

DEVELOPMENT AGREEMENT

- PARTIES:**
1. **City of Meridian**
 2. **Blackcat1 LLC, Owner/Developer**

THIS DEVELOPMENT AGREEMENT (this Agreement), is made and entered into this _____ day of _____, 2023, by and between **City of Meridian**, a municipal corporation of the State of Idaho, hereafter called CITY, whose address is 33 E. Broadway Avenue, Meridian, Idaho 83642, and **Blackcat1 LLC**, whose address is 1979 N. Locust Grove Rd., Meridian, ID, 83646, hereinafter called OWNER/DEVELOPER.

1. **RECITALS:**

- 1.1 **WHEREAS**, Owner is the sole owner, in law and/or equity, of certain tract of land in the County of Ada, State of Idaho, described in Exhibit “A”, which is attached hereto and by this reference incorporated herein as if set forth in full, herein after referred to as the Property; and
- 1.2 **WHEREAS**, Idaho Code § 67-6511A provides that cities may, by ordinance, require or permit as a condition of zoning that the Owner and/or Developer make a written commitment concerning the use or development of the subject Property; and
- 1.3 **WHEREAS**, City has exercised its statutory authority by the enactment of Section 11-5B-3 of the Unified Development Code (“UDC”), which authorizes development agreements upon the annexation and/or re-zoning of land; and
- 1.4 **WHEREAS**, Owner/Developer have submitted an application for annexation and zoning of approximately 20.5 acres of land from the RUT (Rural-Urban Transition) zoning district to the R-15 (Medium High-Density Residential) zoning district on the property as shown in Exhibit “A” under the Unified Development Code, which generally describes how the Property will be developed and what improvements will be made; and
- 1.5 **WHEREAS**, Owner/Developer made representations at the public hearings before Planning and Zoning Commission and the Meridian City Council as to how the Property will be developed and what improvements will be made; and
- 1.6 **WHEREAS**, the record of the proceedings for requested annexation and zoning held before Planning and Zoning Commission and the City Council includes responses of government subdivisions providing services within the City of Meridian planning jurisdiction and includes further testimony and comment; and

- 1.7 **WHEREAS**, on the 13th day of December, 2022, the Meridian City Council approved certain Findings of Fact and Conclusions of Law and Decision and Order (“Findings”), which have been incorporated into this Agreement and attached as Exhibit “B”; and
- 1.8 **WHEREAS**, the Findings require the Owner/Developer to enter into a Development Agreement before the City Council takes final action on final plat; and
- 1.9 **WHEREAS**, Owner/Developer deem it to be in its best interest to be able to enter into this Agreement and acknowledges that this Agreement was entered into voluntarily and at its urging and request; and
- 1.10 **WHEREAS**, City requires the Owner/Developer to enter into a development agreement for the purpose of ensuring that the Property is developed and the subsequent use of the Property is in accordance with the terms and conditions of this Agreement, herein being established as a result of evidence received by the City in the proceedings for zoning designation from government subdivisions providing services within the planning jurisdiction and from affected property owners and to ensure zoning designation is in accordance with the amended Comprehensive Plan of the City of Meridian on December 19, 2019, Resolution No. 19-2179, and the UDC, Title 11.

NOW, THEREFORE, in consideration of the covenants and conditions set forth herein, the parties agree as follows:

2. **INCORPORATION OF RECITALS:** That the above recitals are contractual and binding and are incorporated herein as if set forth in full.
3. **DEFINITIONS:** For all purposes of this Agreement the following words, terms, and phrases herein contained in this section shall be defined and interpreted as herein provided for, unless the clear context of the presentation of the same requires otherwise:
 - 3.1 **CITY:** means and refers to the **City of Meridian**, a party to this Agreement, which is a municipal Corporation and government subdivision of the state of Idaho, organized and existing by virtue of law of the State of Idaho, whose address is 33 East Broadway Avenue, Meridian, Idaho 83642.
 - 3.2 **OWNER/DEVELOPER:** means and refers to **Blackcat1 LLC**, whose address is 1979 N. Locust Grove Rd., Meridian, Idaho, 83646, hereinafter called OWNER/DEVELOPER, the party that owns and is developing said Property and shall include any subsequent owner(s)/developer(s) of the Property.
 - 3.3 **PROPERTY:** means and refers to that certain parcel(s) of Property located in the County of Ada, City of Meridian as in Exhibit “A” describing a parcel to bound by this Development Agreement and attached hereto and by this reference incorporated herein as if set forth at length.
4. **USES PERMITTED BY THIS AGREEMENT:** This Agreement shall vest the right to develop the Property in accordance with the terms and conditions of this Agreement.

- 4.1 The uses allowed pursuant to this Agreement are only those uses allowed under the UDC.
- 4.2 No change in the uses specified in this Agreement shall be allowed without modification of this Agreement.

