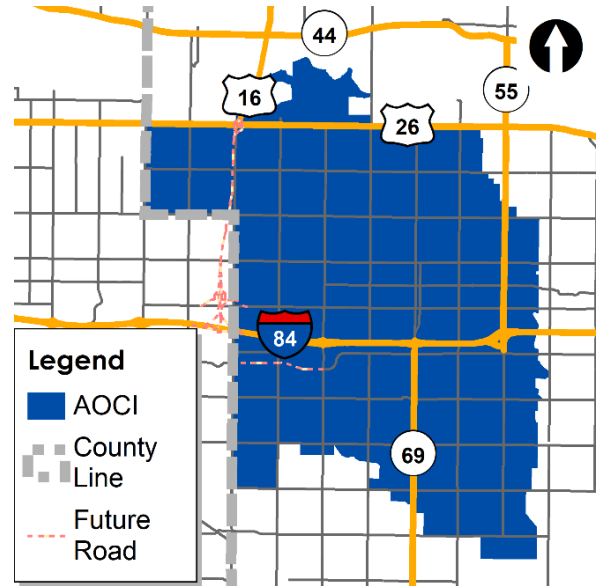


STAFF REPORT
COMMUNITY DEVELOPMENT DEPARTMENT



HEARING DATE: 05/11/2021
TO: Mayor and City Council
FROM: Bill Parsons, Current Planning Supervisor
208-884-5533
SUBJECT: ZOA-2021-0001
UDC Text Amendment
LOCATION: City wide



I. PROJECT DESCRIPTION

The Meridian Planning Division has applied for a Unified Development Code (UDC) text amendment to update certain sections of the City's code as follows:

- Standards in the Old Town District (O-T) in Chapter 2;
- Ditches, Laterals, Canals or Drainage Courses in Chapter 3;
- Comprehensive Map Amendments in Chapter 5; and
- Common Driveway Standards in Chapter 6.

II. APPLICANT INFORMATION

A. Applicant:

City of Meridian Planning Division
33 E. Broadway Ave, Suite #102
Meridian, ID 83642

III. NOTICING

	Planning & Zoning Posting Date	City Council Posting Date
Newspaper Notification published in newspaper	3/26/2021	4/23/2021
Radius notification mailed to properties within 500 feet	NA	NA
Public service announcement	3/24/2021	4/21/2021
Nextdoor posting	3/24/2021	4/21/2021

IV. COMPREHENSIVE PLAN ANALYSIS ([Comprehensive Plan](#))

A. Comprehensive Plan Text (<https://www.meridiancity.org/compplan>):

3.01.01B - Update the Comprehensive Plan and Unified Development Code as needed to accommodate the community's needs and growth trends.

Many of the requested code changes below reflect the desire of the Community and maintain the integrity of the plan.

3.04.01B – Maintain and update the Unified Development Code and Future Land Use Map to implement the provisions of the Comprehensive Plan.

This round of code changes is being expedited to implement the vision of the Comprehensive Plan. In general, the proposed changes support the redevelopment of downtown, minimize conflicts with other agencies, limit CPAMs to twice a year and improve the design standards of common driveways.

V. UNIFIED DEVELOPMENT CODE ANALYSIS ([UDC](#))

In accord with Meridian City Code 11-5, the Planning Division has applied to amend the text of the Unified Development Code (UDC). The text amendment includes updates to multiple sections that pertain to the following:

- Standards in the Old Town District (O-T) in Chapter 2;
- Ditches, Laterals, Canals or Drainage Courses in Chapter 3;
- Comprehensive Map Amendments in Chapter 5; and
- Common Driveway Standards in Chapter 6.

The Planning Division is expediting these few changes at the request of the Mayor and City Council in order to support redevelopment in downtown; eliminate code conflicts with the applicable irrigation districts; limit the submittal dates of CPAM applications to twice a year to maintain the integrity of the plan and further improve on the design standards for common driveways. Staff has received comments from some members of the UDC Focus Group regarding the proposed changes (see public record).

Exhibit VII below includes a table of the requested changes/additions and supporting commentary explaining the purpose of the change to the UDC. Many of these changes have been vetted with City Council before the application submittal and the draft changes were shared with the UDC Focus Group and others to solicit feedback. As of the print date of the staff report, Planning staff has not presented the proposed changes to the BCA however, the changes will be shared with the BCA at their April 13th meeting.

