

EXHIBIT B

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



In the Matter of the Request for Amendment to the Comprehensive Plan Future Land Use Map (CPAM) to Change the Future Land Use Designation on 42+/- Acres of Land from Mixed Use – Community to Industrial; and Annexation of (AZ) of 1.59 Acres of Land with an I-L (Light Industrial) Zoning District for Hatch Industrial, by Hatch Design Architecture.

Case No(s). H-2021-0026

For the City Council Hearing Date of: October 19, 2021 (Findings on November 3, 2021)

A. Findings of Fact

1. Hearing Facts (see attached Staff Report for the hearing date of October 19, 2021, incorporated by reference)
2. Process Facts (see attached Staff Report for the hearing date of October 19, 2021, incorporated by reference)
3. Application and Property Facts (see attached Staff Report for the hearing date of October 19, 2021, incorporated by reference)
4. Required Findings per the Unified Development Code (see attached Staff Report for the hearing date of October 19, 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 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 October 19, 2021, 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 an amendment to the Comprehensive Plan Future Land Use Map and Annexation & Zoning is hereby approved with the requirement of a Development Agreement per the provision in the Staff Report for the hearing date of October 19, 2021, 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. **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 October 19, 2021

By action of the City Council at its regular meeting held on the 9th day of November, 2021.

COUNCIL PRESIDENT TREG BERNT VOTED AYE

COUNCIL VICE PRESIDENT BRAD HOAGLUN VOTED AYE

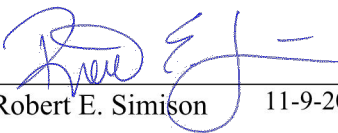
COUNCIL MEMBER JESSICA PERREAULT VOTED AYE

COUNCIL MEMBER LUKE CAVENER VOTED AYE

COUNCIL MEMBER JOE BORTON VOTED AYE

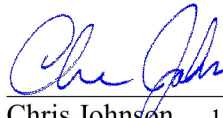
COUNCIL MEMBER LIZ STRADER VOTED AYE

MAYOR ROBERT SIMISON VOTED _____
(TIE BREAKER)



Mayor Robert E. Simison 11-9-2021

Attest:



Chris Johnson 11-9-2021
City Clerk



Copy served upon Applicant, Community Development Department, Public Works Department and City Attorney.

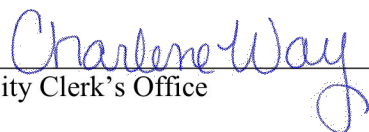
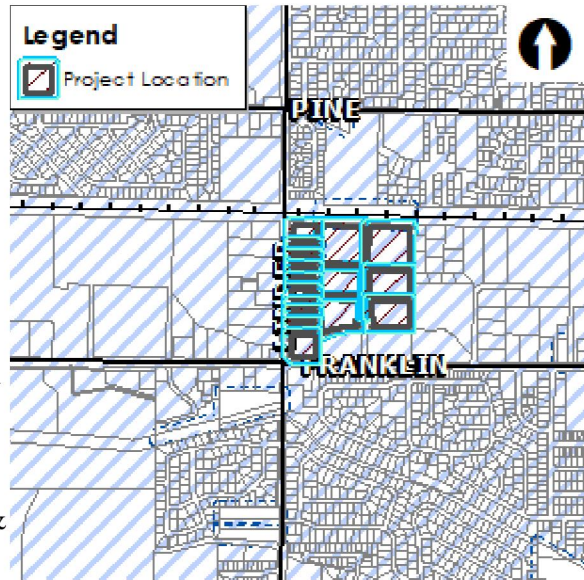
By:  _____ Dated: 11-9-2021
City Clerk's Office

EXHIBIT A

STAFF REPORT COMMUNITY DEVELOPMENT DEPARTMENT



HEARING DATE: October 19, 2021
 TO: Mayor & City Council
 FROM: Sonya Allen, Associate Planner
 208-884-5533
 SUBJECT: H-2021-0026
 Hatch Industrial – CPAM, AZ
 LOCATION: CPAM: East side of N. Linder Rd., south of the railroad tracks, and north side of W. Franklin Rd.
 AZ: 160 N. Linder Rd. (Parcel No. R3579000045 & R3579000040; Lots 8 & 9, Heppers Acre Subdivision)
 SW ¼ of Section 12, Township 3N., Range 1W.



I. PROJECT DESCRIPTION

Amendment to the Comprehensive Plan Future Land Use Map (CPAM) to change the future land use designation on 42+/- acres of land from Mixed Use – Community to Industrial; and Annexation of (AZ) of 1.59 acres of land with an I-L (Light Industrial) zoning district.

