

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



**In the Matter of Denial of the Request for Modification to the Existing Development Agreements (AZ-12-010, Inst. #[113005608](#) – SGI; and H-2019-0121, Inst. #[2020-062947](#) – Bach Storage) to Remove the Subject Property from the Existing Agreements and Create One New Agreement for the Development of a 134-Unit Multi-Family Project (i.e. Regency at River Valley Phase 3), by Bach Homes.**

**Case No(s). H-2021-0059**

**For the City Council Hearing Dates of: October 19, November 23 and 30, 2021 (Findings on December 14, 2021)**

**A. Findings of Fact**

1. Hearing Facts (see attached Staff Report for the hearing date of November 30, 2021, incorporated by reference)
2. Process Facts (see attached Staff Report for the hearing date of November 30, 2021, incorporated by reference)
3. Application and Property Facts (see attached Staff Report for the hearing date of November 30, 2021, incorporated by reference)
4. Required Findings per the Unified Development Code (see attached Staff Report for the hearing date of November 30, 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. Due consideration has been given to the comment(s) received from the governmental subdivisions providing services in the City of Meridian planning jurisdiction.
4. That the City has entered an order of denial 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.

**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:

FINDINGS OF FACT, CONCLUSIONS OF LAW AND DECISION & ORDER  
FOR REGENCY AT RIVER VALLEY PHASE 3 – MDA H-2021-0059

1. The applicant's request for a modification to the Development Agreement is hereby denied per the discussion and motion by City Council at the hearing on November 30, 2021.

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

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

E. Attached: Staff Report for the hearing date of November 30, 2021

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

COUNCIL PRESIDENT TREG BERNT VOTED\_\_\_\_\_

COUNCIL VICE PRESIDENT BRAD HOAGLUN VOTED\_\_\_\_\_

COUNCIL MEMBER JESSICA PERREAULT VOTED\_\_\_\_\_

COUNCIL MEMBER LUKE CAVENER VOTED\_\_\_\_\_

COUNCIL MEMBER JOE BORTON VOTED\_\_\_\_\_

COUNCIL MEMBER LIZ STRADER VOTED\_\_\_\_\_

MAYOR ROBERT SIMISON VOTED\_\_\_\_\_  
(TIE BREAKER)

\_\_\_\_\_  
Mayor Robert Simison

Attest:

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

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

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

## EXHIBIT A

### STAFF REPORT COMMUNITY DEVELOPMENT DEPARTMENT



HEARING DATE: 11/30/2021  
*Continued from 9/28/21, 10/19/21 and 11/23/21*

TO: Mayor & City Council

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

SUBJECT: H-2021-0059  
Regency at River Valley Phase 3

LOCATION: 3270 & 3280 E. River Valley St. & 2480 N. Eagle Rd., in the NW ¼ of Section 4, Township 3N., Range 1E.



#### I. PROJECT DESCRIPTION

Modification to the existing Development Agreements (AZ-12-010, Inst. #[113005608](#) – SGI; and H-2019-0121, Inst. #[2020-062947](#) – Bach Storage) to remove the subject property from the existing agreements and create one new agreement for the development of a 134-unit multi-family project (i.e. Regency at River Valley Phase 3).

#### II. SUMMARY OF REPORT

A. Applicant:

Brian Carlisle, Bach Homes – 11650 State St., Ste. 300, Draper, UT 84020

B. Owner:

Shon Rindlisbacher, Bach Homes – 11650 S. State Street, Draper, UT 84020

C. Representative:

Same as Applicant

#### III. STAFF ANALYSIS

The existing Development Agreements for the subject property requires the northern portion of the site to develop with a self-service storage facility (Bach Storage) and the southern portion with a 10,150 square foot multi-tenant retail store (Option A) or a 2,879 square foot restaurant with a drive-through (Option B) (SGI).

