

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



In the Matter of the Request for Short plat to subdivide an existing residential lot (S1119141856), consisting of 1.34 acres of land, into four (4) building lots, one (1) common driveway lot, and one (1) common lot in the R-4 zoning district, by Robyn Shea.

Case No(s). SHP-2023-0003

For the City Council Hearing Date of: February 27, 2024 (Findings on March 12, 2024)

A. Findings of Fact

1. Hearing Facts (see attached Staff Report for the hearing date of February 27, 2024, incorporated by reference)
2. Process Facts (see attached Staff Report for the hearing date of February 27, 2024, incorporated by reference)
3. Application and Property Facts (see attached Staff Report for the hearing date of February 27, 2024, incorporated by reference)
4. Required Findings per the Unified Development Code (see attached Staff Report for the hearing date of February 27, 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 February 27, 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 short plat is hereby approved per the conditions of approval in the Staff Report for the hearing date of February 27, 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 February 27, 2024

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

COUNCIL PRESIDENT JOE BORTON VOTED _____

COUNCIL VICE PRESIDENT LIZ STRADER VOTED _____

COUNCIL MEMBER DOUG TAYLOR VOTED _____

COUNCIL MEMBER LUKE CAVENER VOTED _____

COUNCIL MEMBER JOHN OVERTON VOTED _____

COUNCIL MEMBER ANNE LITTLE ROBERTS 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: 2/27/2024

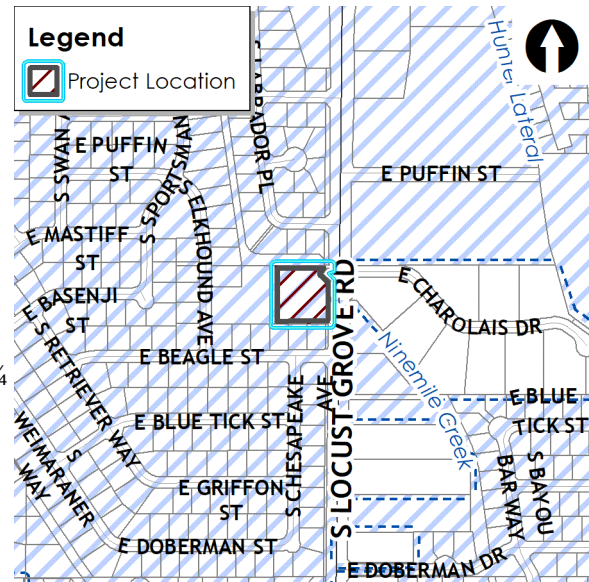
TO: Mayor & City Council

FROM: Stacy Hersh, Associate Planner

208-884-5533

SUBJECT: Nine Mile Creek Bungalows
[SHP-2023-0003](#)

LOCATION: 2055 S. Locust Grove Road., in the SE ¼ of the SE ¼ of Section 19, T.3N., R.1E.



I. PROJECT DESCRIPTION

Short plat to subdivide an existing residential lot (S1119141856), consisting of 1.34 acres of land, into four (4) building lots, one (1) common driveway lot, and one (1) common lot in the R-4 zoning district.

II. APPLICANT INFORMATION

- A. Applicant: Robyn Shea, Owner. – 12316 N. Humphreys Way, Boise, ID 83714
- B. Owner: Same as Applicant
- C. Representative: Same as Applicant

III. NOTICING

	City Council Posting Date
Legal notice published in newspaper	2/11/2024
Radius notice mailed to property owners within 500 feet	2/10/2024
Posted to Next Door	2/15/2024

IV. STAFF ANALYSIS

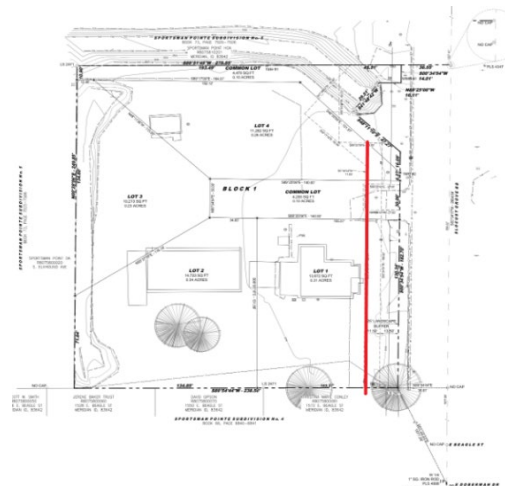
The short plat proposes to further subdivide parcel # S1119141856, consisting of 1.34 acres of land, into four (4) building lots, one (1) common driveway lot, and one (1) common lot in the R-4 zoning district. The proposed density of 2.99 units per acre is consistent with the density desired of 3 to 8 dwelling units per acre in the Medium Density Residential Future Land Use Map designation for this site. The proposed lots comply with the dimensional standards listed in UDC [Table 11-2A-6](#) for the R-4 zoning district.