II. SUMMARY OF REPORT

A. Project Summary

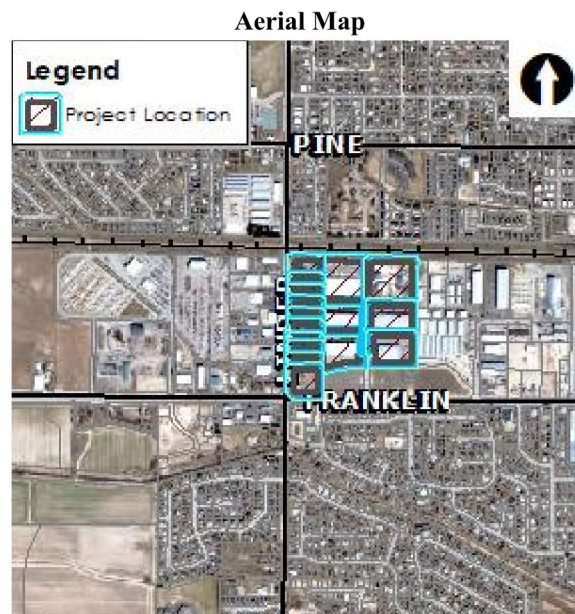
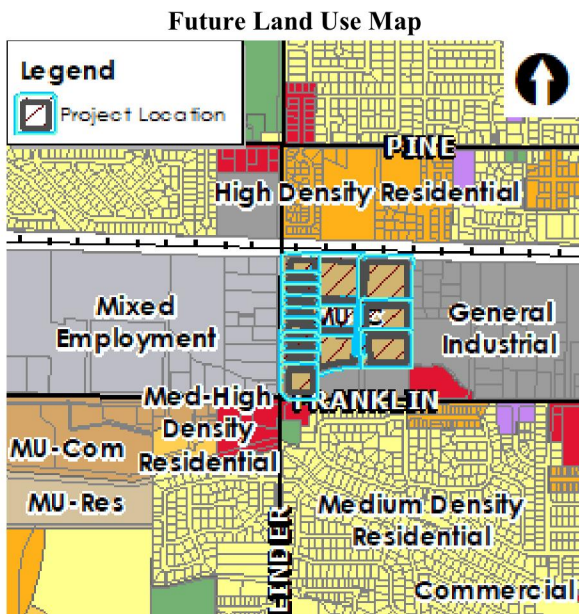
Description	Details	Page
Acreage	42+/- acres (CPAM); 1.59 acres (AZ)	
Future Land Use Designation	MU-C (Mixed Use – Community)	
Existing Land Use	Mix of residential, industrial, childcare facility and healthcare uses	
Proposed Land Use(s)	Storage facility & future industrial uses	
Current Zoning	R1 in Ada County, L-O (Limited Office), I-L (Light Industrial) and C-C (Community Business)	
Proposed Zoning	I-L (Light Industrial)	
Physical Features (waterways, hazards, flood plain, hillside)	None	

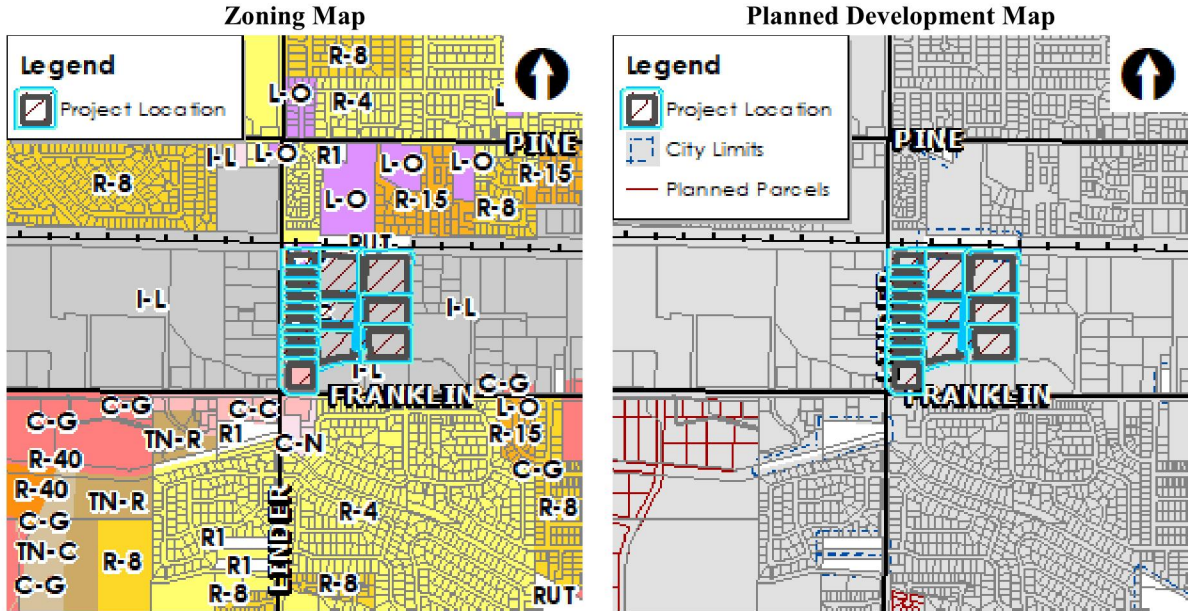
Neighborhood meeting date; # of attendees:	3/30/21; 4 attendees	
History (previous approvals)	270 N. Linder Rd. [AZ-09-004 (Ord. #10-1442); CZC-10-071 – The Baby Place]; Parcel #S1212336031 (Ord. #387 JMK Properties AZ); 444 N. Linder Rd. (AZ Ord #827 – Kathleen & Wendell Lawrence)	

