



Mayor Robert E. Simison

City Council Members:

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January 3, 2023

Dr. Aaron Orme, DDS
Orme Family and Implant Dentistry
2201 E. Gala Street
Meridian ID 83642

RE: Notice of Department Determination – Request for Addressing Change
2201 E. Gala Street, Meridian, Idaho
Parcel no. R3052170010

Dear Dr. Orme:

You are hereby notified that pursuant to its authority under Meridian City Code section 8-2-4(A), the Land Development Division of the Community Development Department has reviewed your request for an addressing change, a copy of which is enclosed. You requested that the City authorize suite designations for the two businesses that are co-located in the building at 2201 E. Gala Street. The Department has determined that your request must be **denied**, pursuant to Meridian City Code section 8-2-7(E)(2)(b), which reads:

Multi-tenant commercial building. When multi-tenants are colocated in a commercial building, there shall be a single address assigned. Suite numbers shall be assigned to each tenant space in accordance with this section.

Because there is only one tenant space inside the building located at 2201 E. Gala Street, suite designations may not be assigned to this address. Further, it is the opinion of the Meridian Fire Department that assignment of suite designations to a building with a single tenant space will adversely affect the accurate dispatch of emergency vehicles or delivery of emergency services to this location.

In order for the building to contain two suites, you would need to complete a tenant improvement and establish two separate tenant spaces. Alternatively, you may seek a variance from this Department Determination by submitting a written request for a variance to the Meridian City Clerk's Office, **by 5:00 p.m. on Tuesday, January 10, 2023**. Your request may be delivered to the City Clerk's Office at 33 E. Broadway Avenue, Suite 104, Meridian, Idaho, or you may email your request to cityclerk@meridiancity.org. The request must set forth the specific reasons justifying the variance, including the extraordinary hardship caused by this Department Determination.

Further information about the variance process is available at Meridian City Code section 8-2-11. A copy of Title 8, chapter 2, Meridian City Code, is enclosed for your reference.

Thank you for your inquiry.

Sincerely,



Bruce Freckleton
Director, Community Development Department

Encl. (2)



**ORME FAMILY
& IMPLANT DENTISTRY**
EXPERIENCE • AESTHETICS • EXCELLENCE

City Of Meridian
Community Development
33 E Broadway Ave, Ste 102
Meridian, ID 83642

All,

21 Dec. , 2022

We are requesting an address change at 2201 E Gala St. We are requesting the following changes:

Orme Family and Implant Dentistry
2201 E Gala St, Suite A
Meridian, Idaho 83642

and

Mountain View Pointe Dental
2201 E Gala St., Suite B
Meridian, Idaho 83642

There are two separate dental businesses in our building. Having the exact same address with no suite numbers is causing difficulties with the contracting of dental insurance companies. Fee guides are getting dropped or changed which is causing our businesses to lose money. Insurance companies look at locations to determine if we are in-network or out-of-network. When they see a discrepancy, the in-network dentist is being dropped. Insurance companies are continuing to change how they verify in-network and out-of-network and how fee guides are assigned. This has had a direct impact on each of our businesses as these changes are being made. In order for us to continue to not be compromised, a distinction in the address is necessary. This problem is not going to go away and in the future could even cause more issues.

Getting contracted with an insurance company can take up to 4-5 months. So when in-network status changes it can take up to a year to get everything corrected. Again, a direct impact on the company. There will always be two businesses at this location. The current lease agreement is for 10 years. We understand that there is not two separate entrances for each business. The suite numbers are to distinguish each business so that there is no confusion when contracting with insurance companies

Please reconsider your decision. Thank you.

Aaron Orme, DDS

Orme Family and Implant Dentistry

Phone: 208-947-5005

Fax: 208-205-8899

E-mail: Ormedentistry@gmail.com

2201 E. Gala St., Meridian, ID 83642

8-2-3. - Definitions.

ACHD means the Ada County Highway District.

Address means the combination of an address number and street name that identifies a residence, dwelling, business, structure, industry or other property.

Address number means the number assigned to a residence, dwelling, business, structure, industry or other property that is expected to be displayed upon the structure or property for the purpose of property identification to emergency service providers and the U.S. Postal Service, among others.