5. **CONDITIONS GOVERNING DEVELOPMENT OF SUBJECT PROPERTY:**

- 5.1. Owner/Developer shall develop the Property in accordance with the following special conditions:
 - a. Future development of this site shall be substantially consistent with the approved plat, landscape plan, phasing plan, common drive exhibits, and conceptual building elevations included in Section VII and the provisions contained herein.
 - b. The existing home and outbuildings shall be removed upon phase 1 development, as proposed.
 - c. The rear and/or sides of homes visible from S. Locust Grove and E. Via Roberto Lane (Lots 2-27, Block 1 & Lots 2-24, Block 3) shall incorporate articulation through changes in two or more of the following: modulation (e.g., projections, recesses, step-backs, pop-outs), bays, banding, porches, balconies, material types, or other integrated architectural elements to break up monotonous wall planes and roof lines that are visible from the subject public street. Single-story structures are exempt from this requirement.

6. **COMPLIANCE PERIOD** This Agreement must be fully executed within six (6) months after the date of the Findings for the annexation and zoning or it is null and void.

7. **DEFAULT/CONSENT TO DE-ANNEXATION AND REVERSAL OF ZONING DESIGNATION:**

- 7.1 **Acts of Default.** In the event Owner/Developer, or Owner/Developer's heirs, successors, assigns, or subsequent owners of the Property or any other person acquiring an interest in the Property, fail to faithfully comply with all of the terms and conditions included in this Agreement in connection with the Property, this Agreement may be terminated by the City upon compliance with the requirements of the Zoning Ordinance.
- 7.2 **Notice and Cure Period.** In the event of Owner/Developer's default of this agreement, Owner/Developer shall have thirty (30) days from receipt of written notice from City to initiate commencement of action to correct the breach and cure the default, which action must be prosecuted with diligence and completed within one hundred eighty (180) days; provided, however, that in the case of any such default that cannot with diligence be cured within such one hundred eighty (180) day period, then the time allowed to cure such failure may be extended for such period as may be necessary to complete the curing of the same with diligence and continuity.

- 7.3 **Remedies.** In the event of default by Owner/Developer that is not cured after notice from City as described in Section 7.2, City shall, upon satisfaction of the notice and hearing procedures set forth in Idaho Code section 67-6511A, have the right, but not a duty, to de-annex all or a portion of the Property, reverse the zoning designations described herein, and terminate City services to the de-annexed Property, including water service and/or sewer service. Further, City shall have the right to file an action at law or in equity to enforce the provisions of this Agreement. Because the covenants, agreements, conditions, and obligations contained herein are unique to the Property and integral to City's decision to annex and/or re-zone the Property, City and Owner/Developer stipulate that specific performance is an appropriate, but not exclusive, remedy in the event of default. Owner/Developer reserves all rights to contest whether a default has occurred.
- 7.4 **Choice of Law and Venue.** This Agreement and the rights of the parties hereto shall be governed by and construed in accordance with the laws of the State of Idaho, including all matters of construction, validity, performance, and enforcement. Any action brought by any party hereto shall be brought within Ada County, Idaho.
- 7.5 **Delay.** In the event the performance of any covenant to be performed hereunder by either Owner/Developer or City is delayed for causes that are beyond the reasonable control of the party responsible for such performance, which shall include, without limitation, acts of civil disobedience, strikes or similar causes, the time for such performance shall be extended by the amount of time of such delay.
- 7.6 **Waiver.** A waiver by City of any default by Owner/Developer of any one or more of the covenants or conditions hereof shall apply solely to the default and defaults waived and shall neither bar any other rights or remedies of City nor apply to any subsequent default of any such or other covenants and conditions.

8. **INSPECTION:** Owner/Developer shall, immediately upon completion of any portion or the entirety of said development of the Property as required by this Agreement or by City ordinance or policy, notify the City Engineer and request the City Engineer's inspections and written approval of such completed improvements or portion thereof in accordance with the terms and conditions of this Agreement and all other ordinances of the City that apply to said Property.
9. **REQUIREMENT FOR RECORDATION:** City shall record this Agreement, including all of the Exhibits, and submit proof of such recording to Owner/Developer, prior to the third reading of the Meridian Zoning Ordinance in connection with the annexation and zoning of the Property by the City Council. If for any reason after such recordation, the City Council fails to adopt the ordinance in connection with the annexation and zoning of the Property contemplated hereby, the City shall execute and record an appropriate instrument of release of this Agreement.
10. **ZONING:** City shall, following recordation of the duly approved Agreement, enact a valid and binding ordinance zoning the Property as specified herein.