B. Community Metrics

Description	Details	Page
Ada County Highway District		
<ul style="list-style-type: none"> Staff report (yes/no) 	Yes	
<ul style="list-style-type: none"> Requires ACHD Commission Action (yes/no) 	No	
<ul style="list-style-type: none"> Existing Conditions 	Linder Rd. is improved with 5-travel lanes, vertical curb, gutter & 7' attached sidewalk. <i>No additional improvements or right-of-way dedication is required with this application.</i>	
<ul style="list-style-type: none"> CIP/IFYWP 	No further improvements required.	
Access (Arterial/Collectors/State Hwy/Local)(Existing and Proposed)	Access is depicted via Linder Rd. for the property proposed to be annexed with a cross-access driveway to adjacent properties to the north & south.	
Proposed Road Improvements	None	
Fire Service	<i>No comment.</i>	
Police Service	<i>No comment.</i>	

C. Project Maps





III. APPLICANT INFORMATION

A. Applicant:

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

B. Owner:

Ronald Hatch – P.O. Box 776, Meridian, ID 83680

C. Representative:

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

IV. NOTICING

	Planning & Zoning Posting Date	City Council Posting Date
Newspaper notification published in newspaper	8/27/2021	10/3/2021
Radius notification mailed to property owners within 300 feet	8/25/2021	9/30/2021
Public hearing notice sign posted on site	9/1/2021	10/5/2021
Nextdoor posting	8/26/2021	9/30/2021

V. COMPREHENSIVE PLAN ANALYSIS

EXISTING LAND USE DESIGNATION: This property is currently designated as Mixed Use – Community (MU-C) on the Future Land Use Map (FLUM) contained in the [Comprehensive Plan](#) (see map in Section VIII.A). The purpose of this designation is to allocate areas where community-serving uses and dwellings

are seamlessly integrated into the urban fabric. The intent is to integrate a variety of uses, including residential, and to avoid mainly single-use and strip commercial type buildings. Non-residential buildings in these areas have a tendency to be larger than in Mixed Use Neighborhood (MU-N) areas. Goods and services in these areas tend to be of the variety that people will mainly travel by car to, but also walk or bike to (up to 3 or 4 miles). Employment opportunities for those living in and around the neighborhood are encouraged. Developments are encouraged to be designed according to the conceptual MU-C plan depicted in Figure 3C. (See pgs. 3-11 through 3-16.)

PROPOSED LAND USE DESIGNATION: The proposed FLUM designation for this property is Industrial (see map in Section VIII.A). The Industrial designation allows a range of uses that support industrial and commercial activities. Industrial uses may include warehouses, storage units, light manufacturing, flex, and incidental retail and office uses. In some cases uses may include processing, manufacturing, warehouses, storage units, and industrial support activities (see pg. 3-11).

There is an existing childcare facility located on the property at 444 N. Linder Rd., zoned L-O; a birthing center/women’s healthcare facility located at 270 N. Linder Rd., zoned C-C; vacant/undeveloped land at the northeast corner of Linder/Franklin, zoned C-C; and warehouse/industrial uses on the eastern portion of the site in Creamline Park, zoned I-L. The properties entitled with commercial/office zoning will be allowed to continue to operate as-is and/or develop with commercial uses as allowed by UDC Table [11-2B-2](#). The remainder of the 1+/- acre properties within the CPAM area that front on N. Linder Rd. are developed with single-family residential homes. If the CPAM is approved, the residential properties, when redeveloped, should be rezoned to I-L or I-H and develop with uses allowed in the applicable district as listed in UDC Table [11-2C-2](#).

Staff believes it would be difficult for the residential properties fronting on Linder Rd. to redevelop consistent with the current MU-C FLUM designation due to the depth of the properties at 320+/- feet and the type of development that would likely occur (strip commercial buildings); it’s likely these properties would develop on a “piece by piece” basis and not as a larger integrated mixed use planned development. Because industrial uses exist on the eastern portion of the site, residential uses wouldn’t integrate well or be compatible with existing uses and interconnectivity between uses isn’t feasible. Development would also not be consistent with the General Mixed Use Concept Diagram in the Comprehensive Plan (see pg. 3-12) as the site is not deep enough to provide the transition in uses shown on the concept diagram.

The land on the west side of N. Linder Road and to the east of the CPAM area is designated as Industrial on the FLUM and zoned I-L, except for one parcel abutting the east boundary of the site fronting on W. Franklin Rd. which is designated Commercial and zoned I-L. Because of the industrial nature of the overall area south of the railroad tracks on the north side of Franklin Rd., the need for more industrial land, and Staff’s belief that industrial uses would be more compatible with existing industrial uses, Staff is supportive of the CPAM request.

Transportation: The Master Street Map (MSM) does not depict any collector streets across this property.

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*):

- “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 service is available and can be extended by the developer of the property proposed to be annexed with development in accord with UDC 11-3A-21. No development is proposed on the remainder of the CPAM property at this time.

- “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 proposed industrial use will be required to provide a landscaped buffer along property lines adjacent to residential uses (i.e. to the north and south) with development per UDC Table 11-2C-3.

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

The proposed industrial development should be compatible with existing industrial uses to the east and west. The required buffer to residential land uses to the north and south should minimize conflicts between land uses.

- “Support infill development that does not negatively impact the abutting, existing development. Infill projects in downtown should develop at higher densities, irrespective of existing development.” (2.02.02C)

The proposed infill industrial development shouldn’t negatively impact abutting uses as other industrial uses exist to the east and west; and a landscaped buffer is required along the north and south property boundaries to residential uses which should minimize conflicts.