Address subdesignation means the address alpha or numeric sub- designation used to identify individual buildings, units or suites within a common complex.

Alley means a public or private way affording only secondary means of access to abutting property at the back or side of a property. An alley does not have a street name associated with it.

Assessor means the office of the Ada County Assessor.

Assessor's street name and address database means a database to archive streets, street names, addressing grids, and assigned addresses within Ada County which have received official recognition by the Board, Assessor, or a City Council. The database shall be made available for access by the public at reasonable times and in a manner prescribed by the Assessor.

Board means the Board of Ada County Commissioners.

Circular street means a street that travels in a loop and begins and ends at a common intersection.

Commission means the Planning and Zoning Commission of the City of Meridian.

Council means the City Council of the City of Meridian.

County means Ada County.

Cul-de-sac means a dead-end street that has a turnaround at its terminus.

Department means the City of Meridian Community Development Department.

ITD means the Idaho Transportation Department.

Plat means a map of representation of a subdivision of land into lots, blocks, and roads to be recorded as a public document.

Posttype means one (1) of the following labels attached as a suffix to the name of a street, avenue, boulevard, court, drive, lane, place, road, street or way.

Predirection means a directional label added before a street name to indicate the street's direction of travel and its location in relation to the initial point of the address grid.

Private street means and includes privately owned and maintained roads, streets, and lanes approved by the Director and private driveways which provide access to two (2) or more addressed structures or properties.

Street means a private or public right-of-way which provides vehicular and pedestrian access to adjacent properties. It shall include the terms "street", "drive", "court", "private street", "private road", "road", "avenue", "boulevard", "lane", "place", "highway", and other such terms.

(Ord. 17-1737, 7-5-2017)

8-2-4. - Approvals required.

- A. *Address*. Before any street is named or any address numbers posted on any street, there shall be obtained from the City of Meridian approval for the street name and the street address number. Official street names shall be maintained in the Assessor's Street Name and Address Database.

- B. *Address number grid system.* Before any grid system is established for the purpose of assigning address numbers, or before any existing grid system is changed, it shall be approved by the City of Meridian. All official grid systems shall be shown in the Assessor's Street Name and Address Database.

(Ord. 17-1737, 7-5-2017)

8-2-5. - Delegation and rescission of authority.

The Council hereby delegates both responsibility and authority for implementing this chapter to the department.

(Ord. 17-1737, 7-5-2017)

8-2-6. - Standards for designation of street names.

All new street names shall be established in accordance with the same general standards hereinafter set forth and shall be made a part of the Assessor's Street Name and Address Database.

- A. *Standards.* The following standards shall be used in determining or approving street names.
1. *Name required.* Any street, whether public or private, that provides access to two (2) or more addressed structures or properties must be officially named according to the provisions of this chapter.
 2. *Names to conform.* Street names shall generally conform to the recommendations given to the department by the Assessor and other affected jurisdictions.
 - a. *Exception.* Where the recommendations given to the department differ from the standards set forth in this section, the designation of the street name shall be established in accordance with the standards set forth herein.
 3. *Change in direction.* If a street makes a very obvious change in direction, as determined by the department, a new street name shall be assigned except as provided for "L" shaped streets in this section. Whenever this situation occurs, the change of street name shall occur at the nearest intersection to the point where the direction changes.
 4. *Cul-de-sac or dead end streets.* The name and posttype given to a cul-de-sac or dead end street depends on the overall length of the cul-de-sac or dead end street, as follows.
 - a. *Length of one hundred (100) feet or less.* A cul-de-sac or similar dead end street that has an overall length of one hundred (100) feet or less (as measured along its centerline from the centerline of the principal street that it intersects to the point of radius or centroid of the cul-de-sac) shall carry the same name and the same posttype as the street from which it emerges.
 - b. *Length of more than one hundred (100) feet.* A cul-de-sac or similar dead end street that has an overall length of more than one hundred (100) feet (as measured along its centerline from the centerline of the principal street that it intersects to the point of radius or centroid of the cul-de-sac) shall carry a new name and posttype, and must be named in accordance with the provisions herein.
 5. *Duplication of names prohibited.* There shall be no duplication of street names by sound or spelling within any address numbering grid system area. Differentiation of an existing street name shall not be by the addition of a predirection, posttype, or by change in pronunciation.
 - a. *Exception.* Street and road name duplications may be permitted only where the streets involved are situated within two (2) or more separate addressing grid system areas, and

the department determines that such duplication will not cause confusion or jeopardize the public safety.