The Applicant proposes to replace both of those DA's with one (1) new DA for the subject property

with a new conceptual development plan. A multi-family development is proposed to develop on the site consisting of 134 apartment units on 2.57 acres of land in the C-C and C-G zoning districts. A mix of studio, 1- and 2-bedroom units are proposed at a gross density of 52 units per acre. The multi-family structure is proposed to be 5-stories tall with parking and an entry lobby on the first floor.

Off-street parking will be required per the standards listed in UDC Table [11-3C-6](#) for multi-family developments. Qualified open space will be required per the standards listed in UDC 11-4-3-27C; in phased developments such as this, common open space is required to be provided in each phase consistent with the requirements for the size & number of dwelling units. Common open space and site amenities are proposed to be shared between all phases of Regency at River Valley. Compliance with the specific use standards listed in UDC [11-4-3-27](#) for multi-family developments is required and will be reviewed with the conditional use permit application. Adjustments may be necessary to the concept plan to comply with these standards.

A subsequent conditional use permit (CUP) application is required to be submitted and approved for the proposed multi-family development in the C-C and C-G zoning districts. Development is subject to the specific use standards listed in UDC 11-4-3-27 for multi-family developments. A detailed review will take place with the CUP application to determine consistency with the specific use standards and other UDC standards.

High density residential (i.e. apartments) uses are desired in the Mixed Use – Regional Future Land Use Map (FLUM) designation especially when located adjacent to SH-55/Eagle Rd. and employment destination centers such as those along the Eagle Road corridor. The proposed development will be a third phase of the existing apartments to the east (i.e. Regency at River Valley) and will contribute to the mix of commercial (retail, restaurants, etc.), office and civic (Kleiner Park, Senior Center) uses in the area. For this reason, Staff is supportive of the proposed DA modification and has included recommended provisions for the new DA in Section VI.

#### IV. DECISION

##### A. Staff:

Staff recommends approval of the modification to the DA as proposed by the Applicant.

B. The Meridian City Council heard this item on October 19, 2021. At the public hearing, the Council moved to continue the subject MDA request to November 23, 2021 (continued to November 30<sup>th</sup> due to lack of a quorum). On November 30<sup>th</sup>, the City Council moved to deny the subject MDA request.

1. Summary of the City Council public hearing:

- a. In favor: Brandon Whallon, Bach Homes; Ryan Hales, Hales Engineering; Alex Dahl, Bach Homes (Architect)
- b. In opposition: None
- c. Commenting: JoAnn Butler, Spink-Butler
- d. Written testimony: None
- e. Staff presenting application: Caleb Hood, Sonya Allen
- f. Other Staff commenting on application: None

2. Key issue(s) of public testimony:

- a. Concern for the required backage road to be providing access over private property to properties that don't front on Eagle Rd. (i.e. earlier phases of Regency at River Valley apartments).