- “Ensure development is connected to City of Meridian water and sanitary sewer systems and the extension to and through said developments are constructed in conformance with the City of Meridian Water and Sewer System Master Plans in effect at the time of development.” (3.03.03A)

The proposed development will be required to connect to City water and sewer systems with development; services are required to be provided to and though this development in accord with current City plans.

- “Require appropriate landscaping, buffers, and noise mitigation with new development along transportation corridors (setback, vegetation, low walls, berms, etc.).” (3.07.01C)

A 25-foot wide street buffer is required to be provided with development along N. Linder Rd., an arterial street, per UDC Table 11-2C-3, landscaped per the standards in UDC 11-3B-7C.

- “Require urban infrastructure be provided for all new developments, including curb and gutter, sidewalks, water and sewer utilities.” (3.03.03G)

Curb, gutter and sidewalk was recently constructed with the road widening project along Linder Rd. Hook-up to City water and sewer service is required with development.

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

Development of the subject infill parcel will maximize the provision of public services.

VI. STAFF ANALYSIS

A. COMPREHENSIVE PLAN MAP AMENDMENT (CPAM)

As discussed above, the Applicant requests an amendment to the FLUM to change the future land use designation on 42+/- acres of land from Mixed Use – Community (MU-C) to Industrial. An exhibit map showing the existing and proposed FLUM designation is included in Section VIII.A.

Approval of the proposed amendment to Industrial will accomplish the following: 1) it will allow the existing residential/commercial properties within the site to redevelop with industrial uses which should be more compatible with existing industrial uses on the site and adjacent to the site; 2) industrial uses should be more compatible with existing industrial uses than uses allowed in the MU-C designation, which should minimize conflicts between land uses; 3) for the properties already zoned I-L and developed with industrial uses on the eastern portion of the site in Creamline Park, the amendment will “clean-up” the FLUM for this area so that the land use designation coincides with the existing approved

uses; and the amendment will allow more industrial uses to develop which are needed in the City. For these reasons, Staff supports the request.

B. ANNEXATION (AZ)

The Applicant proposes to annex 1.59 acres of land, including right-of-way to the section line of N. Linder Rd., from the R1 zoning district in Ada County to the I-L zoning district in the City consistent with the proposed FLUM amendment to Industrial. A legal description and exhibit map for the annexation area is included in Section VIII.B.

The subject property is part of an enclave area surrounded by City annexed property. Annexation of this land will provide more efficient provision of City services. Industrial uses exist to the west across N. Linder Rd. and to the east; single-family residences exist to the north and south in Ada County.

The Applicant proposes to develop the 1.41-acre property with a 19,975 square foot 10-unit industrial building to lease to contractors, mostly for storage with the potential for each space to have a small office and restroom. A warehouse use is principally permitted in the I-L district; professional services (i.e. offices) are allowed as an accessory use per UDC Table [11-2C-2](#). Flex space is also a principally permitted use in the I-L district subject to the specific use standards listed in UDC [11-4-3-18](#).

Conceptual Development Plan: The conceptual development plan shown in Section VIII.C depicts the proposed structure, associated parking, driveway access and drive-aisles within the site. An existing 30-foot wide easement is depicted along the east boundary of the site on the Heppers Acre Subdivision plat.

Access: One (1) driveway access to the site is proposed via N. Linder Rd. with driveway stubs to the properties to the north and south for future cross-access upon redevelopment of those properties. **A cross-access easement should be recorded granting access to/from N. Linder Rd. through the subject property for those properties; a copy of this easement should be submitted to the Planning Division prior to issuance of the Certificate of Occupancy for this site.** The minimum drive aisle width for 90 degree parking with 2-way drive aisles is 25-feet per UDC Table [11-3C-5](#).

Sidewalk/Pathway: An attached 7-foot wide sidewalk was recently constructed along N. Linder Rd. along the frontage of this site. The Pathways Plan designates a 10-foot wide detached multi-use pathway in this area. Because the sidewalk was recently constructed, Staff does *not* recommend it's removed and a new pathway constructed in its place at this time; **however, Staff does recommend a 14-foot wide public pedestrian easement is recorded for the pathway.**

Parking: Off-street parking is required to be provided in accord with the standards listed in UDC [11-3C-6](#) for industrial uses (i.e. 1 space for every 2,000 square feet of gross floor area). Based on a 19,975 square foot building, a minimum of nine (9) spaces are required. A total of 30 spaces are depicted on the conceptual development plan, which exceeds the minimum number of spaces by 21.

Landscaping: A 25-foot wide street buffer is required to be constructed along N. Linder Rd., an arterial street, measured from back of sidewalk; the buffer should be landscaped per the standards listed in UDC [11-3B-7C](#).

Parking lot landscaping is required per the standards listed in UDC [11-3B-8C](#). A minimum 5-foot wide buffer should be provided along the east property boundary unless the requirement is reduced or waived by the Director for truck maneuvering areas as set forth in UDC 11-3B-8C.1a.