11. **SURETY OF PERFORMANCE:** The City may also require surety bonds, irrevocable letters of credit, cash deposits, certified check or negotiable bonds, as allowed under the UDC, to insure the installation of required improvements, which the Owner/Developer agree to provide, if required by the City.
12. **CERTIFICATE OF OCCUPANCY:** No Certificates of Occupancy shall be issued in any phase in which the improvements have not been installed, completed, and accepted by the City, or sufficient surety of performance is provided by Owner/Developer to the City in accordance with Paragraph 11 above.
13. **ABIDE BY ALL CITY ORDINANCES:** That Owner/Developer agree to abide by all ordinances of the City of Meridian unless otherwise provided by this Agreement.
14. **NOTICES:** Any notice desired by the parties and/or required by this Agreement shall be deemed delivered if and when personally delivered or three (3) days after deposit in the United States Mail, registered or certified mail, postage prepaid, return receipt requested, addressed as follows:

<p>CITY: City Clerk City of Meridian 33 E. Broadway Ave. Meridian, Idaho 83642</p>	<p>with copy to: City Attorney City of Meridian 33 E. Broadway Avenue Meridian, Idaho 83642</p>
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OWNER/DEVELOPER:
Blackcat1 LLC
1979 N. Locust Grove Rd.
Meridian, ID 83646

14.1 A party shall have the right to change its address by delivering to the other party a written notification thereof in accordance with the requirements of this section.

15. **ATTORNEY FEES:** Should any litigation be commenced between the parties hereto concerning this Agreement, the prevailing party shall be entitled, in addition to any other relief as may be granted, to court costs and reasonable attorney's fees as determined by a Court of competent jurisdiction. This provision shall be deemed to be a separate contract between the parties and shall survive any default, termination or forfeiture of this Agreement.
16. **TIME IS OF THE ESSENCE:** The parties hereto acknowledge and agree that time is strictly of the essence with respect to each and every term, condition and provision hereof, and that the failure to timely perform any of the obligations hereunder shall constitute a breach of and a default under this Agreement by the other party so failing to perform.
17. **BINDING UPON SUCCESSORS:** This Agreement shall be binding upon and inure to the benefit of the parties' respective heirs, successors, assigns and personal representatives, including City's corporate authorities and their successors in office. This Agreement shall be binding on the Owner/Developer, each subsequent owner and any other person acquiring an interest in the Property. Nothing herein shall in any way prevent sale or alienation of the Property, or portions thereof, except that any sale or alienation shall be subject to the

provisions hereof and any successor owner or owners shall be both benefited and bound by the conditions and restrictions herein expressed. City agrees, upon written request of Owner and/or Developer, to execute appropriate and recordable evidence of termination of this Agreement if City, in its sole and reasonable discretion, had determined that Owner and/or Developer have fully performed their obligations under this Agreement.

18. **INVALID PROVISION:** If any provision of this Agreement is held not valid by a court of competent jurisdiction, such provision shall be deemed to be excised from this Agreement and the invalidity thereof shall not affect any of the other provisions contained herein.
19. **DUTY TO ACT REASONABLY:** Unless otherwise expressly provided, each party shall act reasonably in giving any consent, approval, or taking any other action under this Agreement.
20. **COOPERATION OF THE PARTIES:** In the event of any legal or equitable action or other proceeding instituted by any third party (including a governmental entity or official) challenging the validity of any provision in this Agreement, the parties agree to cooperate in defending such action or proceeding.
21. **FINAL AGREEMENT:** This Agreement sets forth all promises, inducements, agreements, condition and understandings between Owner/Developer and City relative to the subject matter hereof, and there are no promises, agreements, conditions or understanding, either oral or written, express or implied, between Owner/Developer and City, other than as are stated herein. Except as herein otherwise provided, no subsequent alteration, amendment, change or addition to this Agreement shall be binding upon the parties hereto unless reduced to writing and signed by them or their successors in interest or their assigns, and pursuant, with respect to City, to a duly adopted ordinance or resolution of City.
 - 21.1 No condition governing the uses and/or conditions governing annexation and zoning of the subject Property herein provided for can be modified or amended without the approval of the City Council after the City has conducted public hearing(s) in accordance with the notice provisions provided for a zoning designation and/or amendment in force at the time of the proposed amendment.
22. **EFFECTIVE DATE OF AGREEMENT:** This Agreement shall be effective on the date the Meridian City Council shall adopt the amendment to the Meridian Zoning Ordinance in connection with the annexation and zoning of the Property and execution of the Mayor and City Clerk.

[end of text; acknowledgements, signatures and Exhibits A and B follow]

ACKNOWLEDGMENTS

IN WITNESS WHEREOF, the parties have herein executed this agreement and made it effective as hereinabove provided.

OWNER/DEVELOPER:

Blackcat1 LLC

[Signature]

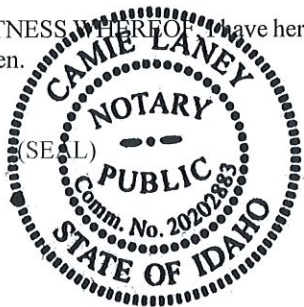
By: Chris Nolan

Its: Member

STATE OF IDAHO)
 : ss:
County of Ada)

On this 13th day of April, 2023, before me, the undersigned, a Notary Public in and for said State, personally appeared Chris Nolan, known or identified to me to be the member of **Blackcat1 LLC** and the person who signed above and acknowledged to me that he executed the same.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my official seal the day and year in this certificate first above written.