6. *Existing names, preference.* Where the proposed street is in general alignment with an existing street, and is determined by the department to be a continuation of that street, the existing street's name shall be continued to the proposed street together with the appropriate posttype. Where a proposed street is on the same alignment but is not connected to an existing street, the department shall designate a name giving preference to existing names. For a proposed street to be considered a continuation of an existing street, the department must find that all of the following circumstances are present.
 - a. The two (2) segments' centerlines must be separated by no more than one (1) mile, as measured in the direction of travel;
 - b. Extensions of the two (2) segments' centerlines must be separated by no more than one hundred feet (100'), as measured perpendicular to the direction of travel;
 - c. The two (2) segments must not be situated in a manner that would cause duplication of address numbers across the two (2) segments; and
 - d. Assigning the existing street name to the proposed street will not have a negative impact on the public safety or the delivery of public services.
7. *Future street dedications.* Names for future street dedications may be suggested by the person or agency proposing the street dedication, subject to all provisions of this chapter.
8. *"L" shaped streets.* Both portions of an "L" shaped street shall be assigned the same name if either leg is one hundred (100) feet or less in length; otherwise each leg shall be assigned a different name.
9. *Length of name; special characters.* Street names shall not be more than thirteen (13) characters in length, including spaces. All street names shall conform to this limitation except where nonconforming existing names are to be continued when extending existing streets or due to alignments.
 - a. *Special characters.* Street names shall not contain special characters such as hyphens, apostrophes, dashes, or letters not occurring in the English alphabet.
10. *Offensive names prohibited.* Proposed street names shall not be vulgar, profane, obscene, indecent, violent, pornographic, discriminatory, or offensive to community standards as determined by the department.
11. *One designation.* Where a new street connects or aligns with two (2) differently named streets, the department shall determine which existing name will be used, giving consideration to the existing streets' lengths, classifications, and usage.
12. *Posttypes.*
 - a. Where a proposed street aligns with an existing street which has an incorrect posttype, the proposed street shall be named with the correct posttype.
 - b. The following posttypes, and no others, shall be attached to the corresponding type of street:
 - (1) *Avenue.* A north-south street generally running in a straight line.
 - (2) *Boulevard.* A street that is eighty (80) feet wide or greater and which directional travel is separated by a raised median strip, usually landscaped. The use of this term must be approved by ACHD.
 - (3) *Court.* An east-west cul-de-sac or dead-end street.
 - (4) *Drive.* A street generally meandering in an east-west direction.
 - (5) *Lane.* A private street.

- (6) *Place*. A north-south cul-de-sac or dead-end street.
 - (7) *Road*. A designated street which extends through both urban and rural areas. The use of this term must be approved by ACHD.
 - (8) *Street*. An east-west street generally running in a straight line.
 - (9) *Way*. A street generally meandering in a north-south direction.
13. *Predirection*. Every segment of street shall include a predirectional of north (N), south (S), east (E), or west (W), based on the street's direction of travel and its location relative to the initial point of the addressing grid in which it lies.
- a. Streets that meander or are diagonal relative to cardinal directions shall be treated as either north-south or east-west streets. Once orientation is established, the most appropriate predirectional shall be used throughout the entire length of street, except as provided for "L" shaped streets in this section. The predirectional will not change even if the street changes direction.
 - b. Numbered streets shall be assigned two (2) directionals.
 - c. Street names shall not contain the words north, south, east or west or any combination or abbreviation thereof; these terms shall be used as directionals only.

(Ord. 17-1737, 7-5-2017)

8-2-7. - Street address numbering standards.

All street address numbers shall conform to the grid system shown on the Assessor's Street Name and Address Database.