A 25-foot wide buffer to residential land uses is required per UDC [Table 11-2C-3](#), landscaped per the standards listed in UDC [11-3B-9C](#); residential uses exist to the north and south of this property. **The Applicant requests City Council approval of a reduced buffer width of 5 feet adjacent to residential uses as allowed by UDC 11-3B-9C.2 with notice to surrounding property owners. A reduction to the buffer width shall not affect building setbacks; all structures shall be set back from the property line a minimum of the buffer width required in the I-L district (i.e. 25-feet).**

Landscaping is required along the multi-use pathway adjacent to N. Linder Rd. per the standards listed in UDC [11-3B-12C](#).

There are existing trees on this site that may require mitigation if removed per the standards listed in UDC [11-3B-10C.5](#). **Staff recommends the Applicant contact Matt Perkins, the City Arborist, to schedule a site inspection prior to removal of any trees from the site to determine mitigation requirements.**

Elevations: Conceptual building elevations were not submitted for the industrial building. The design of the structure is required to comply with the design standards in the [Architectural Standards Manual](#) (ASM). **Staff recommends the design is required to comply with the design standards for commercial buildings rather than industrial buildings because the property fronts on an arterial street (i.e. Linder Rd.) and will be highly visible.** Detailed review of the elevations for compliance with these standards will take place with the Certificate of Zoning Compliance and Design Review application prior to submittal of an application for a building permit.

The City may require a development agreement (DA) in conjunction with a annexation pursuant to Idaho Code section 67-6511A. **To ensure the site develops as proposed with this application, Staff recommends a DA is required with the provisions discussed above and included in Section IX.A.**

VII. DECISION

A. Staff:

Staff recommends approval of the proposed amendment to the Future Land Use Map and Annexation with the requirement of a Development Agreement per the provisions in Section IX in accord with the Findings in Section X.

B. The Meridian Planning & Zoning Commission heard these items on September 16, 2021. At the public hearing, the Commission moved to recommend approval of the subject CPAM and AZ requests.

1. Summary of Commission public hearing:

- a. In favor: Jeff Hatch, Applicant’s Representative
- b. In opposition: None
- c. Commenting: None
- d. Written testimony: Gary Reimer, Joe Olson, Bogdan Martsenyuk, Soerabaia Living Trust.
- e. Staff presenting application: Bill Parsons
- f. Other Staff commenting on application: None

2. Key issue(s) of public testimony:

- a. All of the letters of testimony submitted are in support of the CPAM request.
- b. Mr. Reimer is in support of the requested reduction to the width of the landscape buffer to residential uses from 25’ to 5’ along their shared boundary line (i.e. project’s northern boundary).

3. Key issue(s) of discussion by Commission:

- a. None

4. Commission change(s) to Staff recommendation:

- a. None

5. Outstanding issue(s) for City Council:

- a. None

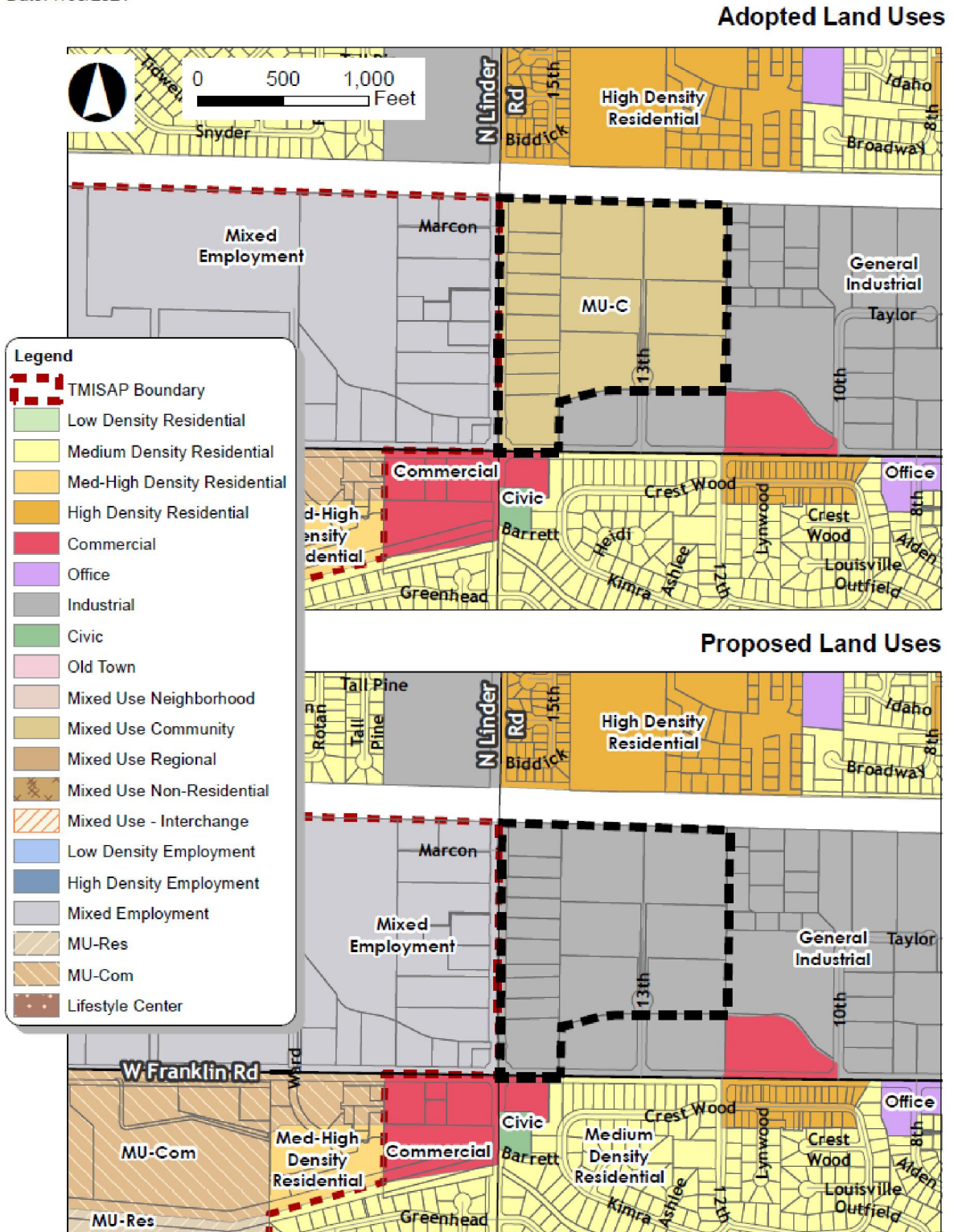
C. The Meridian City Council heard these items on October 19, 2021. At the public hearing, the Council moved to approve the subject CPAM and AZ requests.