Camie Laney
Notary Public
My Commission Expires: 8-3-2026

CITY OF MERIDIAN

ATTEST:

By: _____
Mayor Robert E. Simison

Chris Johnson, City Clerk

STATE OF IDAHO)
 : ss:
County of Ada)

On this _____ day of _____, 2023, before me, a Notary Public, personally appeared **Robert E. Simison** and **Chris Johnson**, known or identified to me to be the Mayor and Clerk, respectively, of the **City of Meridian**, who executed the instrument or the person that executed the instrument of behalf of said City, and acknowledged to me that such City executed the same.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my official seal the day and year in this certificate first above written.

(SEAL)

Notary Public for Idaho
My Commission Expires: _____

LB

EXHIBIT A



IDAHO
SURVEY
GROUP

9955 W Emerald St
Boise, ID 83704

Phone: (208) 846-8570
Fax: (208) 884-5399

Hadler Subdivision Annexation Description

Project Number 21-360 July 13, 2022

Lot 1, Block 1 of Rescue Ranch Subdivision (Book 106 of Plats at Pages 14734 through 14736, records of Ada County, Idaho), and a portion of the adjacent public right-of-way of S. Locust Grove Road, situated in the north half of the southwest quarter of Section 5, Township 2 North, Range 1 East, Boise Meridian, Ada County, Idaho, and being more particularly described as follows:

Commencing at southwest corner of Section 5, Township 2 North, Range 1 East, Boise Meridian;
Thence N00°04'42"W, 2655.92 feet to the west quarter-section corner of Section 5, the POINT OF BEGINNING:

Thence S89°52'50"E, 37.00 feet along the east-west centerline of Section 5 to the east line of S. Locust Grove Road and the northwest corner of Lot 1;

Thence continuing S89°52'50"E, 1618.16 feet along the boundary of Lot 1;

Thence S00°04'42"E, 335.88 feet along the boundary of Lot 1;

Thence 12.01 feet on a non-tangent curve to the left having a radius of 225.00 feet, a central angle of 03°03'27", a chord bearing of N88°20'52"W, and a chord length of 12.01 feet along the boundary of Lot 1;

Thence N89°52'36"W, 313.32 feet along the boundary of Lot 1;

Thence 143.71 feet on a curve to the left having a radius of 125.00 feet, a central angle of 65°52'19", a chord bearing of S57°11'14"W, and a chord length of 135.93 feet along the boundary of Lot 1;

Thence S24°15'05"W, 307.54 feet along the boundary of Lot 1;

Thence 75.80 feet on a curve to the right having a radius of 50.00 feet, a central angle of 86°51'39", a chord bearing of S67°40'54"W, and a chord length of 68.75 feet along the boundary of Lot 1;

Thence N68°53'16"W, 342.09 feet along the boundary of Lot 1;

Thence N89°52'36"W, 669.21 feet along the boundary of Lot 1 to the east right-of-way line of S. Locust Grove Road;

Thence S89°55'18"W, 37.00 feet to the west line of Section 5;