- A. *Address districts*. There are four (4) address districts within Ada County. the Boise, Meridian, Eagle, and Kuna Districts. The official boundaries of each district are stored in the Assessor's Street Name and Address Database.
- B. *Initial point*. Each address district has an initial point which designates the starting point of the district's address grid.
 - 1. The initial point for the Meridian Address District is the intersection of Franklin Road and Meridian Road.
- C. *General standards*. The general standards for the Meridian Street Address Grid System are as follows:
 - 1. Sixteen (16) grid blocks shall be assigned to the mile and three hundred thirty (330) feet between grid lines shall be the standard when establishing the grid system.
 - 2. A standard one hundred (100) numbers per grid is hereby established.
- D. *Assigned by Department*. All address numbers shall be assigned by the Department. No other person or organization, public or private, shall assign any address number to any residence, business, industry, or use.
 - 1. *Assessor recommendation*. At department's discretion, the department may seek recommendation from the Assessor of a proposed address number.
- E. *Address numbers; guidelines*. The following guidelines shall be used by the department to assign address numbers:
 - 1. *Limitation*. Only one (1) address number shall be assigned to each residence, dwelling, structure, business, industry or other property.
 - 2. *Apartment buildings, office buildings, condominiums, duplexes, and townhouses*. When individual structures within a common complex are designated with separate addresses,

individual unit numbers shall be assigned so there is no duplication of unit designations within a building. First floor units shall be assigned 100-series numbers, second floor units shall be assigned 200-series numbers, and so on for each successive floor. Basement units shall be assigned 10-series numbers if the next higher floor is designated the first floor; or basements shall be designated 100-series if the next level is designated the second floor.

- a. *Building identifiers.* When complexes consisting of more than one (1) structure have been assigned a single address, each individual building shall also be assigned a letter. Unit or apartment numbers shall then be assigned in accordance with this section.
 - b. *Multi-tenant commercial building.* When multi-tenants are colocated in a commercial building, there shall be a single address assigned. Suite numbers shall be assigned to each tenant space in accordance with this section.
 - c. *Strip commercial buildings.* Strip commercial buildings shall be assigned one (1) address number. Unit numbers shall then be assigned in accordance with this section.
3. *Circular streets.* A circular street is one that returns to the same origin point or to the same originating street. Circular streets shall be numbered beginning at the low numbered intersection and continuing to the other end of the street. The outside of the circle is numbered first and the inside is then numbered to coincide with the outside. Numbering sequence of the outside and inside of the circle shall be used throughout the entire length of the street.
 4. *Cul-de-sacs.* Cul-de-sacs shall be numbered with odd and even numbers on the appropriate sides of the street, in conformance with the standards for odd/even number parity as set forth in this section, and meeting at the midpoint, or the back of the cul-de-sac.
 5. *Fractional, alphanumeric or hyphenated addresses.* For new addresses, there shall be no use of fractional, alphanumeric or hyphenated address numbers. This prohibition also applies to unit numbers.
 6. *Future development.* Address numbers shall be assigned in such a manner that adequate numbers are reserved for possible future development or re-subdivision of land.
 7. *Individual commercial buildings.* Individual buildings shall be given one (1) address number to the street on which the driveway access is located.
 8. *Mobile home parks.* Mobile home parks shall be assigned a single address along the street on which the driveway access is located; and then each space within mobile home parks shall be assigned a space number.
 9. *Odd/even number parity.* Address numbers located on the north and east sides of a street shall be even numbers. Address numbers located on the south and west sides of a street shall be odd numbers. Diagonal and meandering streets will maintain the chosen parity at origination throughout the entire length of the street regardless of change in direction. For diagonal and meandering streets, parity shall be determined based on the predirectional of the street's name.
 10. *Private streets.* Primary structures accessed from an approved private street shall take the name of said private street and shall be assigned an address number in conformance with this section.
 11. *Single-family dwellings.* A single-family dwelling shall receive an individual address number in conformance with the Assessor's Street Name and Address Database.
 12. *Street frontage.* If a structure is located on a lot which fronts only one (1) street, the structure shall be addressed to that street. When vehicular access is used from a point other than the street frontage then the following standards shall apply:
 - a. *Corner lots (commercial).* The address shall be assigned to the street on which the driveway access is located. When a business fronts a main street but is accessed from a secondary street, an address number may be allowed to the main street if the primary

entrance of the business faces the main street unless, as determined by the department, special circumstances exist where following this standard would negatively impact public safety or the delivery of public services. The building's address number shall appear on both faces of the building.