1. Summary of the City Council public hearing:
 - a. In favor: Jeff Hatch
 - b. In opposition: None
 - c. Commenting: None
 - d. Written testimony: None
 - e. Staff presenting application: Caleb Hood
 - f. Other Staff commenting on application: None
2. Key issue(s) of public testimony:
 - a. None
3. Key issue(s) of discussion by City Council:
 - a. Landscape buffers to the north and south and redevelopment potential for the roughly 40 acres of property in this area
4. City Council change(s) to Commission recommendation:
 - a. Approve a reduction to the landscape buffer to the north and south to 5 feet. Motion by Cavener; second by Perreault – all ayes.

VIII. EXHIBITS

A. Future Land Use Map – Adopted & Proposed Land Uses

Date: 7/30/2021



B. Annexation Legal Description and Exhibit Map



Annexation Description

A parcel of land being all of Lots 8 and 9 of Heppers Acre Subdivision as recorded in Book 19 of Plats at Pages 1298 and 1299, Records of Ada County, said parcel is located in the Southwest Quarter of the Southwest Quarter of Section 12, Township 3 North, Range 1 West of the Boise Meridian, Ada County, Idaho, being more particularly described as follows:

Commencing at the found 4 inch aluminum cap monument at the corner common to Sections 11, 12, 13 and 14, T3N, R1W from which the found 3 inch brass cap monument in asphalt at the quarter corner common to Sections 11 and 12, T3N, R1W bears N 00° 32' 39" E a distance of 2645.87 feet; thence N 00° 32' 39" E along the section line for a distance of 646.92 feet to the **REAL POINT OF BEGINNING;**

Thence N 89° 41' 22" E for a distance of 40.00 feet to a found 5/8th inch iron pin labeled PLS 11779 at the northwest corner of Lot 8;

Thence N 89° 41' 22" E along the line common to Lots 7 and 8 for a distance of 315.19 feet to a set 5/8th inch iron pin with a cap stamped PLS 11463 at the northeast corner of Lot 8;

Thence S 00° 46' 31" W for a distance of 192.00 feet to a found 1/2 inch iron pin, replaced with a 5/8th inch iron pin with a cap stamped PLS 11463;

Thence S 88° 31' 38" W along the line common to Lots 9 and 10 for a distance of 314.52 feet to a set 5/8th inch iron pin with a cap stamped PLS 11463 at the southwest corner of Lot 9;

Thence S 88° 31' 38" W for a distance of 40.02 feet to a point on the section line;

Thence N 00° 31' 39" E along the section line for a distance of 199.18 feet to the **REAL POINT OF BEGINNING.**

Parcel contains 1.593 acres, or 69,379 square feet, more or less.