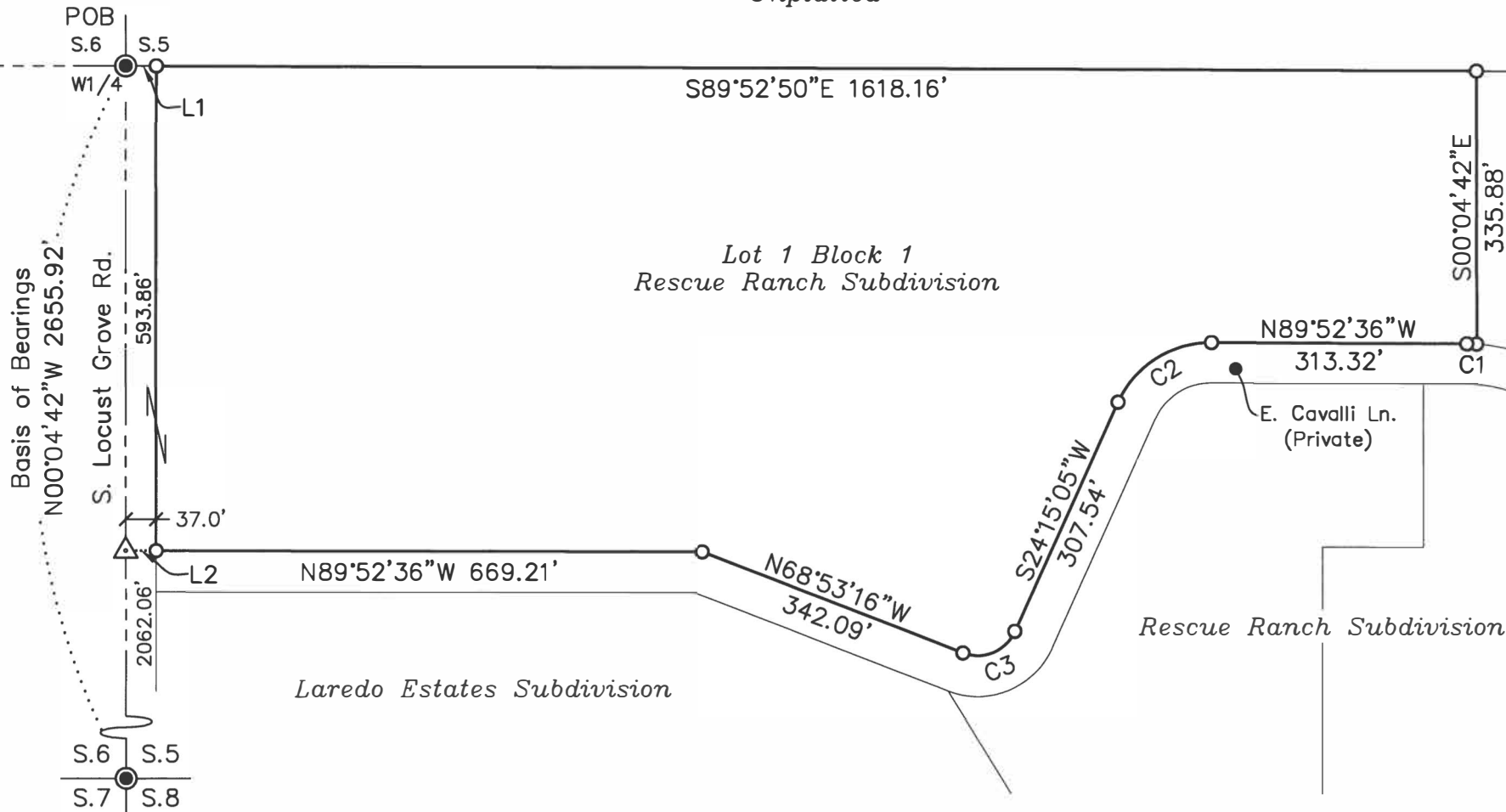
Thence N00°04'42"W, 593.86 feet along the west line of Section 5 to the POINT OF BEGINNING.

The above-described parcel contains 20.51 acres, more or less.



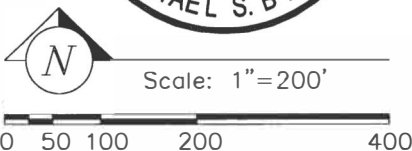
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Line Table		
Line	Bearing	Length
L1	S89°52'50"E	37.00'
L2	S89°55'18"W	37.00'

Curve Table					
Curve	Length	Radius	Delta	Chord Bearing	Chord Distance
C1	12.01'	225.00'	3°03'27"	N88°20'52"W	12.01'
C2	143.71'	125.00'	65°52'19"	S57°11'14"W	135.93'
C3	75.80'	50.00'	86°51'39"	S67°40'54"W	68.75'