- b. *Corner lots (residential)*. The address shall be assigned to the street on which the main entrance of the primary structure fronts.
13. *Subdivisions*. Address numbers shall be assigned to all subdivision lots in conformance with the Assessor's Street Name and Address Database. Addresses shall be assigned to all new subdivision lots based on the most likely location of a future structure's main entrance, as determined by the department. This address may be changed at the time of construction, if necessary to comply with the requirements of this section. In general, non-buildable lots such as landscape buffers and small common lots are exempt from this requirement.
- a. Subdivisions with alley designs will be addressed to the first public street to which the alley gains access except where the department determines that public safety including the accurate dispatch of emergency vehicles or delivery of emergency services dictates addressing the alley to an alternate public street.
 - b. Subdivisions with common driveway designs will be addressed to the first public street to which the common driveway gains access. Street numbering shall continue with the numeric sequence of the public street's addressing numbers in consecutive ascending order from lowest to highest along the common driveway.

(Ord. 17-1737, 7-5-2017)

8-2-8. - Street name signs; posting address numbers.

- A. *Street name signs*. All street name signs shall be installed and maintained in conformance with ACHD standards and the "Manual on Uniform Traffic Control Devices" (MUTCD).
 1. *Private streets*. Installation and maintenance of street signs for private streets is the responsibility of the applicant or property owner; the department may require additional directional address mapping signs for private streets for public safety.
- B. *Posting address numbers*. The owner of each structure shall post the assigned address number in such a manner that it is clearly visible from the street. Address numbers shall comply in all respects with premises identification requirements set forth in both the International Fire Code and Building Code as adopted and/or amended by the City of Meridian. Address numbers must be posted prior to occupancy.

(Ord. 17-1737, 7-5-2017)

8-2-9. - Process for naming new streets.

- A. *New street name proposals*.
 1. New street names may be proposed only in conjunction with a development or private street application.
 2. New street name proposals may only be submitted by the property owner listed on the associated development application, the property owner's authorized representative, or a government agency.
 3. Proposed new street names will be reviewed and may receive preliminary approval in accordance with the process established by the Assessor.

4. A property owner or their authorized representative may seek a variance of a new street name decision in accordance with the process set forth under this chapter.

B. *Final approval.*

1. If no circumstances require rescission of the Assessor's preliminary approval pursuant to the Assessor's established process, final approval of the street name is granted automatically with Council's final approval of the associated development or Department Director final approval of the private street application.

(Ord. 17-1737, 7-5-2017)

8-2-10. - Changes to existing street names; address numbers.

A. *Public hearing required.* In addition to the process set forth in this section, changing an existing street name or multiple existing address numbers of five (5) or more, requires an affirmative action of the commission at a public hearing before any change shall take effect.

1. *Notice of public hearing.* All affected property owners having frontage on the subject street shall be notified by mail at least thirty (30) days before the public hearing. Notice shall include the reason for the hearing, and the place, date, and time set for the hearing.

B. *Changes to existing street names.*

1. *Reasons for change.* Existing street names may only be changed if the existing name is not in compliance with this chapter and/or the existing name negatively impacts public safety or the delivery of emergency services.

2. *Process for street name change.*

- a. *Public agency.* Another public agency may request that an existing street name be changed by filing a written request with the department including the reasons for the requested change, or the department may do so at its discretion.

- b. *Property owner.* A property owner may request that his or her existing street name be changed by filing a written request with the department. The request shall include the applicant's name, address, street name to be changed, proposed new street name, reasons for the requested change, and in order for the request to be considered, the property owner must first obtain written consent to the proposed change by seventy-five (75) percent of the property owners having frontage on the subject street. The request must include the names, addresses, and signatures of the consenting property owners.

- c. *Payment for new signs.* A condition of an approved request to change an existing street name shall include payment for associated new street signs.

- d. *Department recommendation.*

- (1) Upon receipt of a request for a street name change or upon its own initiative, the department shall determine whether the change and proposed new name will comply with the requirements for street names as set forth in this chapter. As part of department review, the department shall forward the request to the Assessor and other agencies including emergency responders, and request comments on the proposed street name change, as well as confirmation that the proposed change will comport with the Assessor's Street Name and Address Database.