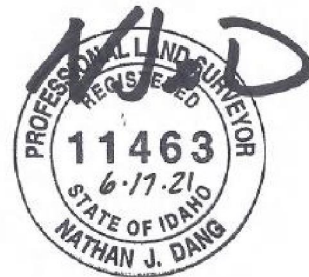
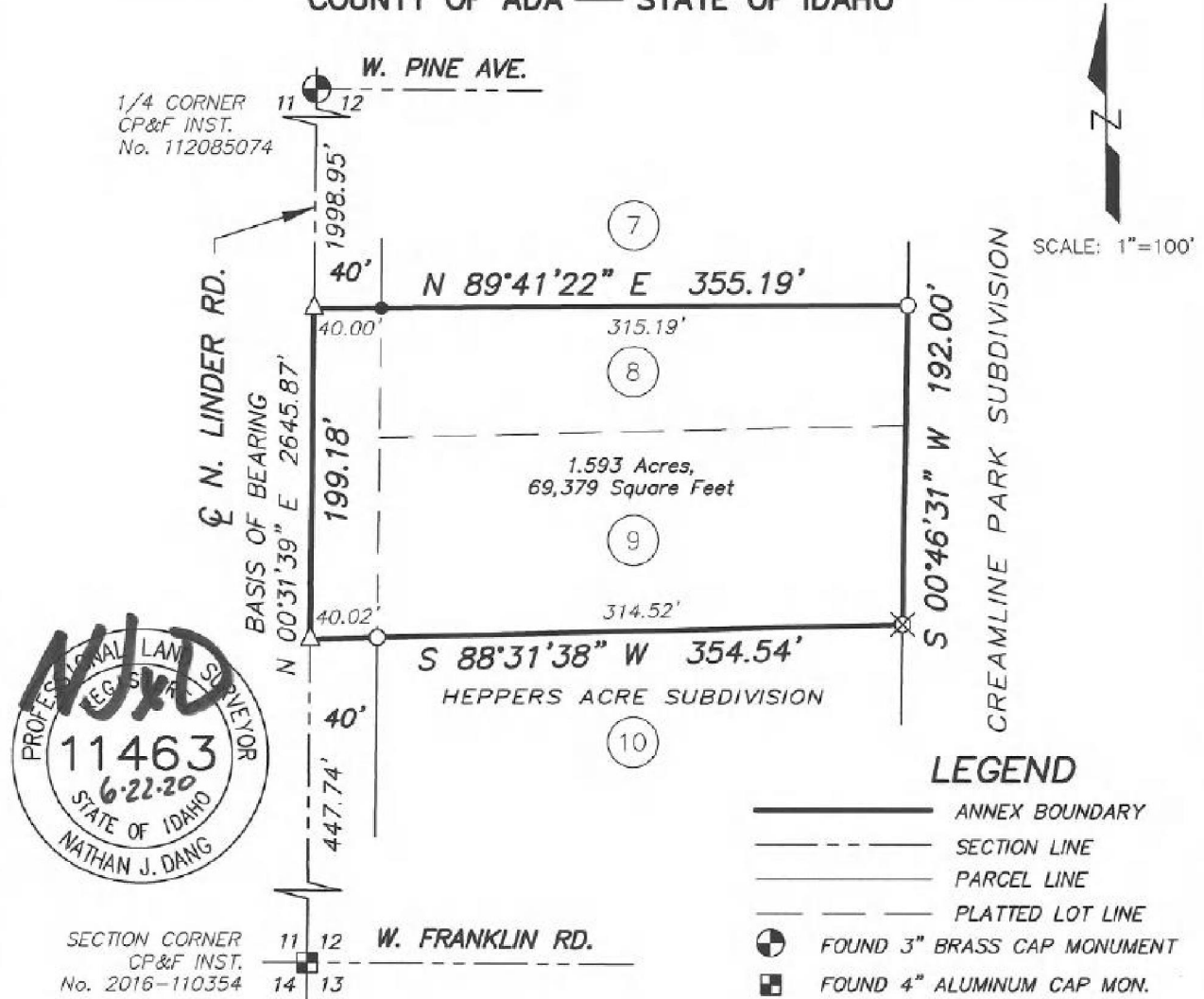


EXHIBIT MAP

LOTS 8 & 9, HEPPERS ACRE SUBDIVISION,
 BOOK 19 OF PLATS, PAGES 1298-1299, ADA COUNTY RECORDS.
 LYING WITHIN THE SW 1/4 OF THE SW 1/4 OF SECTION 12, T.3N., R.1W., B.M.
 COUNTY OF ADA — STATE OF IDAHO



LEGEND

- ANNEX BOUNDARY
- SECTION LINE
- PARCEL LINE
- PLATTED LOT LINE
- ⊕ FOUND 3" BRASS CAP MONUMENT
- ⊞ FOUND 4" ALUMINUM CAP MON.
- SET 5/8" IRON PIN WITH 2" ALUMINUM CAP, PLS 11463
- △ CALCULATED POINT
- ⊗ FOUND DISTURBED 1/2" IRON PIN. REMOVED AND REPLACED WITH 5/8" IRON PIN, WITH 2" ALUMINUM CAP, PLS 11463
- FOUND 1/2" IRON PIN, WITH PLASTIC CAP, AS NOTED
- ⑨ PLATTED LOT NUMBER

ACCURATE
 SURVEYING & MAPPING
 1602 W. Hays Street #306
 Boise, Idaho 83702
 (208) 488-4227
 www accuratesurveyors.com

DATE: JUNE, 2021 JOB 21-211

IX. CITY/AGENCY COMMENTS & CONDITIONS

A. PLANNING DIVISION

- 1. A Development Agreement (DA) is required as a provision of annexation of this property. Prior to approval of the annexation ordinance, a DA shall be entered into between the City of Meridian, the property owner(s) at the time of annexation ordinance adoption, and the developer.