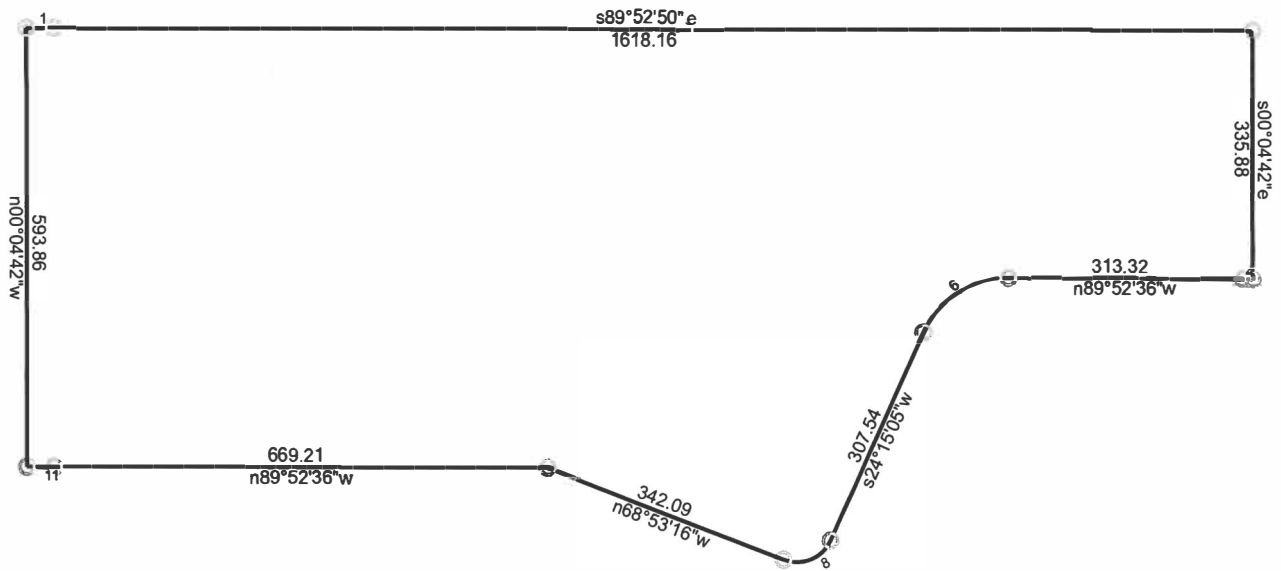


P:\Hadler Subdivision Topo 21-360\dwg\21-360 Hadler Exhibit_Annexation.dwg 7/13/2022 4:38:36 PM

IDAHO SURVEY GROUP, LLC
 9955 W. EMERALD ST.
 BOISE, IDAHO 83704
 (208) 846-8570

Exhibit ____ Drawing for
Hadler Subdivision Annexation
 Situated in the North Half of the Southwest Quarter of Section 5,
 T.2N., R.1E., B.M., Ada County, Idaho.

Job No.
21-360
 Sheet No.
1
 Dwg. Date
7/13/2022



Hadler Subdivision Annexation Closure

7/13/2022

Scale: 1 inch= 250 feet

File:

Tract 1: 20.5051 Acres, Closure: n51.0146e 0.01 ft. (1/524069), Perimeter=4486 ft.

- | | |
|---|---------------------|
| 01 s89.5250e 37 | 10 n89.5236w 669.21 |
| 02 s89.5250e 1618.16 | 11 s89.5518w 37 |
| 03 s00.0442e 335.88 | 12 n00.0442w 593.86 |
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| 05 n89.5236w 313.32 | |
| 06 Lt, r=125.00, delta=065.5219, chord=s57.1114w 135.93 | |
| 07 s24.1505w 307.54 | |
| 08 Rt, r=50.00, delta=086.5139, chord=s67.4054w 68.75 | |
| 09 n68.5316w 342.09 | |

EXHIBIT B

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



In the Matter of the Request for Annexation of 20.5-Acres of Land with a R-15 Zoning District; and Preliminary Plat Consisting of 144 Building Lots and Eleven (11) Common Lots on 20-Acres of Land for the Hadler Subdivision, by Conger Group.

Case No(s). H-2022-0064

For the City Council Hearing Date of: December 6, 2022 (Findings on December 13, 2022)

A. Findings of Fact

1. Hearing Facts (see attached Staff Report for the hearing date of December 6, 2022, incorporated by reference)
2. Process Facts (see attached Staff Report for the hearing date of December 6, 2022, incorporated by reference)
3. Application and Property Facts (see attached Staff Report for the hearing date of December 6, 2022, incorporated by reference)
4. Required Findings per the Unified Development Code (see attached Staff Report for the hearing date of December 6, 2022, 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 December 6, 2022, 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 annexation and zoning and preliminary plat is hereby approved with the requirement of a development agreement per the provisions in the Staff Report for the hearing date of December 6, 2022, 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 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 December 6, 2022

By action of the City Council at its regular meeting held on the 13th day of December, 2022.

COUNCIL PRESIDENT BRAD HOAGLUN VOTED AYE

COUNCIL VICE PRESIDENT JOE BORTON VOTED AYE

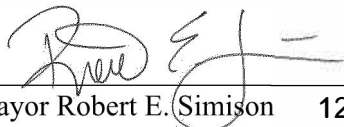
COUNCIL MEMBER JESSICA PERREAULT VOTED AYE

COUNCIL MEMBER LUKE CAVENER VOTED AYE

COUNCIL MEMBER TREG BERNT VOTED AYE

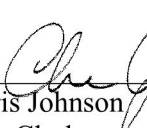
COUNCIL MEMBER LIZ STRADER VOTED AYE

MAYOR ROBERT SIMISON VOTED _____
(TIE BREAKER)




Mayor Robert E. Simison 12-13-2022

Attest:



Chris Johnson 12-13-2022
City Clerk



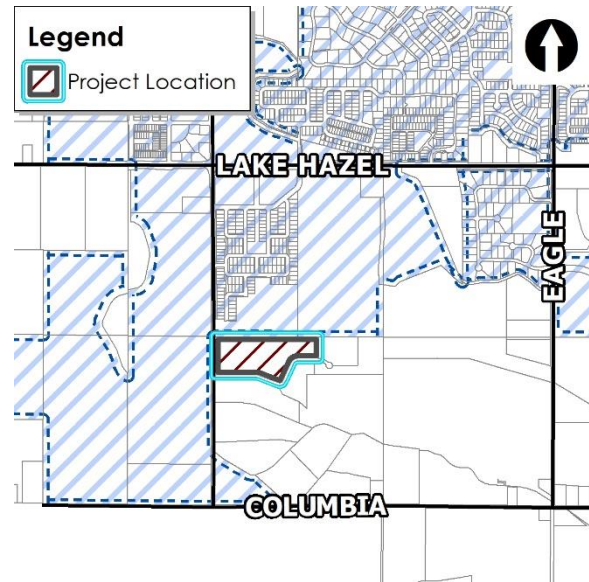
Copy served upon Applicant, Community Development Department, Public Works Department and City Attorney.