- (2) Following receipt of the Assessor's comments, the department shall either.

- (A) Prepare a written recommendation enumerating the department's findings, including the Assessor's comments and any input received from other agencies including emergency responders, and the proposed name of the existing street

name that is to be changed, and schedule a public hearing on the matter before the commission using the notice provisions set forth in this section; or

- (B) Provide the property owner requesting the name change written notification of the department's denial of the request, including the reasons for the denial, along with information on the right to appeal the denial by seeking a variance by the commission according to the provisions governing variances as set forth in this chapter.
 - e. *Commission decision.* Following the public hearing, the commission shall grant or deny the request, and in so doing, the commission shall take into consideration the testimony provided, the department's findings, the Assessor's comments, the impact of the proposed street name change on public safety including the accurate dispatch of emergency vehicles or delivery of emergency services, the date of the original dedication of the street, the number of existing addresses on the street in question, and any other factors pertinent to proposed street name change.
 - f. *Notice of commission decision.* The department shall mail to all affected property owners having frontage on the subject street written notice of the commission's final decision. Such notice shall include notice of the right to appeal the commission's decision to City Council in accordance with the requirements of this chapter. The commission decision is deemed final after approval of the findings of facts, conclusions of law, decision, and order.
 - g. *ACHD notification.* Following entry of a final decision to approve a request to change an existing street name, and expiration of the appeals period or resolution of any pending appeals, ACHD shall be notified of the newly assigned street name according to the Assessor's established process to coordinate through ACHD invoicing for all costs associated with production and installation of the new street signs; remittance shall be to ACHD.
3. *Effective date.* No change to an existing street name shall become effective until ninety (90) days after entry of a final decision to approve a request to change an existing street name, and expiration of the appeals period or resolution of any pending appeals, and ACHD's receipt of payment for the new street signs.
- C. *Changes to existing address number.*
- 1. *Process for address number change.* Where deemed necessary or desirable, and in accordance with this section, the department may change one (1) to four (4) existing address numbers at its own discretion. When five (5) or more related address changes are deemed necessary or desirable the department shall schedule a public hearing before the commission following the public notice provisions set forth in this section.
 - 2. *Reasons for change.* Existing address numbers may be changed only in the following situations:
 - a. The existing address number conflicts with the official address number grid;
 - b. The existing address number conflicts with any of the requirements of this chapter;
 - c. The existing address number is not in sequence and/or does not run consecutively in the same direction as the official address number grid;
 - d. The existing address number is such that the assignment of address numbers for new development is not practical and in keeping with the addressing standards as set forth in this chapter;
 - e. When a new street is approved and the existing address must reflect the new street name using the correct numerical range for the new street;
 - f. When an address is duplicated;
 - g. When development takes place around an existing address causing a loss of street frontage to the street name of the existing address;

