

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



**In the Matter of the Request for Development Agreement Modification (MDA), by Jeff Hatch,
Hatch Design Architecture.**

Case No(s). H-2024-0034

For the City Council Hearing Date of: September 17, 2024 (Findings on October 1, 2024)

A. Findings of Fact

1. Hearing Facts (see attached Staff Report for the hearing date of September 17, 2024, incorporated by reference)
2. Process Facts (see attached Staff Report for the hearing date of September 17, 2024, incorporated by reference)
3. Application and Property Facts (see attached Staff Report for the hearing date of September 17, 2024, incorporated by reference)
4. Required Findings per the Unified Development Code (see attached Staff Report for the hearing date of September 17, 2024, 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 September 17, 2024, 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 a development agreement modification is hereby approved per the conditions of approval in the Staff Report for the hearing date of September 17, 2024, attached as Exhibit A.

D. Notice of Applicable Time Limits

Notice of Preliminary Plat Duration

Please take notice that approval of a preliminary plat, combined preliminary and final plat, or short plat shall become null and void if the applicant fails to obtain the city engineer's signature on the final plat within two (2) years of the approval of the preliminary plat or the combined preliminary and final plat or short plat (UDC 11-6B-7A).

In the event that the development of the preliminary plat is made in successive phases in an orderly and reasonable manner, and conforms substantially to the approved preliminary plat, such segments, if submitted within successive intervals of two (2) years, may be considered for final approval without resubmission for preliminary plat approval (UDC 11-6B-7B).

Upon written request and filed by the applicant prior to the termination of the period in accord with 11-6B-7.A, the Director may authorize a single extension of time to obtain the City Engineer's signature on the final plat not to exceed two (2) years. Additional time extensions up to two (2) years as determined and approved by the City Council may be granted. With all extensions, the Director or City Council may require the preliminary plat, combined preliminary and final plat or short plat to comply with the current provisions of Meridian City Code Title 11. If the above timetable is not met and the applicant does not receive a time extension, the property shall be required to go through the platting procedure again (UDC 11-6B-7C).

Notice of Conditional Use Permit Duration

Please take notice that the conditional use permit, when granted, shall be valid for a maximum period of two (2) years unless otherwise approved by the City. During this time, the applicant shall commence the use as permitted in accord with the conditions of approval, satisfy the requirements set forth in the conditions of approval, and acquire building permits and commence construction of permanent footings or structures on or in the ground. For conditional use permits that also require platting, the final plat must be signed by the City Engineer within this two (2) year period.

Upon written request and filed by the applicant prior to the termination of the period in accord with 11-5B-6.G.1, the Director may authorize a single extension of the time to commence the use not to exceed one (1) two (2) year period. Additional time extensions up to two (2) years as determined and approved by the City Council may be granted. With all extensions, the Director or City Council may require the conditional use comply with the current provisions of Meridian

City Code Title 11(UDC 11-5B-6F).

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. Judicial Review

Pursuant to Idaho Code § 67-6521(1)(d), if this final decision concerns a matter enumerated in Idaho Code § 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 § 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 §§ 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.

G. Attached: Staff Report for the hearing date of September 24, 2024.

By action of the City Council at its regular meeting held on the _____ day of _____, 2024.

COUNCIL PRESIDENT LUKE CAVENER VOTED _____

COUNCIL VICE PRESIDENT LIZ STRADER VOTED _____

COUNCIL MEMBER DOUG TAYLOR VOTED _____

COUNCIL MEMBER JOHN OVERTON VOTED _____

COUNCIL MEMBER ANNE LITTLE ROBERTS VOTED _____

COUNCIL MEMBER BRIAN WHITLOCK VOTED _____

MAYOR ROBERT SIMISON VOTED _____
(TIE BREAKER)

Mayor Robert E. 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

COMMUNITY DEVELOPMENT DEPARTMENT REPORT



HEARING DATE: 9/17/2024

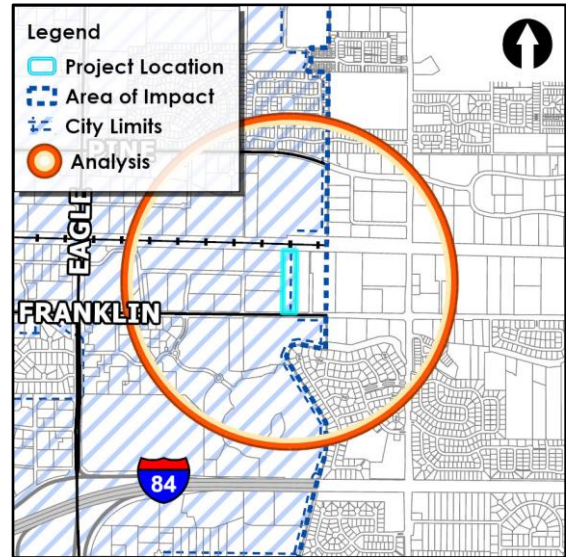
TO: Mayor & City Council

FROM: Linda Ritter, Associate Planner
208-884-5533
lritter@meridiancity.org

APPLICANT: Jeff Hatch, Hatch Design Architecture

SUBJECT: H-2024-0034
Ferne Subdivision

LOCATION: 4160 E. Lanark Street, in the SW 1/4 of SE ¼ of Section 9, T.3N., R.1E.