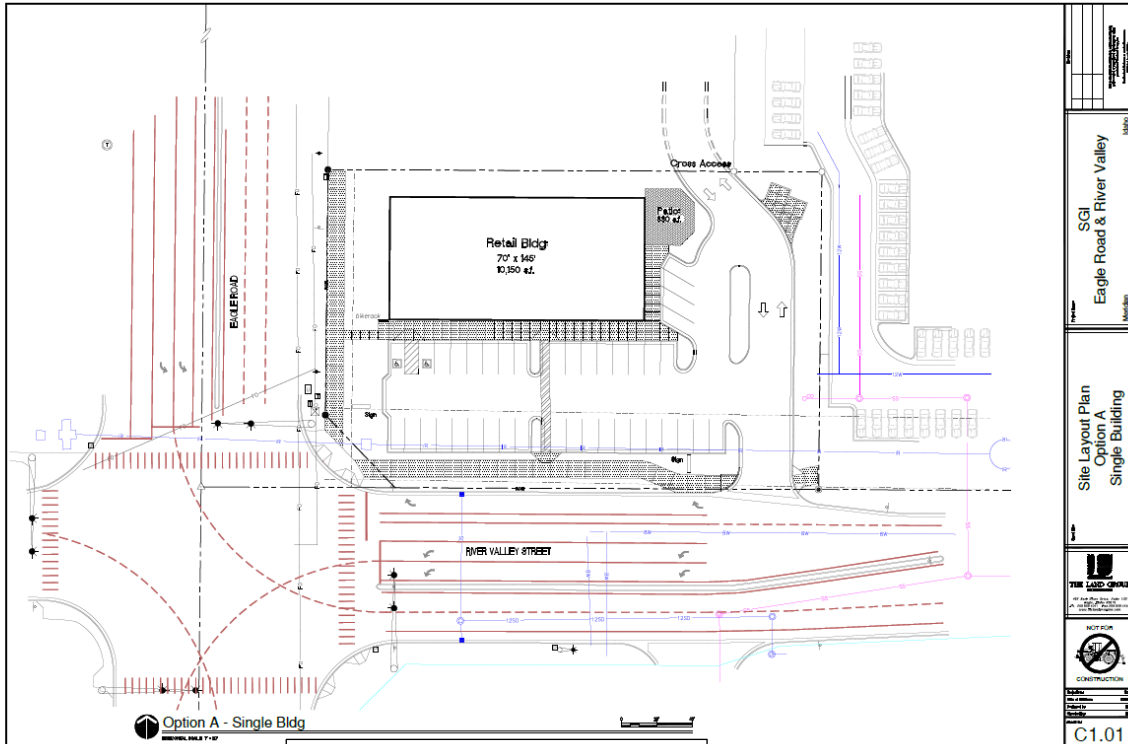
3. Key issue(s) of discussion by City Council:

- a. Multi-family use along Eagle Road; entitlement process; open space and amenity provisions; school impacts; sharing of amenities and open space from previous phases

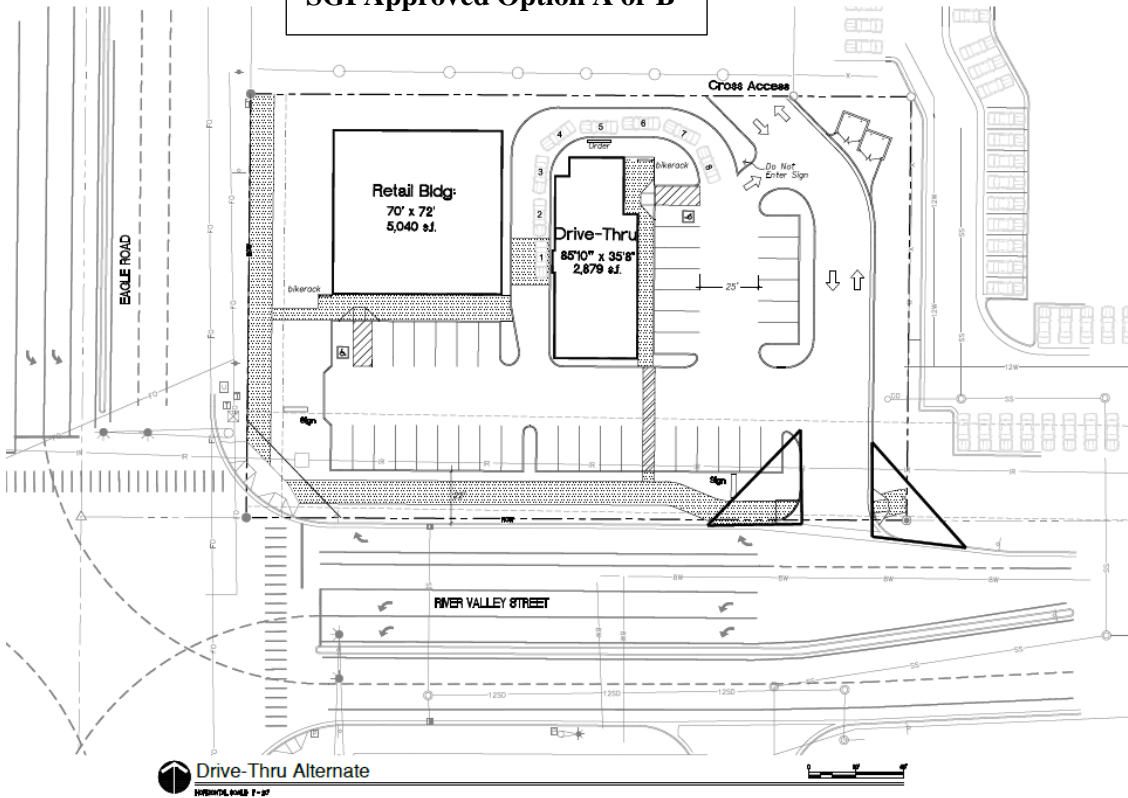
- and how that works; traffic flow, vehicular access/cross-access; and DA modification for the property to the east;
- b. Concern pertaining to what will happen if the required open space and site amenities for the multi-family development can't be provided due to site constraints;
  - c. Question pertaining to timing of extension of the backage road parallel with Eagle Rd. further to the north across the South Slough;
  - d. Questions pertaining to consistency of the proposed site design with UDC standards and Fire Department requirements;
  - e. Questions pertaining to how pedestrian connectivity will be provided between the subject development and the existing earlier phases of the development to the east;
  - f. Discussion on whether or not residential is more appropriate than a storage facility to develop on this site.
4. City Council change(s) to Staff recommendation:
- a. City Council denied the requested MDA as presented during the hearing due the following reasons: not having the access with some of the contiguous properties to the north adequately "flushed out"; issues with traffic and parking and associated traffic circulation; and not the right time for the City to approve the modification.