- h. When development takes place on previously addressed bare land;
 - i. When the existing address's nonconformity with the addressing standards as set forth in this chapter interferes with the accurate dispatch of emergency vehicles or efficient delivery of public services.
3. *Selection of new address number; guidelines.* The department shall select the new address number or numbers to be used giving consideration to the following:
- a. The department may seek the recommendation of the Assessor for a change of an existing address number, but is not bound by the recommendation provided the change complies with the standards for address numbers as set forth in this chapter.
4. *Department recommendation.*
- a. *Affecting one (1) to four (4) address changes.* For changes to existing address numbers fewer than five (5), the department shall mail to affected property owners written notice of the address change no less than ninety (90) days before the effective date of the change as determined by the department. Notice shall include the reason for the address change along with information on the right to appeal to the commission to request a variance under this chapter.
 - b. *Affecting five (5) or more multiple related address changes.* The department shall prepare a written recommendation enumerating the department's proposed address number changes, including the Assessor's comments and any input received from other agencies including emergency responders, and schedule a public hearing on the matter before the commission using the notice provisions set forth in this section.
5. *Commission decision; affecting five (5) or more multiple related address changes.* Following the public hearing, the commission, upon recommendation of the department, shall make an affirmative decision regarding the request to change five (5) or more multiple related addresses including the new address numbers to be used. In so doing, the commission shall take into consideration the impact on public safety including the accurate dispatch of emergency vehicles or delivery of emergency services, the date of the original dedication of said streets, the number of existing addresses on the streets in question, and any other factors pertinent to the changes in question.
- a. *Notice of commission decision.* The department shall mail all affected property owners written notification of the commission's final decision. Such notice shall include notice of the right to appeal the commission's decision to City Council in accordance with the requirements of this chapter. The commission decision is deemed final after approval of the findings of facts, conclusions of law, decision, and order.
 - b. *Effective date.* No change to multiple existing address numbers of five (5) or more related addresses shall become effective until ninety (90) days after official action by the commission or expiration of the applicable appeal period whichever is longer.
6. *Exigent circumstances; waiver of notice requirements.* The department shall have authority to lessen notice requirements in certain circumstances including, but not limited to:
- a. *Imminent initiation of development.* The department determines that change of the initial address assigned to building lot is required to comply with the addressing standards as set forth in this chapter and that affecting such change prior to initiation of development is administratively prudent;
 - b. *Public safety.* The department determines that circumstances warrant waiver of notice requirements due to public safety concerns;
 - c. *Timely notice.* The department shall provide notice in as timely a manner as feasible under the circumstances utilizing any and all available methods of contacting property owner.
7. *Posting date.* New address numbers must be posted by the property owner by the effective date.

- D. *Notification to public agencies.* The department shall notify certain public agencies of changes of street name or address number within five (5) working days of the written final decision as determined by the expiration of the appeals period or resolution of any pending appeals. Notification will be provided to affected agencies as determined by the department, including, public health and safety agencies; United States Post Office; and utility companies.
- E. *Property owner's responsibility.* At or before such time of the effective date, if the property owner's address has changed, the property owner shall complete a change of address form with the United States Postal Service and display the new address number as required by this section. It shall be the sole responsibility of the property owner to notify the property owner's banks, creditors, periodicals and any other persons of the new street name and/or address number.

(Ord. 17-1737, 7-5-2017)

8-2-11. - Variances and appeals.

A. *Variances.*

1. *Grant of variance by Commission.* The standards and requirements of these regulations may be modified or varied by the Commission where the enforcement of the rules hereunder will result in extraordinary hardship; provided, that substantial justice is done and the public interest is secured. In granting any such variance or modification, the Commission may require conditions thereof as will, in its judgment, secure substantial compliance with the general principles of this chapter.
2. *Variance; findings.* A request for variance may be granted upon a finding by the Commission that all of the following conditions have been met.
 - a. That the need for the requested variance is not the result of actions of the property owner or any person, firm, or corporation representing the property owner (self-created).
 - b. That the requested variance will not grant a right or special privilege to the property owner that is not otherwise allowed under this chapter.
 - c. That granting the requested variance will not adversely affect the addressing of future development or the rights of adjacent property owners or residents.
 - d. That the variance requested will not adversely affect the health, safety, and welfare of the community including the accurate dispatch of emergency vehicles or delivery of emergency services.
 - e. That for a requested variance of a proposed new street name decision; the variance requested will comply with street name standards set forth in this chapter if applicable.
 - f. For commercial property, in addition to the other listed findings required by this section, the following must also be true:
 - (1) That signage exists on the street to which the existing address is attached and will remain indefinitely as a condition of approval;
 - (2) That the primary structure on the property will have continued frontage and be clearly visible from the street to which its existing address is attached; and
 - (3) That potential impact of future development will not adversely affect the primary structure's visibility from the street to which its existing address is attached.
 - (4) That the size of the primary structure attached to the existing address exceeds fifty thousand (50,000) square feet which is the minimum square footage to be considered for a variance.
 - g. That the strict application of the requirements of this chapter of which variance is requested will constitute extraordinary hardship upon the property owner as follows;

- (1) *Extraordinary hardship; findings.* An extraordinary hardship may be found where two (2) or more of the following circumstances exist.
 - (A) That the property's address has been in common use for twenty (20) years or longer.
 - (B) That the existing address number runs consecutively in the same direction and in parity as indicated on the Assessor's Street Name and Address Database.
 - (C) That multiple tenants would be required to change their address along with the primary user.
 - (D) That the existing address number can be administered and maintained for future development.
 - (E) That not assigning a proposed new street name would have substantial negative monetary impact to the property owner.