Existing structure: The existing home is connected to City water and sewer service and is proposed to remain on Lot 1, Block 1. The detached garage/shop and accessory structure on Lots 2 and 3 are proposed to be removed upon development of the subdivision. Additionally, the carport for the existing home is proposed to be removed to comply with the rear setback. Once the carport and the detached garage are removed the existing home would not meet the required number of off-street parking spaces. Per [UDC Table 11-2A-5](#), a four-bedroom home must provide four (4) parking spaces, at least two (2) in an enclosed garage, other spaces may be enclosed or a minimum 20-foot by 20-foot parking pad.

By removing the required parking from the property, a CUP may be required per the non-conforming regulations set forth in UDC 11-1B-4, unless the existing garage is retained. At a minimum, staff recommends that the applicant retain the existing carport and install the required parking pad so that in the future a garage could be constructed to avoid having to obtain CUP approval for any expansion. This requires some of the lot lines on the plat to be adjusted to accommodate the carport prior to City Engineer's signature on the plat.

Easements: The plat is missing the required public utility, irrigation, and drainage (PUDI) easements for each lot (5-feet along interior lot lines and 10-feet along the perimeter and rear lot lines). Additionally, the consecutive numbering of all lots in each block, including the common lots, should be included.

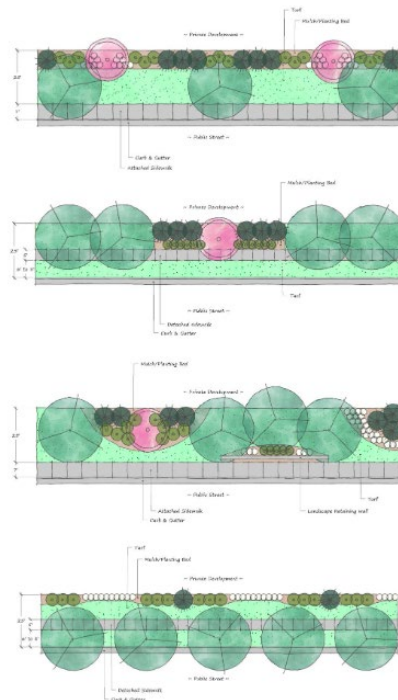
The common lot depicted on the north encompasses the easement for the Nine Mile Creek on a portion of this property. Staff recommends that the proposed 25-foot easement for the landscape buffer along the Locust Grove Street frontage terminate at the shared property line of Lot 4, Block 1, and the northern common lot (refer to the figure below).



Access: Access to this property is provided via a driveway from S. Locust Grove Road, which will be platted as a common lot for a common driveway that will provide access to all lots in the proposed subdivision. Direct access via S. Locust Grove Road is prohibited. The Fire Department has approved the design of the proposed common driveway which shall be signed "No Parking Fire Lane" per the

2108 IFC. A common driveway exhibit that reflects compliance with the standards listed in UDC 11-6C-3D was not submitted. The Applicant should submit a common drive exhibit that depicts setbacks, fencing, building envelope, and orientation of the lots and structures, including the existing home on Lot 1, Block 1 prior to City Engineer's signature on the plat.