**V. EXHIBITS**

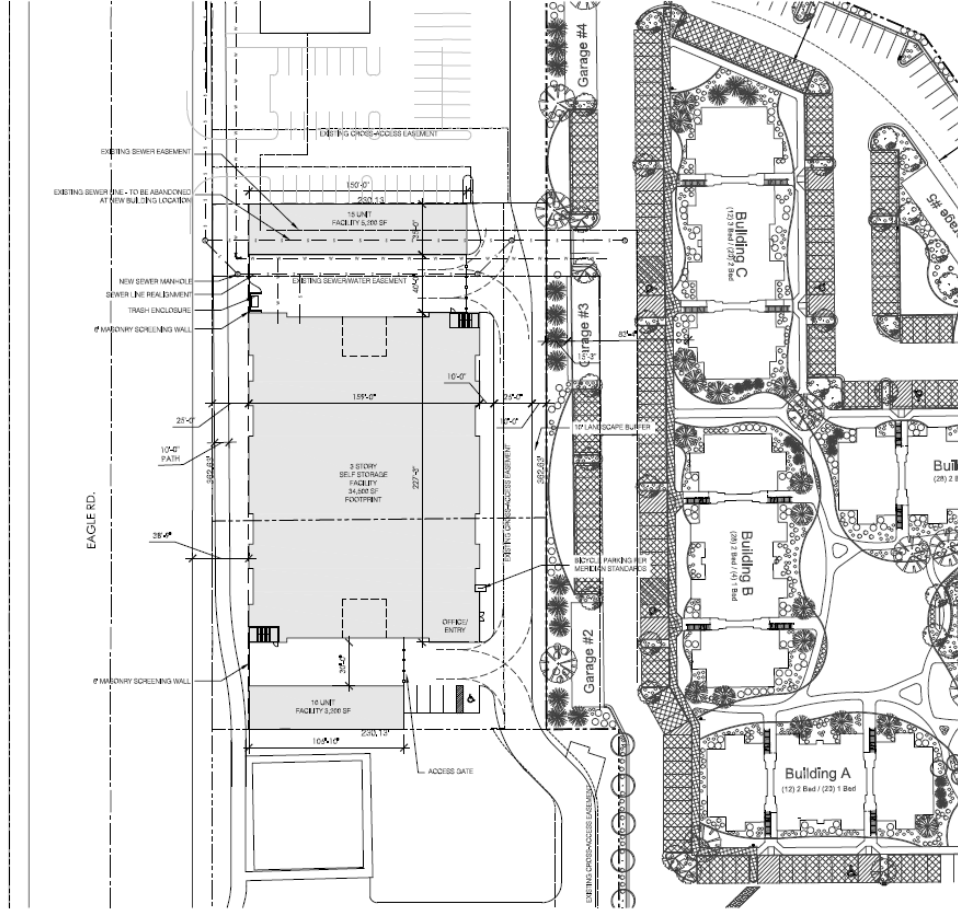
**A. Existing Approved Conceptual Development Plans (dated: 12/13/18)**



