hill's Century Farm North - MDA

LOCATION: South of E. Amity Rd. & east of S. Eagle Rd., in the NW ¼ of Section 33, Township 3N., Range 1E.

**I. PROJECT DESCRIPTION**

Modification to the existing Development Agreement (Inst. #2020-059662 – provision #5.1g) to allow building permits for the commercial portion of the development to be issued prior to subdivision of the property.

II. SUMMARY OF REPORT**A. Applicant:**

Kody Daffer, Brighton Development – 2929 W. Navigator Rd., ID 83642

B. Owner:

Martin L. Hill – 3675 E. Amity Rd., Meridian, ID 83642

C. Representative:

Kody Daffer, Brighton Development – 2929 W. Navigator Rd., ID 83642

III. STAFF ANALYSIS

The Applicant proposes to amend provision #5.1g in the existing Development Agreement (DA) (Inst. #2020-059662), to allow for building permits to be issued in the commercial portion of the development prior to subdivision of the property as currently required.

The existing provision reads, “The annexation area shall be subdivided prior to issuance of any building permits beyond those required for the development of the school, YMCA and park site, a wireless communication facility, the assisted living facility, medical clinic, and the Hill’s Century Farm North community center complex on common lot 101 as shown on the revised conceptual development plan dated October 30, 2019.”

EXHIBIT A

The Applicant proposes the following change: “The residential portions of the annexation area shall be subdivided prior to issuance of any building permits beyond those required for the development of commercial uses, including but not limited to the school, YMCA and park site, a wireless communication facility, the assisted living facility, medical clinic, and the Hill’s Century Farm North self-service storage facility and the community center complex on common lot 101 as shown on the revised conceptual development plan dated October 30, 2019.”

Because commercial property is not typically required to be subdivided prior to issuance of building permits, Staff recommends the existing provision is stricken and alternate language is provided instead that would simplify the requirements for subdivision of the property, which Staff believes meets the Applicant’s intended purpose, as follows: “The R-8 and R-15 zoned residential portions of the annexation area shall be subdivided prior to issuance of any building permits beyond those required for the community center complex on Lot 101 as shown on the revised conceptual development plan dated October 30, 2019; building permit(s) for the community center complex may be issued prior to subdivision of the property. Subdivision of the C-N and C-C zoned commercial portions of the annexation area is not required prior to issuance of building permits.”

IV. DECISION

A. Staff:

Staff recommends approval of a modification to the DA as recommended by Staff in Section V.

B. The Meridian City Council heard these items on July 28, 2020. At the public hearing, the Council moved to approve the subject MDA request.

1. Summary of the City Council public hearing:

- a. In favor: Mike Wardle, Brighton Corporation
- b. In opposition: None
- c. Commenting: James Phillips
- d. Written testimony: None
- e. Staff presenting application: Sonya Allen
- f. Other Staff commenting on application: None

2. Key issue(s) of public testimony:

- a. Request for mixed use development to occur on this site consistent with the MU-N FLUM designation to provided needed services in this area.

3. Key issue(s) of discussion by City Council:

- a. None

4. City Council change(s) to Commission recommendation:

- a. None

V. EXHIBITS

A. Development Agreement Provision #5.1g:

Existing:

“The annexation area shall be subdivided prior to issuance of any building permits beyond those required for the development of the school, YMCA and park site, a wireless communication facility, the assisted living facility, medical clinic, and the Hill’s Century Farm North community center complex on common lot 101 as shown on the revised conceptual development plan dated October 30, 2019.”

EXHIBIT A

Applicant's Proposed Change:

"The residential portions of the annexation area shall be subdivided prior to issuance of any building permits beyond those required for the development of commercial uses, including but not limited to the school, YMCA and park site, a wireless communication facility, the assisted living facility, medical clinic, and the Hill's Century Farm North self-service storage facility and the community center complex on common lot 101 as shown on the revised conceptual development plan dated October 30, 2019."

Staff's Recommended Change:

~~"The annexation area shall be subdivided prior to issuance of any building permits beyond those required for the development of the school, YMCA and park site, a wireless communication facility, the assisted living facility, medical clinic, and the Hill's Century Farm North community center complex on common lot 101 as shown on the revised conceptual development plan dated October 30, 2019."~~

"The R-8 and R-15 zoned residential portions of the annexation area shall be subdivided prior to issuance of any building permits beyond those required for the community center complex on Lot 101 as shown on the revised conceptual development plan dated October 30, 2019; building permit(s) for the community center complex may be issued prior to subdivision of the property. Subdivision of the C-N and C-C zoned commercial portions of the annexation area is not required prior to issuance of building permits."