I. PROJECT OVERVIEW

A. Summary

Modification to the existing development agreement (H-2021-0103, Inst. #2022-066859) to strike provision 5b which states " Prior to issuance of any building permits, the applicant shall subdivide the property in accord with UDC 11-6B and add "Prior to certificate of occupancy, the applicant shall subdivide the property in accord with UDC 11-6B."

B. Issues/Waivers

None

C. Recommendation

Staff: Staff recommends approval of the DA modification for the issuance of one building permit for the northern portion of the property prior to receiving the City Engineer's signature if the Public Works Department requirements have been met.

D. Decision

Select: Pending.

II. COMMUNITY METRICS

Table 1: Land Use

Description	Details	Map Ref.
Existing Land Use(s)	Vacant	-
Proposed Land Use(s)	Self-storage facility and flex space building	-
Existing/Proposed Zoning	I-L	IV.A.2
Future Land Use Designation	General Industrial	IV.A.3

Table 2: Process Facts

Description	Details
Preapplication Meeting date	Friday, June 21, 2024

Description	Details
Neighborhood Meeting	7/1/2024; 3 attendees
Site posting date	9/6/2024

Table 3: Project Overview

Description	Details
History	Subject site was denied annexation and zoning approval in 2020 (H-2020-0033) because no development plan accompanied annexation request but the Applicant withdrew the application before Findings of Denial were approved by the Council. AZ, PP (H-2021-0103), DA Inst.# 2022-066859, CZC, DES (A-2023-0057), CZC, DES (A-2024-0074), and FP-2024-0015
Acreage	4.92-acres

III. STAFF ANALYSIS

A. General Overview

The property was annexed with I-L zoning in 2022 consisting of 5.64 acres and a Preliminary Plat consisting of two (2) building lots on 4.93 acres (H-2021-0103). The subject property was denied annexation and zoning approval in 2020 (H-2020-0033) because no development plan accompanied the annexation request. The applicant withdrew the application prior to the Findings of Denial were approved by the City Council. The applicant reapplied and a development agreement was entered into on July 26, 2022 (H-2021-0103, DA Inst # 2022-066859).

The subject property has a planned extension of an industrial collector street (E. Lanark) that will bisect the property into two parcels which accounts for the main reason a preliminary plat is required and was submitted. According to the submitted plat, the Applicant is proposing the self-storage buildings on the front parcel (approximately 2.89 acres) and a flex space building on the back parcel along the railroad corridor (approximately 1.75 acres).

In terms of nearby and adjacent development, there is existing industrial zoning to the west with developing flex and other industrial type buildings. The parcel directly abutting to the east is still a county RUT parcel that contains a single-family residence and still maintains some farm animals. Directly east of the county parcel is an ACHD facility that is currently under construction. Therefore, the county parcel to the east would be surrounded by industrial uses until such time that parcel redevelops. Because of the existing residential use to the east, this Applicant is required to provide a landscape buffer to that use. Staff has had conversations with that homeowner and they anticipate selling the property once their parents decide to leave that home. The applicant received Council waiver to reduce the buffer along the parcel as the City anticipates the property will redevelop with industrial uses in the future.

B. Development Agreement Modification

A development agreement was entered into on July 26, 2022 (H-2021-0103, DA Inst # 2022-066859) with the following conditions:

- a. Future development of the subject site shall be substantially consistent with the proposed concept plan, preliminary plat, landscape plan, and conceptual building elevations included in Section VII and the provisions contained herein.
- b. ~~Prior to issuance of any building permits, the applicant shall subdivide the property in accord with UDC 11-6B.~~ Prior to certificate of occupancy, the applicant shall subdivide the property in accord with UDC 11-6B.

- c. The uses allowed on this property are those listed in UDC Table 11-2C-2 for the I-L zoning district.
- d. The Applicant shall comply with the ordinances in effect at the time of application submittal.
- e. Applicant shall comply with the specific use standards outlined in UDC 11-4-3-34 and UDC 11-4-3-18 for the proposed uses of Self-service Storage Facility and Flex Space Building, respectively.
- f. The Applicant shall comply with the Commercial architectural design standards in the City of Meridian's Architectural Standards Manual (ASM) at the time of Certificate of Zoning Compliance and Design Review submittal for the elevations facing Franklin and the east elevations of the two storage buildings adjacent to the existing residence on Parcel S1109438907.