Landscaping: A twenty-five-foot landscape buffer is required along S. Locust Grove Road in accordance with UDC 11-3B-7. There is existing landscaping (i.e. trees) to remain and eight (8) new trees are proposed to be planted with rock mulch. All required landscape buffers along streets shall be designed and planted with a variety of trees, shrubs, lawn, or other vegetative ground cover. Plant materials in conjunction with site design shall elicit design principles including rhythm, repetition, balance, and focal elements. **Staff recommends that the Applicant include a variety of shrubs along with the trees within the planters along S. Locust Grove Road (refer to figure below). The 25-foot wide landscape buffer area north of the driveway should comply with these standards for landscaping and requires a license agreement for NMID for any landscape in their easement. The open space standards allow natural waterways that intersect, cross, or lie within the developed area to remain unimproved per UDC 11-3G-5B.1.**



The landscape plan specifies that the use of “weed fabric is not recommended”. **If rock mulch is used, a weed barrier fabric shall be used beneath the rock in accordance with UDC 3B-3.H. Impermeable plastic weed barriers are prohibited because they restrict water and oxygen to the plants. Within stormwater facilities, mulch may not float. Staff recommends that the Applicant install a weed barrier fabric beneath rock mulch as required by the UDC code.**

There are a few existing trees on this site, of which two (2) are proposed to be removed. A mitigation plan was not submitted; however, the landscape plan included in Section VI.B, depicts existing trees that are proposed to be removed vs. retained. **Mitigation should be proposed on the landscape plan in accordance with the standards listed in UDC [11-3B-10C.5](#).** The Applicant should provide a description outlining how existing trees to be retained are to be protected during construction. Furthermore, the landscape plan is missing a calculation table for project components, necessary for demonstrating compliance with the UDC requirements.

There is no fencing proposed with this application. The Applicant is responsible for constructing fences abutting common open space lots to distinguish common from private areas, particularly adjacent to the Nile Mile Creek, to enhance safety. Staff recommends installing an open vision or semiprivate fence up to six (6) feet in height, along the northern common lot in accordance with UDC 11-3A-7A.7.b.

Staff has reviewed the proposed short plat for compliance with the criteria set forth in UDC [11-6B-5](#) and deems the short plat in compliance with said requirements.

V. DECISION

Staff recommends approval of the proposed short plat with the conditions noted in Section VII of this report and in accord with the findings in Section VIII.

A. The Meridian City Council heard these items on February 27, 2023. At the public hearing, the Council moved to approve the subject Short Plat request.

1. Summary of the City Council public hearing:

- a. In favor: Robyn Shea, Owner
- b. In opposition: None
- c. Commenting: None
- d. Written testimony: None
- e. Staff presenting application: Stacy Hersh, Associate Planner
- f. Other Staff commenting on application: None

2. Key issue(s) of public testimony:

a. None

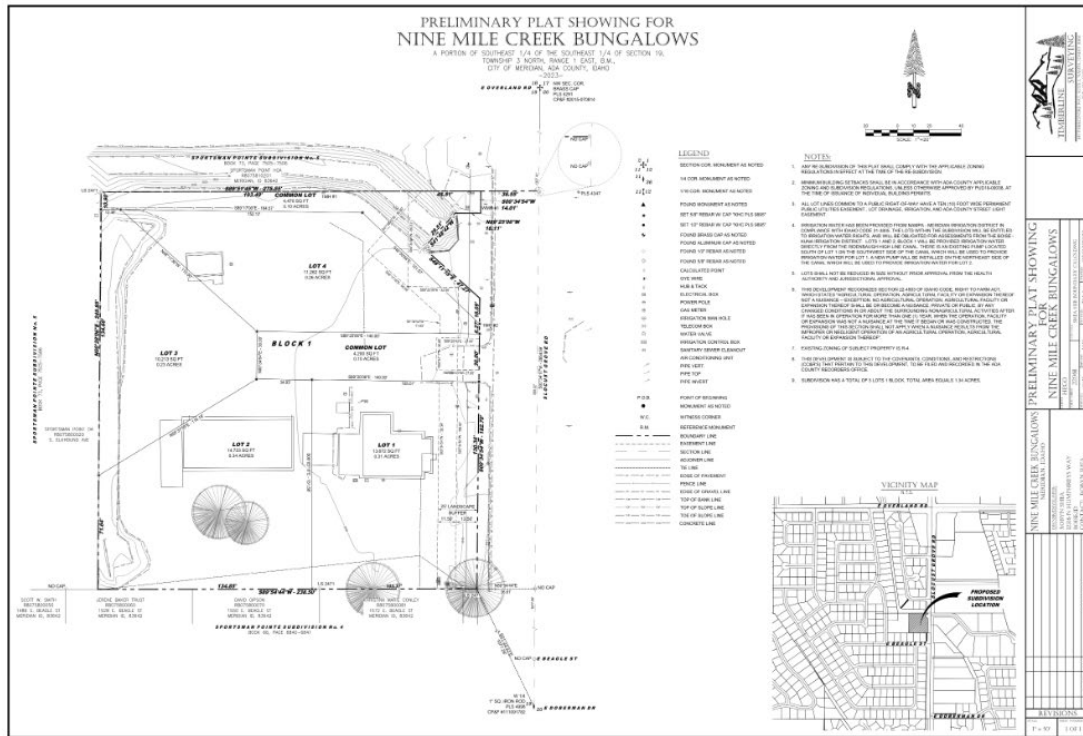
3. Key issue(s) of discussion by City Council:

a. Concerns with the amount of outstanding details to be corrected with the short plat.

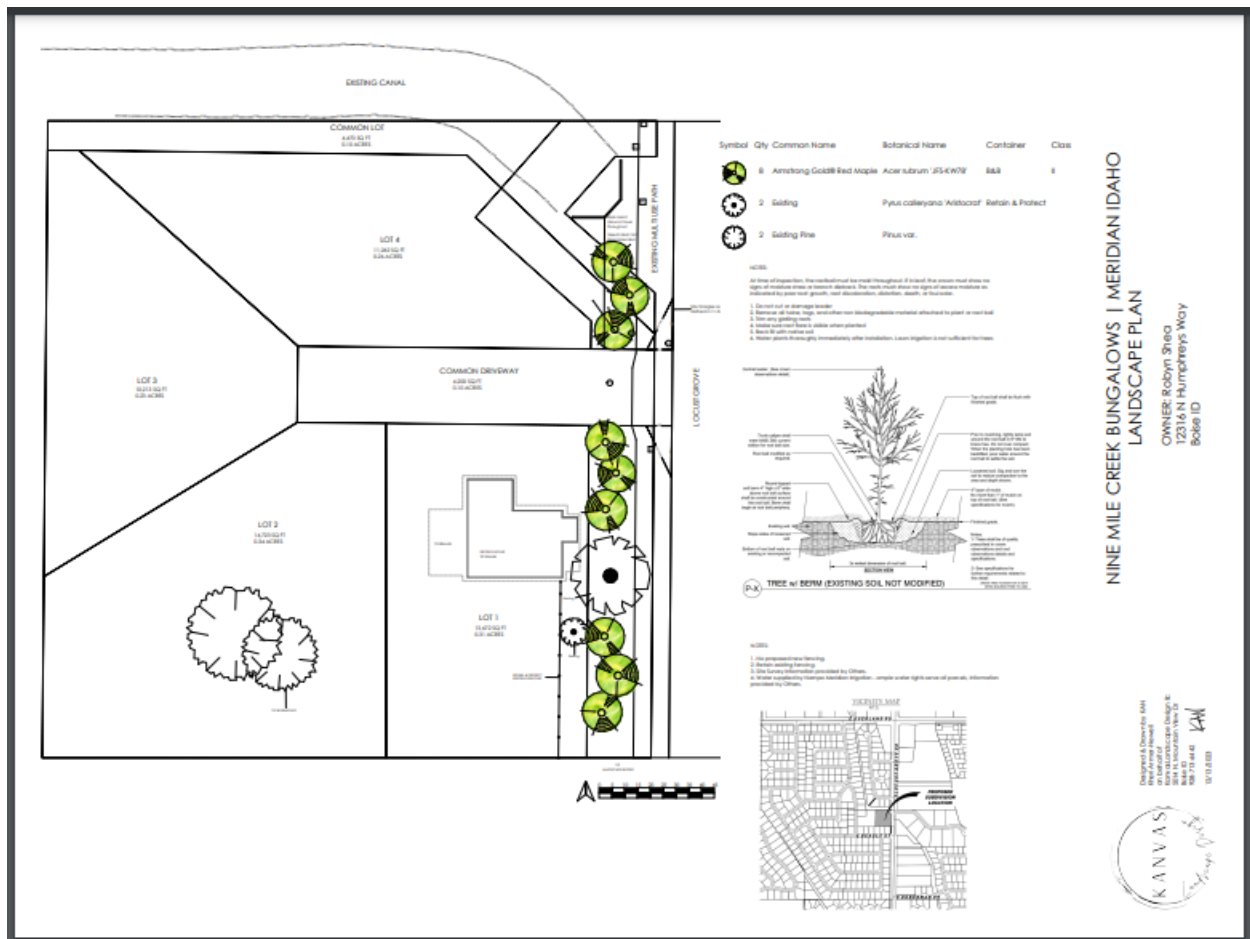
4. City Council change(s) to Commission recommendation:

a. None

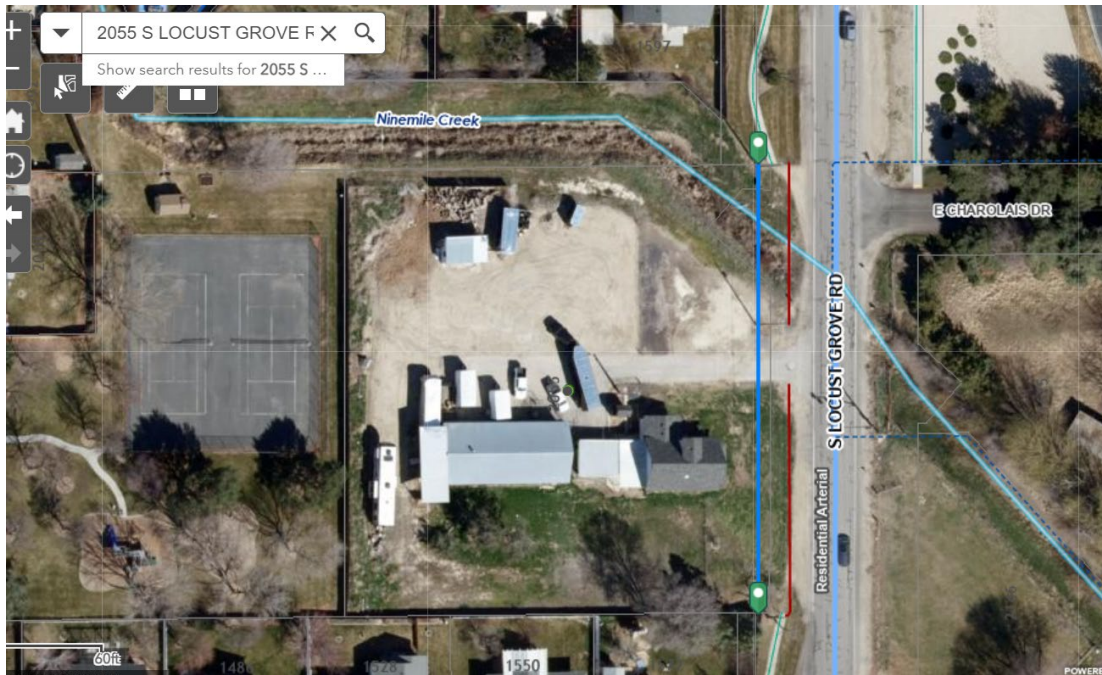
A. Short Plat (date: 02/07/2023)

[illegible]

B. Landscape Plan (dated: 12/13/2023)



C. Aerial Map & Elevations of Existing Home





VII. CITY/AGENCY COMMENTS & CONDITIONS

A. Planning Division

Site Specific Conditions:

1. If the City Engineer's signature has not been obtained within two (2) years of the City Council's approval of the short plat, the short plat shall become null and void unless a time extension is obtained, per UDC 11-6B-7.
2. The short plat prepared by Timberline Surveying on 2/7/2023, included in Section VI.A, shall be revised as follows:
 - a. Revise Note #2: "Building setbacks and dimensional standards in this subdivision shall be in compliance with the applicable zoning regulations of the City of Meridian."
 - b. Note #5: Lots shall not be reduced in size without prior approval from the health authority and the City of Meridian.
 - c. Note #8: Include the recorded instrument number of the CC&R's.
 - d. Remove Note #9
 - e. Add Note #10: " Lot 5, Block 1, is designated as a common drive lot to be owned and maintained by the Homeowners' Association. Lot 5 will provide ingress/egress to all the lots within Nine Mile Creek Bungalows. The common drive shall have a paved surface capable of supporting fire vehicles and equipment."
 - f. Add Note #11: Direct lot access via Locust Grove Road is prohibited.
 - g. Depict the required PUDI easements for(each 5-feet along interior lot lines and 10-feet along the perimeter and rear lot lines)
 - h. Add Note #12: Specify who is to own and maintain the northern common lot.
 - i. Modify the plat to readjust the 25-foot landscape buffer along the street frontage.
 - j. Graphically depict the Nile Mile Creek easement on the plat.
 - k. Adjust the lot lines to accommodate the carport on Lot 1, Block 1 to ensure compliance with the rear setback requirements for the existing home.
 - l. Depict the Land Surveyor's signed seal on the plat.
3. Prior to signature on the plat, the landscape plan shall include the following revisions:
 - a. Mitigation shall be required for all existing trees four-inch caliper or greater that are removed from the site with equal replacement of the total calipers lost on site up to an amount of one hundred (100) percent replacement per UDC 11-3B-10C.5
 - b. Revise the landscape plan to include a variety of shrubs along with the trees within the landscape buffer along S. Locust Grove Road in accordance with UDC 11-3B-7.
 - c. Install a weed barrier fabric beneath the rock mulch in accordance with UDC 11-3B-3H.
 - d. Install fencing along the common lot adjacent to the Nile Mile Creek and remove any prohibited fencing in accordance with UDC 11-3A-7.
4. Future development shall comply with the dimensional standards listed in UDC [Table 11-2A-5](#) for the R-4 zoning district and the common driveway standards listed in UDC 11-6C-3D. Additionally, the Applicant shall submit a common drive exhibit that depicts setbacks,

fencing, building envelope, and orientation of the lots and structures for the future homes, including the existing home on Lot 1, Block 1 prior to City Engineer's signature on the plat

5. As a result of the non-conformity to the existing home due to the off-street parking requirements in UDC 11-3C-6, the Applicant/Owner is required to apply for a Conditional Use Permit for any future expansions on the property. Additionally, the existing carport shall be retained and the Applicant shall install the required parking pad in accordance with UDC 11-3C-6.
6. Once the plat records, the existing home may require a new address.
7. All existing structures that don't comply with the minimum dimensional standards listed in UDC [*Table 11-2A-5*](#) for the R-4 zoning district shall be removed prior to signature on the final plat by the City Engineer.
8. The Applicant shall secure a license agreement with NMID for landscaping within the Nile Mile Creek easement.
9. Staff's failure to cite specific ordinance provisions or conditions from the previous approvals noted above does not relieve the Applicant of responsibility for compliance.

B. Public Works

<https://weblink.meridiancity.org/WebLink/DocView.aspx?id=330915&dbid=0&repo=MeridianCity>

C. Fire Department

<https://weblink.meridiancity.org/WebLink/DocView.aspx?id=330945&dbid=0&repo=MeridianCity>

D. Idaho Transportation Department (ITD)

<https://weblink.meridiancity.org/WebLink/DocView.aspx?id=331977&dbid=0&repo=MeridianCity>

E. Idaho Department Of Environmental Quality

<https://weblink.meridiancity.org/WebLink/DocView.aspx?id=331967&dbid=0&repo=MeridianCity>

F. Ada County Highway District (ACHD)

<https://weblink.meridiancity.org/WebLink/DocView.aspx?id=334303&dbid=0&repo=MeridianCity>

VIII. REQUIRED FINDINGS FROM THE UNIFIED DEVELOPMENT CODE

In consideration of a short plat, the decision-making body shall make the following findings:

A. The plat is in conformance with the Comprehensive Plan and is consistent with the Unified Development Code;

The Comprehensive Plan designates the future land use of this property as Medium Density Residential and the current zoning district of the site is R-4. Staff finds the proposed short plat complies with the short plat standards listed in UDC 11-6B-5.

B. Public services are available or can be made available and are adequate to accommodate the proposed development;

Staff finds that public services will be provided and are adequate to serve the proposed lots.

C. The plat is in conformance with scheduled public improvements in accord with the City's capital improvements program;

Staff finds all required utilities will be provided with lot development at the developer's expense.

D. There is public financial capability of supporting services for the proposed development;

Staff finds that the development will not require major expenditures for providing supporting services as services are already being provided in this area.

E. The development will not be detrimental to the public health, safety or general welfare; and

Staff finds the proposed development will not be detrimental to the public health, safety or general welfare.

F. The development preserves significant natural, scenic or historic features.

Staff is not aware of any significant natural, scenic or historic features associated with short platting the structure on this site.