In summary, Staff believes the changes proposed with this application supports the provisions of the Comprehensive Plan.

VI. DECISION

A. Staff:

Staff recommends approval of the proposed text amendment to the UDC based on the analysis provided in Section IV and V, modifications in Section VII and the Findings of Fact and Conclusions of Law listed in Section VIII.

B. Commission:

The Meridian Planning & Zoning Commission heard this item on April 15, 2021. At the public hearing, the Commission moved to recommend approval of the subject ZOA request.

1. Summary of Commission public hearing:
 - a. In favor: Planning Division
 - b. In opposition: None
 - c. Commenting: None
 - d. Written testimony: David Bailey, Cornel Larson, Laren Bailey and Dave Yorgason
 - e. Staff presenting application: Bill Parsons
 - f. Other Staff commenting on application: None
2. Key issue(s) of public testimony:
 - a. None
3. Key issue(s) of discussion by Commission:
 - a. Reducing the number of units taking access from common driveway (6 down to 3) and approving more through the ALT process.
 - b. Height increase in the Old Town District.
4. Commission change(s) to Staff recommendation:
 - a. Commission recommended no more than 3 dwelling units take access from a common driveway.
 - b. Commission modified the height standards in 11-2D-4A based on new language proposed by staff.
5. Outstanding issue(s) for City Council:
 - a. None

C. City Council:

Enter Summary of City Council Decision.

VII. EXHIBITS

A. Table of Proposed Text Changes

Proposed UDC Text Amendments			
UDC Section	Topic	Reason for Change	Proposed Change
11-2D-4	Increase OT height maximum	Allow for taller buildings in city core area of the Old Town District	The standards for development in the Old Town District are set forth in this section as follows: A. <u>Building Height: In the area defined as the city core in chapter 1, any new construction shall have a minimum height of thirty-five feet (35') and a maximum height of one hundred feet (100'). All other areas in the district, the maximum building height is seventy-five feet (75').</u> B. Number of stories. Minimum number of stories for new construction is two (2) and/or as set forth in the "City of Meridian Architectural Standards Manual".
11-3A-6	Ditches, laterals, canals or drainage courses	Recently came to the City's attention that fencing may not always be desired along open waterways by the irrigation district, specifically as it relates to maintenance of their facility. Staff is amending this section of code to ensure the UDC does not conflict with irrigation district standards as requested by the City Council. Surrounding property owners don't need to be noticed as the easement on the building lot(s) doesn't affect them - a Council waiver is sufficient. This would allow the applicant to request a waiver during the final plat process and not require a public hearing.	A. Purpose. The purpose of this section is to limit the tiling and piping of natural <u>and man-made</u> waterways, <u>including but not limited to</u>, ditches, canals, laterals, sloughs and drains where public safety is not a concern as well as improve, protect and incorporate creek corridors (Five Mile, Eight Mile, Nine Mile, Ten Mile, South Slough and Jackson and Evan Drains) as an amenity in all residential, commercial and industrial designs. When piping and fencing is proposed, the following standards shall apply. B. Piping. 1. Natural waterways intersecting, crossing, or lying within the area being developed shall remain as a natural amenity and shall not be piped or otherwise covered. See also subsection (C)(1) of this section. 2. Irrigation ditches, laterals, canals, sloughs and drains may be left open when used as a water amenity or linear open space, as defined in section 11-1A-1 of this title. See also subsection (C)(2) of this section. 3. Except as allowed above, all other irrigation ditches, laterals, sloughs or canals, intersecting, crossing or lying within the area being developed, shall be piped, or otherwise covered. This requirement does not apply to property with only an irrigation easement where the actual drainage facility is located on an adjoining property. a. The decision-making body may waive the requirement for covering such ditch, lateral, canal, slough or drain, if it finds that the public purpose requiring such will not be served and public safety can be preserved. C. Fencing. 1. Fencing along all natural waterways shall not prevent access to the waterway. In limited circumstances and in the interest of public safety, larger open water systems may require fencing as determined by the City Council, Director and/or Public Works Director. 2. Ditches, laterals, canals, sloughs and drains do not require fencing if it can be demonstrated by the applicant to the satisfaction of the Director that said ditch, lateral, canal, sloughs or drain serves as or will be improved as a part of the development, to be a water amenity <u>or linear open space. If designed as a water amenity,</u> Construction drawings and relevant calculations prepared by a qualified licensed professional registered in the State of Idaho shall be submitted to both the Director and the authorized representative of the water facility for approval. 3. Except as allowed above, all other open irrigation ditches, laterals, canals, sloughs and drains shall be fenced with an open vision fence at least six (6) feet in height and having an 11-gauge, two (2) inch mesh or other construction, equivalent in ability to deter access to said ditch, lateral, canal, slough or drain, which fence shall be securely fastened at its base at all places where any part of said lands or areas being subdivided touches either or both sides of said ditch, lateral, canal, slough or drain. D. Improvements. Improvements related to piping, fencing or any encroachment as outlined in subsections(A), (B), and (C) of this section requires written approval from the appropriate irrigation or drainage entity. E. Easements. In Residential Districts, irrigation easements wider than ten feet (10') shall be included in a common lot that is a minimum of twenty feet (20') wide and outside of a fenced area, <u>unless modified otherwise waived by City Council at a public hearing with notice to surrounding property owners.</u>