The applicant is requesting to remove the condition "b" under section 5.1 of the existing development agreement and add the following language "Prior to certificate of occupancy, the applicant shall subdivide the property in accord with UDC 11-6B."

C. Staff's Analysis

Per UDC 11-6B-7, Approval of a preliminary plat, combined preliminary and final plat, or short plat shall become null and void if the applicant fails to obtain the city engineer's signature on the final plat within two (2) years of the approval of the preliminary plat or the combined preliminary and final plat or short plat. The applicant requested a time extension to record the final plat in June prior to the preliminary plat's expiration date. A one (1) year extension was granted with a new expiration date of June 21, 2025. The plat must be recorded by this date.

Staff has no objection to the Applicant request for a modification to the existing development agreement (H-2021-0103, Inst. #2022-066859) to remove condition "b" under section 5.1 and the addition of the proposed language with the following provisions:

- Only one (1) building permit shall be issued with this provision.
- The Public Works infrastructure shall be installed, inspected and finalized prior to the issuance of any building permits.

The applicant submitted a final plat for review and approval (FP-2024-0015) which is scheduled on the City Council Consent Agenda for September 17, 2024. The applicant was given a one (1) year time extension to receive the City Engineer's signature which expires on June 21, 2025. If the City Engineer's signature has not been received by the expiration date, the applicant will either let the plat lapse or request approval of a time extension from by City Council. Planning has approved a Certificate of Zoning Compliance and Design Review (A-2024-0074) for a multi-tenant flex space building to be constructed on the northern lot.

III. CITY/AGENCY COMMENTS & CONDITIONS

A. Meridian Planning Division

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 the subject site shall be substantially consistent with the proposed concept plan, preliminary plat, landscape plan, and conceptual building elevations included in Section VII and the provisions contained herein.
- b. The Public Works infrastructure shall be installed, inspected and finalized, as approved with LDIR-2023-0061, prior to the issuance of any building permits.

- c. Prior to certificate of occupancy, the applicant shall subdivide the property in accord with UDC 11-6B.

B. Meridian Public Works

The Public Works infrastructure shall be installed, inspected and finalized, as approved with LDIR-2023-0061, prior to the issuance of any building permits.

C. Irrigation Districts

1. Nampa & Meridian Irrigation District

See public record (copy the link into a separate browser)

<https://weblink.meridiancity.org/WebLink/DocView.aspx?id=361620&dbid=0&repo=MeridianCity>

D. Idaho Transportation Department (ITD)

No concerns regarding the DA modification.

IV. ACTION

A. Staff:

Staff recommends approval of the DA modification for the issuance of one building permit for the northern portion of the property prior to receiving the City Engineer's signature if the Public Works Department requirements have been met.

B. City Council:

The Meridian City Council heard these items on September 17, 2024. At the public hearing, the Council moved to approve the subject MDA request.

1. Summary of the City Council public hearing:

a. In favor: Jeff Hatch, Greg Ferney

b. In opposition: None

c. Commenting: Jeff Hatch, Greg Ferney

d. Written testimony: None

e. Staff presenting application: Linda Ritter

f. Other Staff commenting on application: Bill Parsons, Clint Dolsby

2. Key issue(s) of public testimony:

a. Issuance of a building permit and timing for the construction of the building foundation

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

a. Installation of Public Works infrastructure

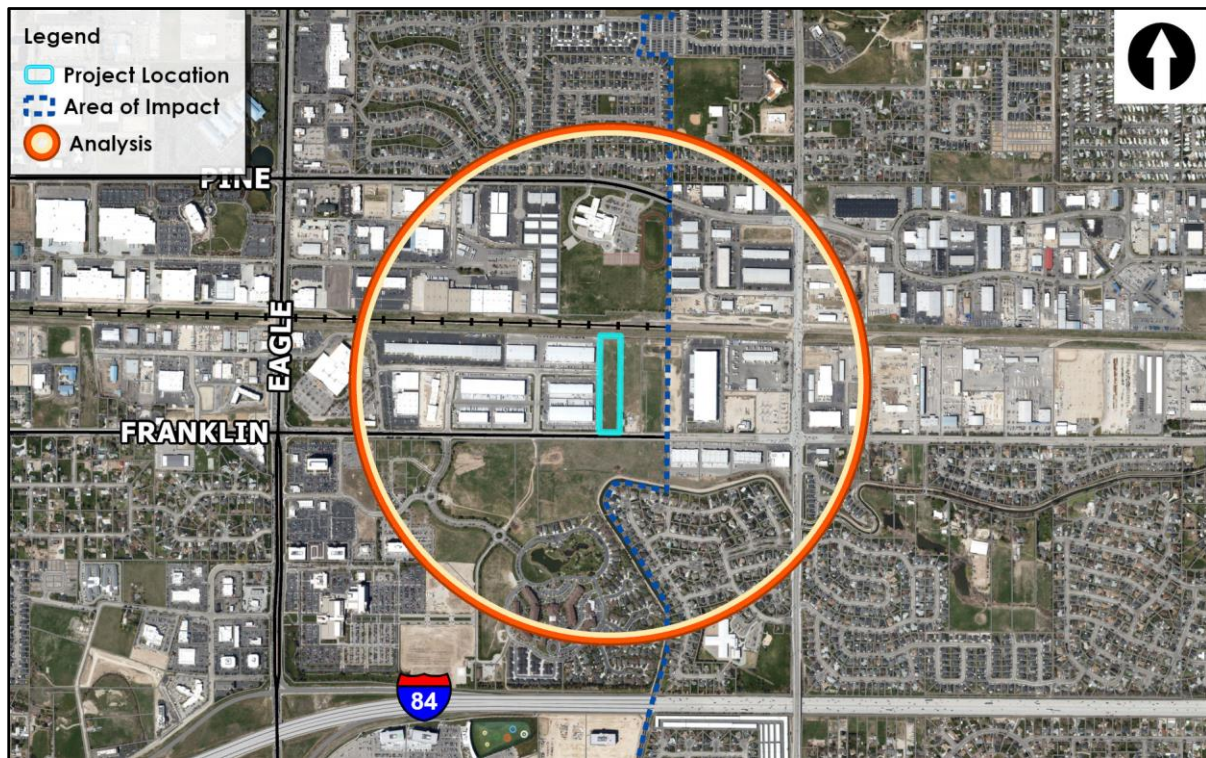
4. City Council change(s) to Commission recommendation:

a. N/A

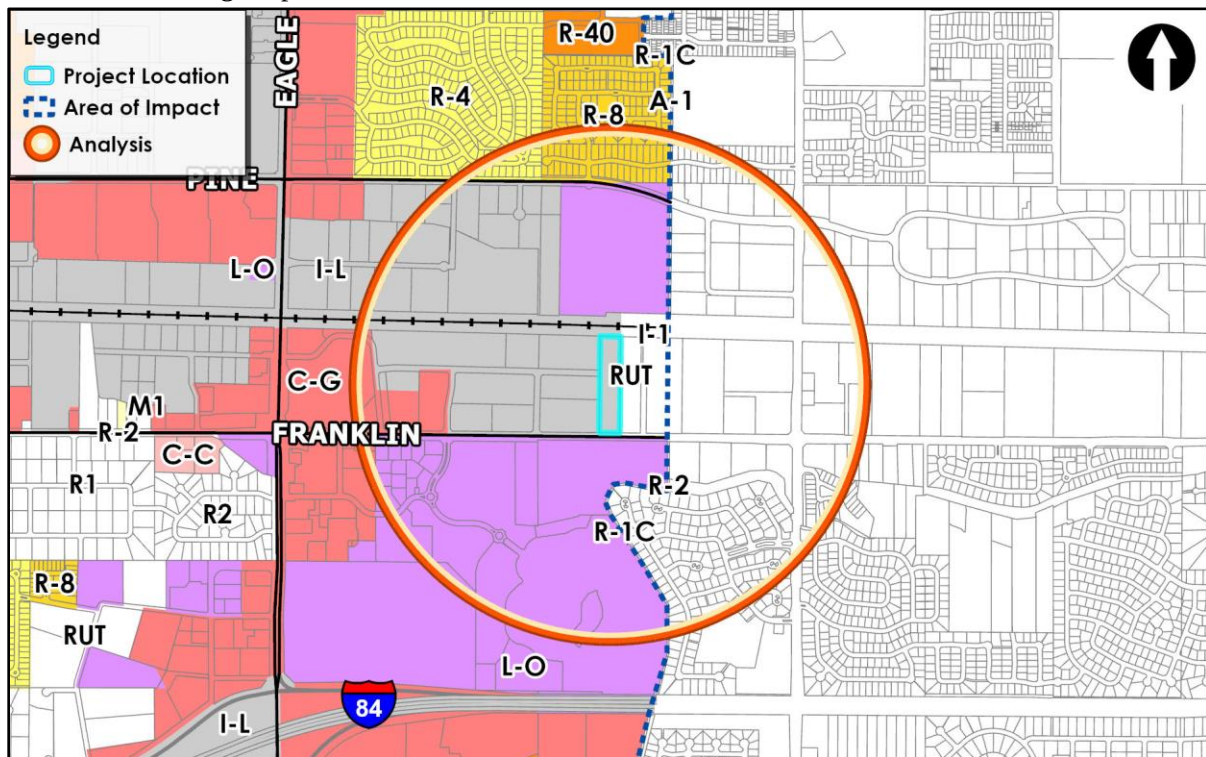
IV. EXHIBITS

A. Project Area Maps

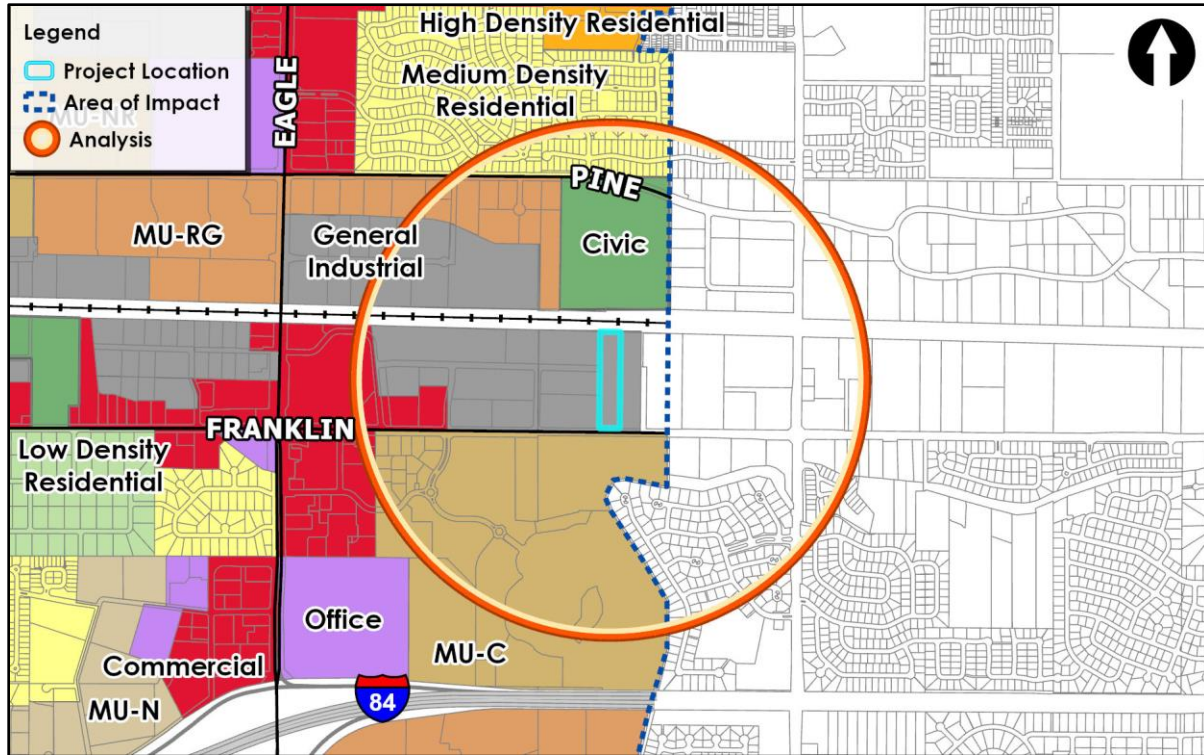