**SGI Approved Option A or B**



# Bach Storage Approved Conceptual Development Plan

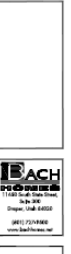


**SITE INFO:**  
 SITE AREA: 83,415 SF (1.91 ACRES)  
 NORTH BUILDING: 5,200 SF  
 LARGE BUILDING: ~100,000 SF  
 SOUTH BUILDING: 3,200 SF

**PARKING REQUIRED:**  
 STORAGE FACILITY ~ 90,000 SF - 0 STALLS  
 OFFICE SPACE - 1,000 SF - 2 STALLS

**PARKING PROVIDED: 5 STALLS (1 ADA)**

**BICYCLE STALLS REQUIRED: 1**  
**BICYCLE STALLS PROVIDED: 1**



A PROJECT BY  
**BACH HOMES**  
RESIDENTIAL DEVELOPMENT

DRAWING

SQUARE FOOTAGE:	
BASEMENT:	
FIRST FLOOR:	
SECOND FLOOR:	
TOTAL GRS:	
TOTAL SF:	

DATE: 10-1-2019  
 SHEET NO.:

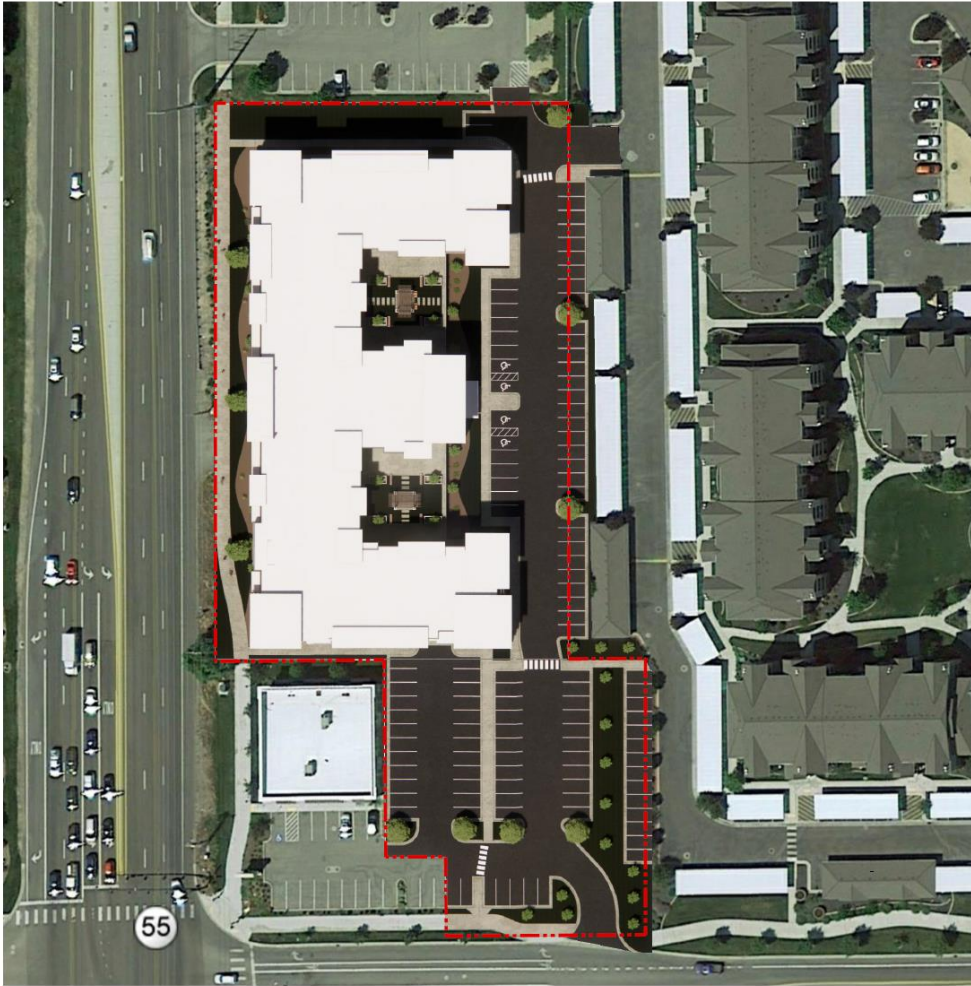
## BACH STORAGE - 2500 N Eagle Rd. Meridian, ID