By:  _____ Dated: 12-13-2022
City Clerk's Office

STAFF REPORT
COMMUNITY DEVELOPMENT DEPARTMENT



HEARING DATE: 12/6/2022
 TO: Mayor & City Council
 FROM: Joe Dodson, Associate Planner
 208-884-5533
 SUBJECT: H-2022-0064
 Hadler Neighborhood
 LOCATION: Located at 7200 S. Locust Grove Road, approximately 1/2 mile south of the Locust Grove and Lake Hazel intersection on the east side of Locust Grove, in the N 1/2 of the SW 1/4 of Section 5, Township 2N, Range 1E.



I. PROJECT DESCRIPTION

Request for Annexation and Zoning of approximately 20.5 acres of land from RUT to the R-15 zoning district and a Preliminary Plat consisting of ~~145~~ 144 building lots (52 single-family attached lots & ~~923~~ detached single-family lots) and 11 common lots on approximately 20 acres of land in the requested R-15 zoning district, by Laren Bailey, Conger Group.

II. SUMMARY OF REPORT

A. Project Summary

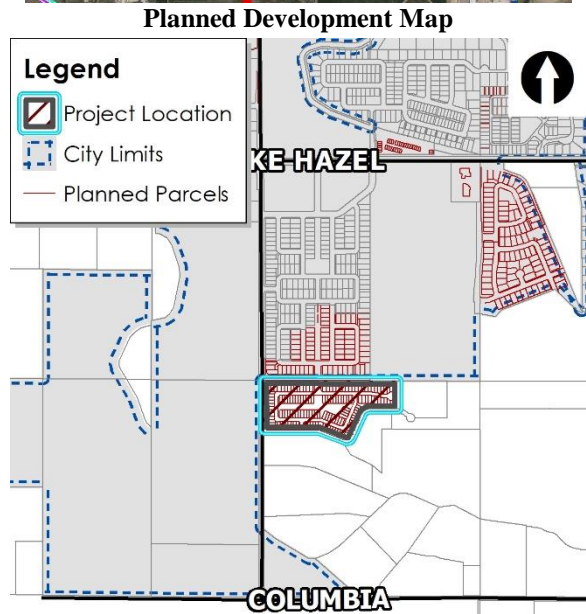
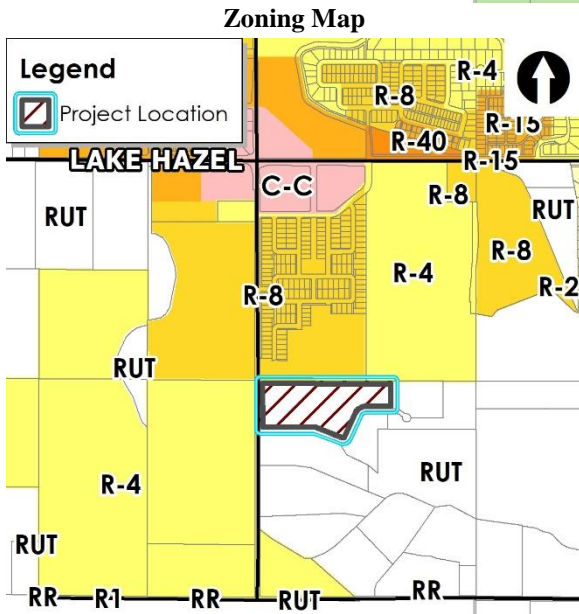
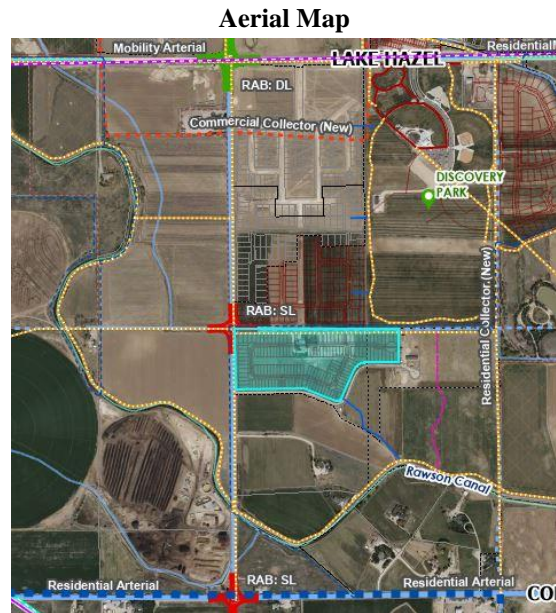
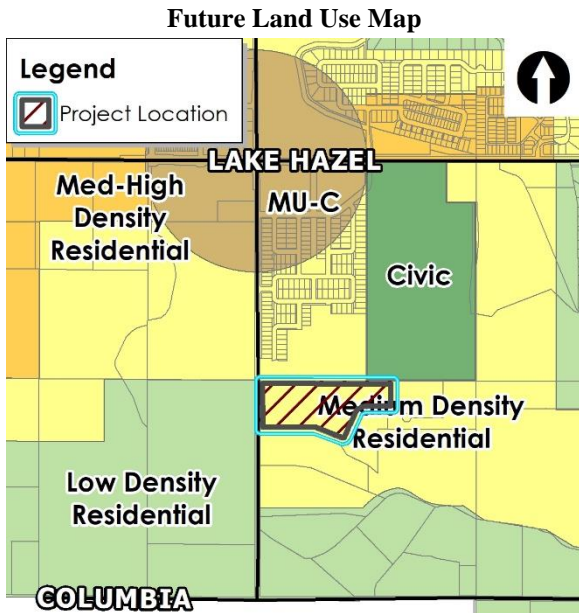
Description	Details	Page
Acres	AZ – 20.5 acres; PP – 20 acres	
Future Land Use Designation	Medium Density Residential (MDR, up to 3-8 du/ac)	
Existing Land Use(s)	County residential	
Proposed Land Use(s)	Detached Single-family Residential and Attached Single-family Residential	
Lots (# and type; bldg./common)	156 total lots – 145 <u>144</u> residential building lots and 11 common lots	
Phasing Plan (# of phases)	Proposed as two (2) phases	
Number of Residential Units	145 <u>144</u> single-family units (52 attached, 923 detached)	
Density	Gross – 7.25 du/ac.	
Open Space (acres, total [%]/buffer/qualified)	Approximately 3.5 acres of open space proposed (approximately 17.5%)	
Amenities	Four (4) qualifying amenities are proposed worth 11 amenity points – picnic area, playground, a water feature (fountain), and multi-use pathway segments.	