1. Aerial



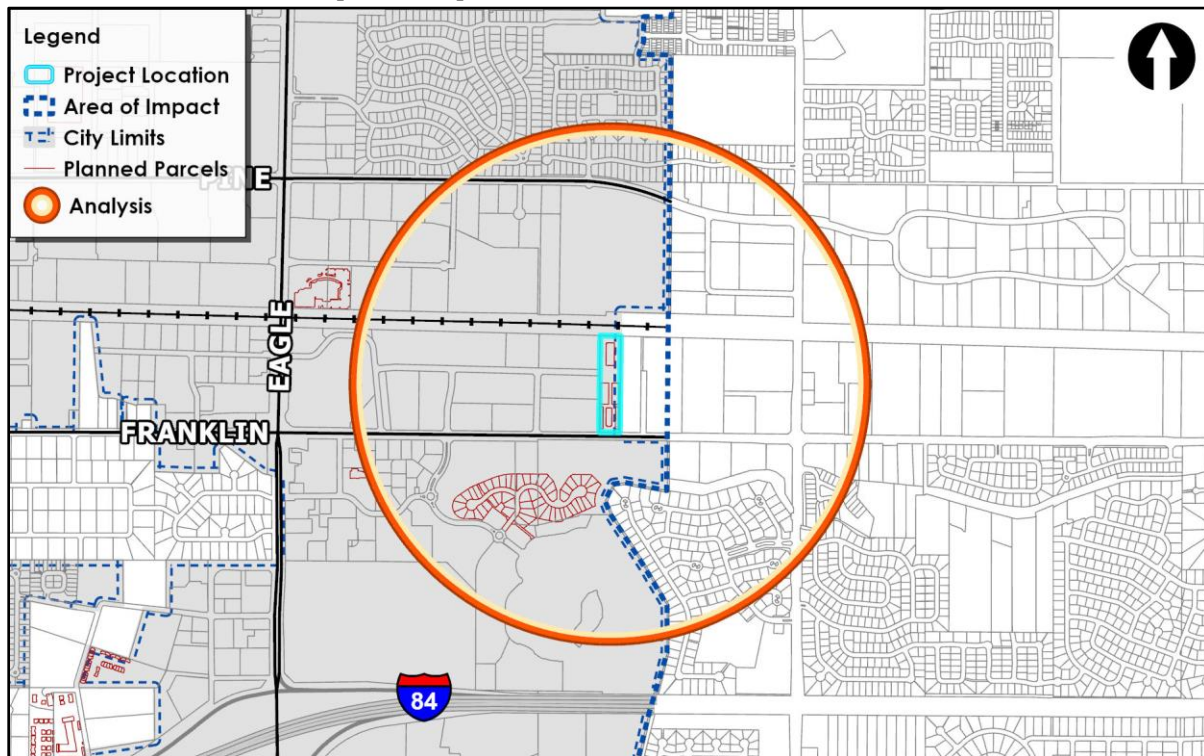
2. Zoning Map



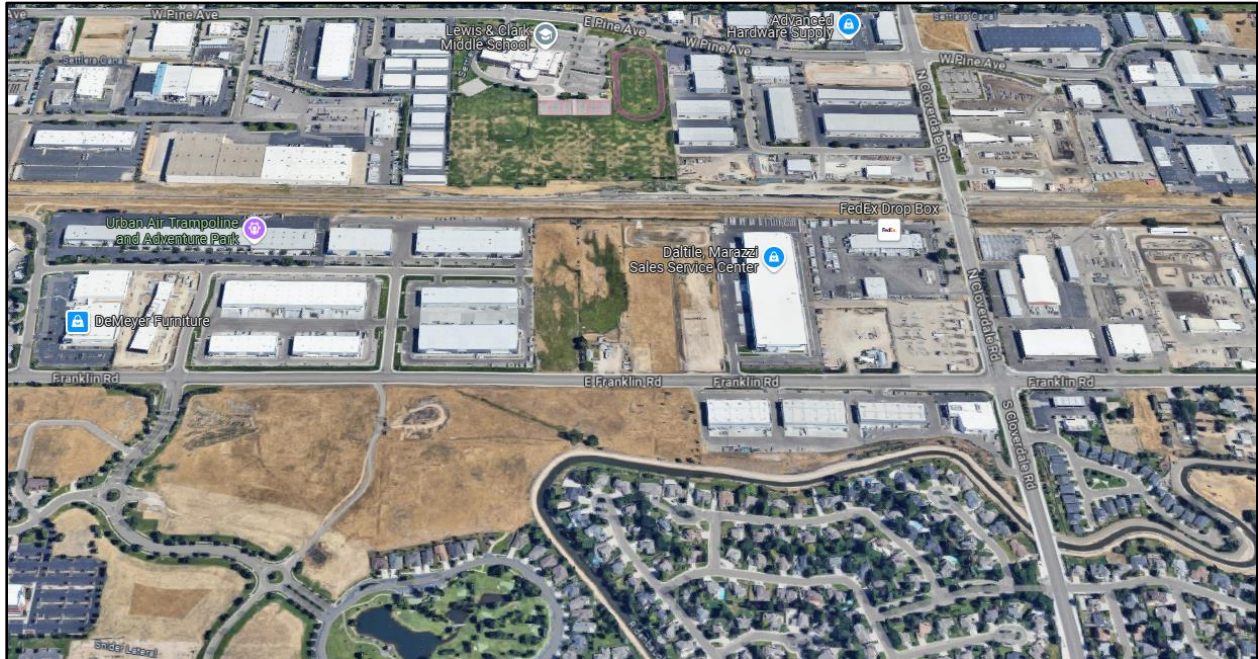
