

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



Date of Order: November 19, 2024
Case No.: H-2023-0070 (Rolling Hill)
Applicant: Jorre Delgado, JD Planning & Consulting
In the Matter of: Request for (1) annexation & zoning of 6.90 acres of land from the R-1 zone in Ada County to the C-C zone and (2) a conditional use permit to develop 64 dwelling units on 5.89 acres of land in the proposed C-C zone.

Pursuant to testimony and evidence received regarding this matter at the public hearing before the Meridian City Council on November 6, 2024, as to this matter, the City Council enters the following findings of fact, conclusions of law, final decision, and order.

A. Findings of Fact. The City Council finds that:

1. The facts pertaining to the 6.90 acres of land (“the Property”), the Applicant’s request, and the process are set forth in the staff report for Case No. H-2023-0070, which is fully incorporated herein by reference.
2. The Property is not located within the incorporated area of the City of Meridian.
3. The Applicant is requesting annexation of the Property to develop (a) two vertically integrated residential structures featuring 90 dwelling units and 20,134 square feet of commercial space and (b) one multi-family building consisting of 64 dwelling units.
4. The proposed annexation is subject to Idaho Code section 50-222 and Unified Development Code section 11-5B-3.
5. Testimony and evidence in opposition to the Applicant’s request can be summarized as follows: (a) the proposed annexation creates an undesired County enclave (“enclave” or “enclave parcel”); (b) the proposed development lacks integration and does not provide an adequate transition to the surrounding areas; (c) the timing of the project is not appropriate; (d) there is no compelling need for additional multi-family units in this area; (e) the proposed project will exacerbate traffic concerns in the area and result in additional traffic accidents; and (f) the proposed project is not compatible with the rural character of the surrounding area.
6. Testimony and evidence in support of the Applicant’s request can be summarized as follows: (a) the Applicant has been unable to acquire the enclave parcel because it is too expensive; (b) the City should not enable the owner of the enclave parcel to impede the proposed development; (c) the proposed development is vertically integrated and provides vehicular and pedestrian connections to other areas; (d) the proposed project provides an adequate transition to the surrounding areas and is buffered by a future collector street; (e) the proposed development is consistent with other City-approved projects in the area; (f) the

proposed development complies with the Comprehensive Plan and the Unified Development Code (“UDC”), and staff recommended approval with conditions; (g) the City must consider the broader area when evaluating the proposed development; (h) the timing of the proposed development is appropriate; and (i) the proposed development meets Ada County Highway District and Idaho Transportation Department requirements concerning traffic-related issues.

7. Based on the testimony and evidence received, the City Council finds that: (a) the proposed annexation would create a County enclave, which is contrary to the City’s desire, since it is not efficient for Ada County and the City to provide government services to an enclave; (b) the proposed project does not provide an adequate transition to the surrounding areas because it includes four-story buildings in close proximity to rural, one-story homes, and the proposed collector street is not an adequate buffer; (c) the proposed development lacks integration to the surrounding area, including the property to the east, and creates a narrow strip of land to the east of the Property that will be difficult for the adjoining property owner to develop in a logical manner.
8. Based on the foregoing, the proposed annexation is not in the best interest of the City of Meridian.

B. Conclusions of law. The City Council concludes that:

1. The City Council takes judicial notice of Idaho Code section 50-222, which governs annexations by cities.
2. The City Council takes judicial notice of the Local Land Use Planning Act (“LLUPA”), codified at Chapter 65, Title 67, Idaho Code.
3. The City Council takes judicial notice of the UDC, all current zoning maps, and the City of Meridian Comprehensive Plan.
4. In order to grant an annexation, the City Council must make certain findings as delineated in UDC section 11-5B-3, including a finding that the proposed annexation is in the best interest of the City of Meridian. UDC § 11-5B-3(E)(5).
5. Because the City Council found that the proposed annexation is not in the best interest of the City of Meridian, the requirements set forth in UDC section 11-5B-3 have not been satisfied, and the proposed annexation shall not proceed.
6. A city’s decision to deny an annexation of this nature is not subject to judicial review under Idaho Code section 50-222. *Black Labrador Investing, LLC v. Kuna City Council*, 147 Idaho 92, 97, 205 P.3d 1228, 1233 (2009).
7. The purpose of the UDC is to “[c]arry out the policies of the comprehensive plan by classifying and regulating the uses of property and structures **within the incorporated areas of the City of Meridian[.]**” UDC § 11-1-2(B) (emphasis added). Because the Property is not located within the incorporated area of the City of Meridian, and because the proposed annexation shall not proceed, the City Council is precluded from granting the Applicant’s request for C-C zoning and a conditional use permit for a multi-family building.

There are no actions that the Applicant could take to obtain approval of said zoning and conditional use permit, since the City is legally prohibited from approving zoning and conditional use permits within the unincorporated area of Ada County.

8. Pursuant to Idaho Code section 67-6503, the City of Meridian has properly exercised the powers conferred by LLUPA.
- C. Order.** Pursuant to the above findings of fact and conclusions of law, the City Council hereby denies Applicant's request for annexation of the Property. Further, because the Property is not located within the incorporated area of the City of Meridian, the City Council hereby denies Applicant's request for C-C zoning and a conditional use permit.
- D. Final decision.** Upon approval by majority vote of the City Council, this is a final decision of the governing body of the City of Meridian.
- E. Judicial review.** Pursuant to Idaho Code section 67-6521(1)(d), if this final decision concerns a matter enumerated in Idaho Code section 67-6521(1)(a), an affected person aggrieved by this final decision may, within twenty-eight (28) days after all remedies have been exhausted, including requesting reconsideration of this final decision as provided by Meridian City Code section 1-7-10, seek judicial review of this final decision as provided by Chapter 52, Title 67, Idaho Code. This notice is provided as a courtesy; the City of Meridian does not admit by this notice that this decision is subject to judicial review under LLUPA.
- F. Notice of right to regulatory takings analysis.** Pursuant to Idaho Code sections 67-6521(1)(d) and 67-8003, an owner of private property that is the subject of a final decision may submit a written request with the Meridian City Clerk for a regulatory takings analysis.

IT IS SO ORDERED by the City Council of the City of Meridian, Idaho, on this 19th day of November, 2024.

Robert E. Simison
Mayor

Attest:

Chris Johnson
City Clerk