10-1-2019 SCALE: 1" = 30'-0"





B. Proposed Conceptual Development Plan



RIVER VALLEY PH. 3 - 2500 N Eagle Rd. Meridian, ID

9/03/2021 SCALE: 1" = 30'-0"

SITE INFO:	
SITE AREA:	83,415 SF (2.56 ACRES)
UNITS: 2B STACKED:	56
1B STACKED:	56
STUDIO:	16
TOTAL:	124 (48/AC)
PARKING STALLS:	115 SURFACE
	126 PODIUM (41,000 SF)
	241 TOTAL STALLS
	1.94 STALLS/UNIT



A PROJECT BY  
**BACH HOMES**  
MEMBER OF THE BACH GROUP

REGENCY AT RIVER VALLEY  
PHASE 3

ISSUE FOOTAGE:	0.00, 0.00, 0.00, 0.00
BASELINE:	
LAST REVISION:	
TOTAL LVS:	
TOTAL SH:	

DATE: 09/03/2021
REVISION: 1

LOT NO.
SHEET NO.



## C. Legal Description for Property Subject to New Development Agreement



August 9, 2021  
Project No. 21-159  
Bach Investments, LLC  
Conditional Use Permit  
Legal Description

### Exhibit A

A parcel of land being Lot 2, Block 1 of Rivervalley Retail Subdivision (Book 106 of plats, pages 14591-14593) and a portion of the Southwest 1/4 of the Northwest 1/4 of Section 4, Township 3 North, Range 1 East, Boise Meridian, City of Meridian, Ada County, Idaho and being more particularly described as follows:

Commencing at a found brass cap marking the West 1/4 corner of said Section 4, which bears  $S00^{\circ}36'00''W$  a distance of 2,611.39 feet from a found brass cap marking the Northwest corner of said Section 4, thence following the westerly line of said Section 4,  $N00^{\circ}36'00''E$  a distance of 180.44 feet;

Thence leaving said westerly line,  $S89^{\circ}24'00''E$  a distance of 70.00 feet to a found 1/2-inch rebar marking the Northwest corner of said Rivervalley Retail Subdivision, on the easterly right-of-way line of North Eagle Road and being the **POINT OF BEGINNING**.