3. Future Land Use



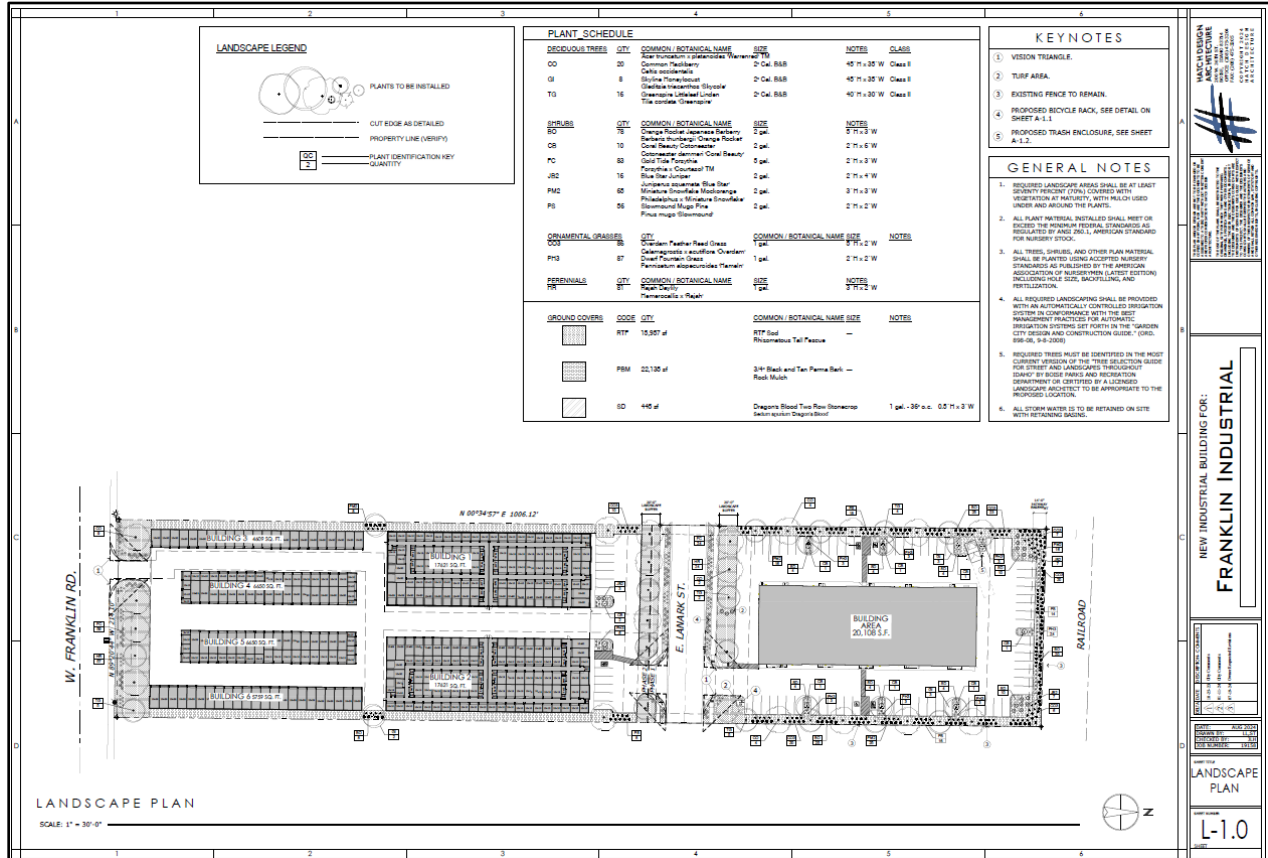
4. Planned Development Map