3. *Process for requesting variance.*

- a. A property owner may seek a variance from a department determination in which the property owner is an affected party by submitting a written request for variance to the City Clerk's Office within five (5) working days of the date of written notification of the department determination. A copy of the notice of appeal shall be provided to the department.
- b. A request for variance must specifically set forth the reasons justifying the variance including the extraordinary hardship caused by the regulations and decision of the department.
- c. The department may submit a response to the City Clerk's Office and the property owner within five (5) working days of receipt of the request for variance.
- d. The City Clerk's Office shall schedule the matter for a public hearing before the commission at the first available opportunity and provide notice of the hearing to the parties.
- e. On the date and time duly noticed for the hearing before the commission, the parties may provide testimony and/or evidence to assist the commission in reaching a decision regarding the requested variance. The commission decision shall be supported by findings of fact and conclusions of law.
- f. The commission's decision shall become final upon its approval of written findings of fact and interpretations or applications of this chapter supporting the decision.
- g. The City Clerk's Office shall mail written notification of the final decision to the property owner. Such notice shall include notice of the right to appeal the commission's decision to City Council according to the process set forth in this section.

B. *Appeals.*

1. *Limited right of appeal to Council.* The Council may affirm, overturn, or modify a decision by the Commission only where the Commission's findings of fact are not based upon substantial evidence or the conclusions of law are erroneous. No new evidence shall be presented on appeal to City Council. The Council shall decide the matter upon consideration of the record of hearing before the Commission. The decision of the Council shall be final.
2. *Appeals process.*
 - a. A property owner may appeal to Council a final decision of the Commission in which the property owner is an affected party by filing a written notice of appeal with the City Clerk's Office. The appeal shall be filed within five (5) working days of the mailing date of written notice of the Commission decision. A copy of the notice of appeal shall be provided to the department.
 - b. The notice of appeal shall specifically state where the commission erred in the findings of fact and/or the interpretation or application of this chapter.

- c. A response may be submitted by the department to the City Clerk's Office and the party seeking appeal within five (5) working days of receipt of the notice of appeal.
- d. The City Clerk's Office shall schedule the matter before the Council at the first available opportunity and provide notice of the hearing to the parties.
- e. On the date and time duly noticed for the hearing before the Council, each party may make a brief statement supporting its position on appeal.
- f. The Council shall reach a final decision prior to the conclusion of the hearing on appeals arising under this chapter. The City Clerk's Office shall provide written notification of the Council's decision to the affected property owner.

(Ord. 17-1737, 7-5-2017)

8-2-12. - Validity.

- A. *Validity of remaining portions.* Should any section, subsection, paragraph, sentence, clause or phrase of this chapter, or any particular application thereof, be declared unconstitutional or invalid for any reason by a court of competent jurisdiction, such decision shall not affect the validity of the remaining provisions of this chapter.
- B. *Failure of Commission to act.* If in an instance the commission fails to act or carry out its responsibilities according to the regulations contained herein, the Council shall assume all the duties of the commission as herein specified in relation to the application concerned.

(Ord. 17-1737, 7-5-2017)

8-2-13. - Violations and penalties.

- A. *Signs to comply with Assessor's street name and address database.* No person shall erect or install a street name sign which is not in accordance with the Assessor's street name and address database and the requirements of this chapter.
- B. *Defacing street name signs or address identification.* No person shall remove, alter, change, or otherwise deface a street name sign or address identification which exists in accordance with the Assessor's street name and address database and the requirements of this chapter.
- C. *Posting address required.* All persons shall post the address number of his property as designated by the City Council and as required by this chapter and all other applicable provisions of law.
- D. *Violation a misdemeanor.* Each violation of these regulations shall be a misdemeanor. Each violation for each day it shall continue shall constitute a separate offense, and each violation shall be punishable as provided in Idaho Code § 18-113.

(Ord. 17-1737, 7-5-2017)