Thence following said easterly right-of-way line,  $N00^{\circ}36'00''E$  a distance of 363.50 feet to a found 5/8-inch rebar;

Thence leaving said easterly right-of-way line,  $S89^{\circ}23'52''E$  a distance of 230.02 feet to a found aluminum cap on the westerly boundary line of Bach Subdivision (Book 113 of plats, pages 16608-16611);

Thence following said westerly subdivision boundary line the following four (4) courses:

1.  $S00^{\circ}33'50''W$  a distance of 217.06 feet to a found aluminum cap;
2.  $S00^{\circ}36'08''W$  a distance of 145.00 feet to a found 5/8-inch rebar on the northerly boundary line of Rivervalley Retail Subdivision;
3.  $S89^{\circ}45'23''E$  a distance of 49.86 feet;
4.  $S00^{\circ}36'08''W$  a distance of 180.00 feet to the northerly right-of-way line of East River Valley Street;

Thence leaving said westerly subdivision boundary line and following said northerly right-of-way line,  $N89^{\circ}45'23''W$  a distance of 129.75 feet to the westerly boundary line of said Lot 2;

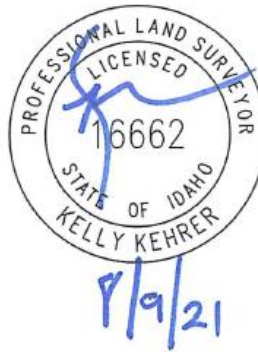
Thence leaving said northerly right-of-way line and following the westerly boundary line of said Lot 2 the following three (3) courses:

1.  $N00^{\circ}14'37''E$  a distance of 51.69 feet;
2.  $N89^{\circ}39'28''W$  a distance of 39.00 feet;
3.  $N00^{\circ}08'13''E$  a distance of 128.24 feet to the northerly boundary line of said Rivervalley Retail Subdivision;

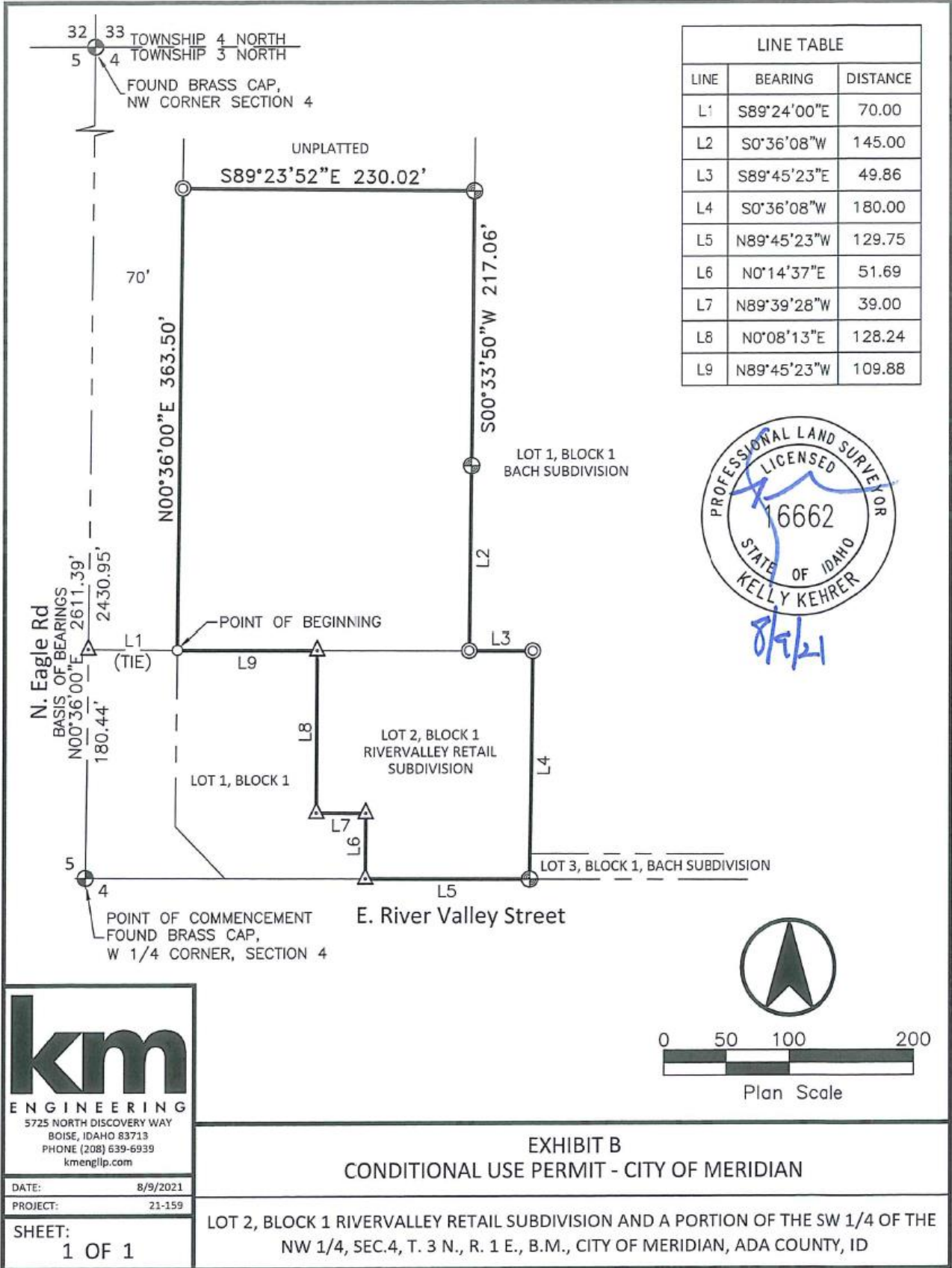
Thence leaving the westerly boundary line of said Lot 2 and following said northerly subdivision boundary line, N89°45'23"W a distance of 109.88 feet to the **POINT OF BEGINNING**.  
Said parcel contains 2.570 acres, more or less, and is subject to all existing easements and/or rights-of-way of record.