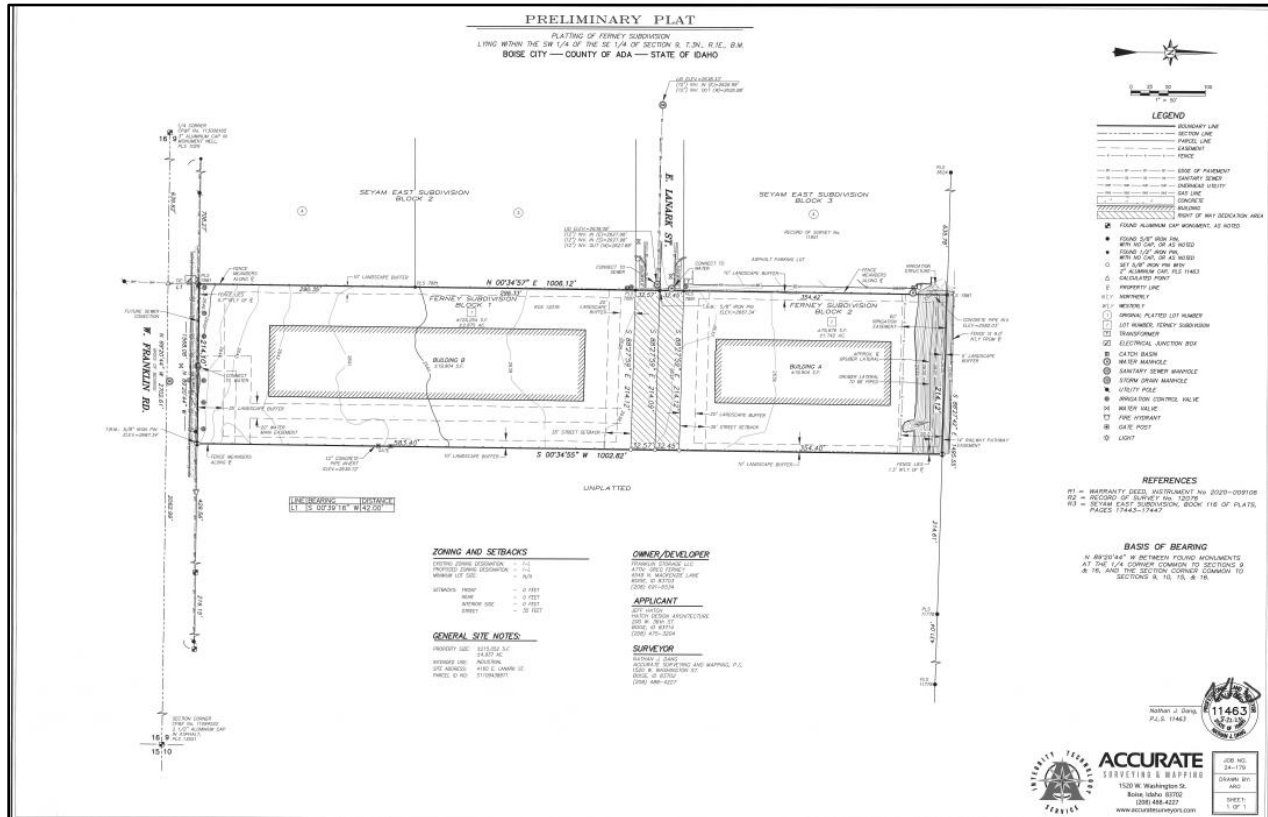
B. Subject Site Photos

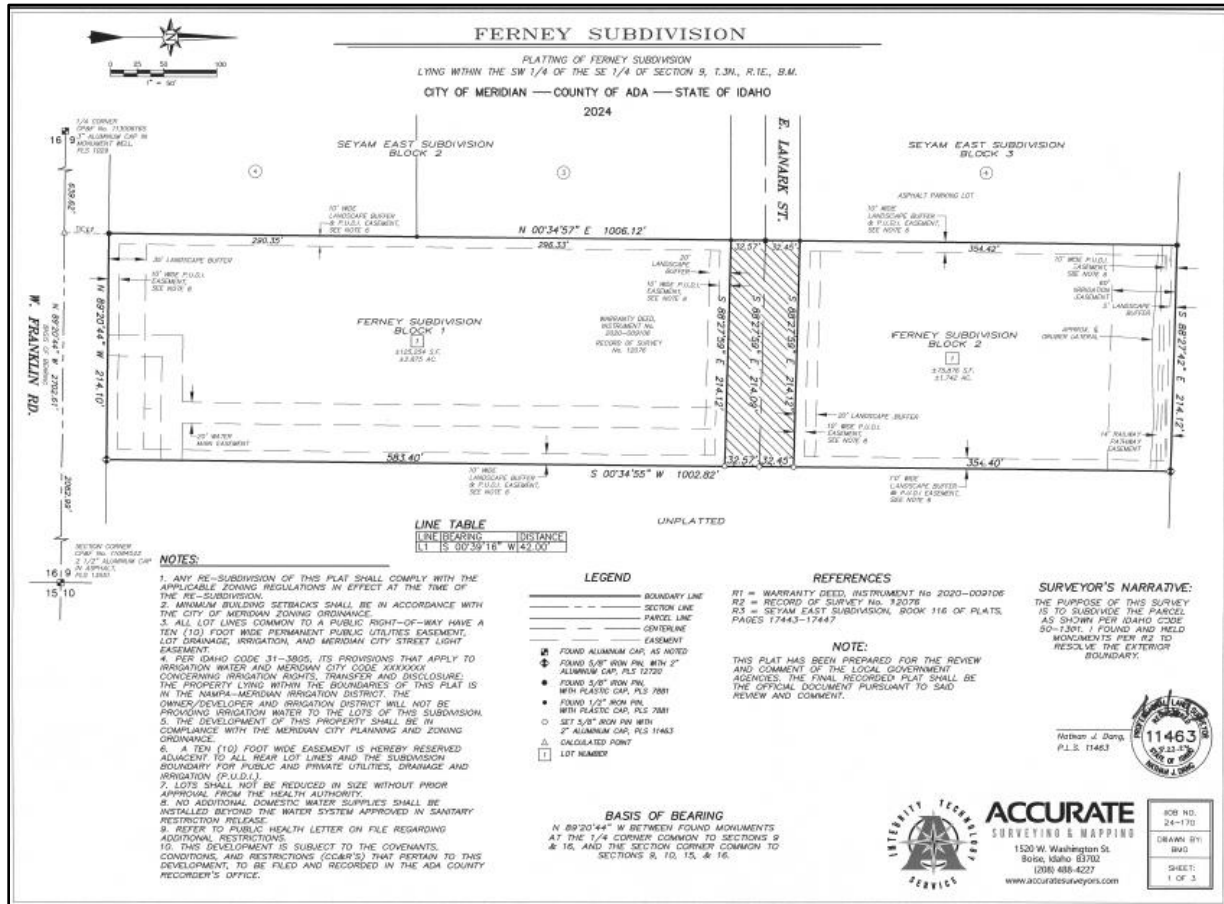


C. Landscape Plan (date: 8/23/2024)



D. Preliminary Plat (date: 8/1/2024)





F. Building Elevations for Storage Facility (date: 5/1/2024)