Currently, a fee of \$303.00 shall be paid by the Applicant to the Planning Division prior to commencement of the DA. The DA shall be signed by the property owner and returned to the Planning Division within six (6) months of the City Council granting the annexation. The DA shall, at minimum, incorporate the following provisions:

- a. Future development of this site shall be generally consistent with the conceptual development plan included in Section VIII, Unified Development Code standards, design standards in the Architectural Standards Manual and the provisions contained herein.
- b. Future structure(s) on the site shall comply with the non-residential design standards in the Architectural Standards Manual for commercial districts (i.e. CD).
- c. A cross-access easement shall be granted to the abutting properties to the north (Parcel #R3579000034) and south (Parcel #R3579000050) for access to/from N. Linder Rd. through the subject property; a copy of the recorded easement shall be submitted to the Planning Division with the Certificate of Zoning Compliance application for this site.
- d. A ~~25~~ 5-foot wide buffer shall be provided to residential land uses as required per UDC Table 11-2C-3 and as reduced by City Council at the hearing on October 19, 2021, landscaped per the standards listed in UDC 11-3B-9C, ~~unless otherwise reduced by City Council.~~
- e. There are existing trees on this site that if removed may require mitigation per the standards listed in UDC 11-3B-10C.5. The Applicant shall contact Matt Perkins, the City Arborist, to schedule a site inspection prior to removal of any trees from the site to determine mitigation requirements.
- f. A 14-foot wide public pedestrian easement shall be recorded for the multi-use pathway along Linder Rd. as required by the Park’s Department. A copy of the easement shall be submitted to the Planning Division with the Certificate of Zoning Compliance application.
- g. A minimum 25-foot wide street buffer, measured from back of sidewalk, is required to be provided along N. Linder Rd., landscaped per the standards listed in UDC 11-3B-7C.

B. PUBLIC WORKS

Any changes to public utility infrastructure must be reviewed by the Public Work’s Department.

C. NAMPA & MERIDIAN IRRIGATION DISTRICT (NMID)

<https://weblink.meridiancity.org/WebLink/DocView.aspx?id=235914&dbid=0&repo=MeridianCity>

D. PARK’S DEPARTMENT

<https://weblink.meridiancity.org/WebLink/DocView.aspx?id=237033&dbid=0&repo=MeridianCity>

E. ADA COUNTY HIGHWAY DISTRICT (ACHD)

<https://weblink.meridiancity.org/WebLink/DocView.aspx?id=236543&dbid=0&repo=MeridianCity>

X. FINDINGS

A. Comprehensive Plan Map Amendment

Upon recommendation from the Commission, the Council shall make a full investigation and shall, at the public hearing, review the application. In order to grant an amendment to the Comprehensive Plan, the Council shall make the following findings:

1. The proposed amendment is consistent with the other elements of the Comprehensive Plan.

The City Council finds the proposed amendment to Industrial is compatible with adjacent industrial uses in the area and is consistent with the goals and policies in the Comprehensive Plan as noted in Section V.

2. The proposed amendment provides an improved guide to future growth and development of the city.

The City Council finds that the proposal to change the FLUM designation from Mixed Use – Community to Industrial will provide an improved guide to future growth and development in this area and will be compatible with adjacent industrial uses.

3. The proposed amendment is internally consistent with the Goals, Objectives and Policies of the Comprehensive Plan.

The City Council finds that the proposed amendment is consistent with the Goals, Objectives, and Policies of the Comprehensive Plan as noted in Section V.

4. The proposed amendment is consistent with the Unified Development Code.

The City Council finds that the proposed amendment is consistent with the Unified Development Code.

5. The amendment will be compatible with existing and planned surrounding land uses.

The City Council finds the proposed amendment to Industrial will be compatible with other existing industrial uses in the area.

6. The proposed amendment will not burden existing and planned service capabilities.

The City Council finds that the proposed amendment will not burden existing and planned service capabilities in this portion of the city. Sewer and water services are available to be extended to this site.

7. The proposed map amendment (as applicable) provides a logical juxtaposition of uses that allows sufficient area to mitigate any anticipated impact associated with the development of the area.

The City Council finds the proposed map amendment provides a logical juxtaposition of uses and sufficient area to mitigate any development impacts to adjacent properties.

8. The proposed amendment is in the best interest of the City of Meridian.

For the reasons stated in Section V and the subject findings above, the City Council finds that the proposed amendment is in the best interest of the City.

B. Annexation and/or Rezone (UDC 11-5B-3E)

Required Findings: Upon recommendation from the commission, the council shall make a full investigation and shall, at the public hearing, review the application. In order to grant an annexation and/or rezone, the council shall make the following findings:

1. The map amendment complies with the applicable provisions of the comprehensive plan;

The City Council finds the Applicant's proposal to annex the subject property with I-L zoning and develop industrial uses on the property is consistent with the proposed Industrial FLUM designation for this property. (See section V above for more information.)

2. The map amendment complies with the regulations outlined for the proposed district, specifically the purpose statement;

The City Council finds the proposed map amendment to I-L and conceptual development plan generally complies with the purpose statement of the I-L district in that it will encourage industrial uses that are clean, quiet and free of hazardous or objectionable elements and that are operated entirely or almost entirely within enclosed structures and is accessible to an arterial street (i.e. Linder Rd.).

3. The map amendment shall not be materially detrimental to the public health, safety, and welfare;

The City Council finds the proposed map amendment should not be detrimental to the public health, safety and welfare as the proposed industrial use should be conducted entirely within a structure.

4. The map amendment shall not result in an adverse impact upon the delivery of services by any political subdivision providing public services within the city including, but not limited to, school districts; and

The City Council finds City services are available to be provided to this development.

5. The annexation (as applicable) is in the best interest of city.

The City Council finds the proposed annexation is in the best interest of the City.