11-5B-7C.3	CPAM amendments	With adoption of a new Comprehensive Plan, limit the frequency to which it can be amended. Make it clear that Map amendments will be processed no more than every 6 months - cut-offs.	<u>The City Council shall not consider amendments to the land use map of the adopted comprehensive plan more than twice per calendar year.</u> The application deadlines for amendments to the land use map component of the comprehensive plan shall be June 15 and December 15 of every year.
11-6C-3D	Common driveways	Commission, Council and PW is having concerns with the number of units taking access from a common driveway. This impacts the extension of services, parking and trash service. Staff is not proposing to reduce the number dwellings served, but to expand on the requirements when a greater number of units take access from a common driveway. This will allow the City Engineer to require a wider common driveway, if an applicant is required to extend City mains underneath the driveway, consistent with other easement requirements of the City.	D. Common Driveways: 1. Maximum Dwelling Units Served: Common driveways shall serve a maximum of <u>threesix (36)</u> dwelling units. 2. Width standards: Common driveways shall be a minimum of twenty (20) feet in width, <u>unless a greater width is required by the City Engineer. All common driveways shall be on a common lot.</u> 3. Maximum length: Common driveways shall be a maximum of one hundred fifty (150) feet in length or less, unless otherwise approved by the Meridian City Fire Department. 4. Improvement standards: Common driveways shall be paved with a surface with the capability of supporting fire vehicles and equipment. 5. Abutting properties: All properties that abut a common driveway shall take access from the driveway; however, if an abutting property has the required minimum street frontage, that property is not required to take access from the common driveway. In this situation, the abutting property's driveway shall be on the opposite side of the shared property line; away from the common driveway. Solid fencing adjacent to common driveways shall be prohibited, unless separated by a minimum five-foot wide landscaped buffer <u>planted with shrubs, lawn or other vegetative groundcover.</u> 6. Turning radius: Common driveways shall be straight or provide a twenty-eight-foot inside and forty-eight-foot outside turning radius. 7. Depictions: For any plats using a common driveway, the setbacks, fencing, building envelope, landscaping and orientation of the lots and structures shall be shown on the preliminary plat and/or as an exhibit with the final plat application.

VIII. FINDINGS

1. UNIFIED DEVELOPMENT CODE TEXT AMENDMENTS: (UDC 11-5B-3E)

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 a text amendment to the Unified Development Code, the Council shall make the following findings:

A. The text amendment complies with the applicable provisions of the comprehensive plan;

The Commission finds that the proposed UDC text amendment complies with the applicable provisions of the Comprehensive Plan. Please see Comprehensive Plan Policies and Goals, Section IV, of the Staff Report for more information.

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

The Commission finds that the proposed zoning ordinance amendment will not be detrimental to the public health, safety or welfare if the changes to the text of the UDC are approved as submitted. It is the intent of the text amendment to further the health, safety and welfare of the public.

C. The text 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.

The Commission finds that the proposed zoning ordinance amendment does not propose any significant changes to how public utilities and services are provided to developments. All City departments, public agencies and service providers that currently review applications will continue to do so. Please refer to any written or oral testimony provided by any public service provider(s) when making this finding.