All subdivisions, deeds, records of surveys, and other instruments of record referenced herein are recorded documents of the county in which these described lands are situated in.

Attached hereto is **Exhibit B** and by this reference is made a part hereof.







## **VI. DEVELOPMENT AGREEMENT PROVISIONS**

1. ~~Development of the subject property shall no longer be subject to the terms of the Development Agreements for Bach Storage (H 2019-0121, Inst. #2020-062947) and SGI (AZ 12-010, Inst. #113005608).~~
2. ~~Development of the subject property shall be generally consistent with the conceptual development plan shown in Section V.B.~~
3. ~~Direct access to the site via N. Eagle Rd./SH-55 is prohibited per UDC [11-3H-4B.2](#).~~
4. ~~A cross-access easement shall be granted to the properties to the north (Parcel #S1104233802), east (Parcel #R0748300100) and south (Parcel #R7476320010) for access via E. River Valley Street. A copy of the recorded easements shall be submitted to the Planning Division prior to issuance of the first Certificate of Occupancy for this site.~~
5. ~~A 10-foot wide multi-use pathway shall be constructed along N. Eagle Rd. and E. River Valley St. within a public use easement; pedestrian lighting and landscaping shall be installed along the pathway consistent with the Eagle Road Corridor Study per the standards listed in UDC [11-3H-4C.3](#).~~
6. ~~A public pedestrian easement for the multi-use pathway shall be submitted to the City, approved by City Council, and recorded prior to issuance of the first Certificate of Occupancy on this site as set forth in UDC [11-3H-4C.3](#).~~
7. ~~Future development shall comply with the design standards listed in the Architectural Standards Manual.~~
8. ~~A conditional use permit is required to be submitted and approved by the Planning and Zoning Commission for the proposed multi-family development in the C-C and C-G zoning districts as set forth in UDC Table 11-2B-2. The proposed use is subject to the specific use standards listed in UDC 11-4-3-27 Multi-Family Development.~~
9. ~~A Certificate of Zoning Compliance and administrative Design Review applications shall be submitted to and approved by the Planning Division prior to submittal of a building permit application(s).~~