Description	Details	Page
Neighborhood meeting date	July 21, 2022	
History (previous approvals)	No application history with the City	

B. Community Metrics

Description	Details	Page
Ada County Highway District		
<ul style="list-style-type: none"> Staff report (yes/no) Requires ACHD Commission Action (yes/no) 	<p>Yes</p> <p>No</p>	
Access (Arterial/Collectors/State Hwy/Local) (Existing and Proposed)	Access is proposed via new local street connections to E. Via Roberto Lane, a new collector street along the entire north boundary. Via Roberto connects to S. Locust Grove (arterial street) at the northwest corner of the property. This collector street is not yet constructed; the adjacent developer (Brighton) is approved to construct this collector with their project (Apex Southeast) to the north of the subject site.	
Stub Street/Interconnectivity/Cross Access	No existing stub streets. Applicant is proposing two stub streets with this project; one to the northeast corner and one to the southern boundary.	
Existing Road Network	No	
Capital Improvements Plan/Integrated Five Year Work Plan	<p>Lake Hazel Road is scheduled in the IFYWP to be widened to 5-lanes from Locust Grove Road to Eagle Road in 2022.</p> <p>Eagle Road is scheduled in the IFYWP to be widened to 5-lanes from Lake Hazel Road to Amity Road and includes a roundabout at the Eagle Road and Taconic Drive intersection in 2024.</p> <p>The intersection of Lake Hazel Road and Eagle Road is scheduled in the IFYWP to be widened to 5-lanes on the north leg, 4-lanes on the south leg, 3-lanes on the west leg and 4-lanes on the east leg and signalized in 2023.</p> <p>Lake Hazel Road is listed in the CIP to be widened to 5-lanes from SH-69 to Locust Grove Road between 2036 and 2040.</p>	
Fire Service		
<ul style="list-style-type: none"> Distance to Fire Station Fire Response Time Accessibility 	<p>4.1 miles from Fire Station #4—within 1 mile of Fire Station #7, currently under construction.</p> <p>The project currently lies <i>outside</i> of the Meridian Fire response time goal of 5 minutes. It will be within the response time goal once Station #7 is constructed in summer of 2023.</p> <p>Proposed project meets all required road widths and turnaround dimensions including a secondary emergency access to construct more than 30 homes.</p>	
Water & Wastewater		
<ul style="list-style-type: none"> Impacts/Concerns 	<p>See Public Works Site Specific Conditions in Section VIII.</p> <p>NOTE: Water and Sewer are currently not available and must be provided to project by adjacent development to the north, Apex Southeast, but the third and final phase of Apex Southeast is approved.</p>	

C. Project Area Maps



III. APPLICANT INFORMATION

A. Applicant:

Laren Bailey, Conger Group – 4824 W. Fairview Avenue, Boise, ID 83706

B. Property Owner:

Blackcat1 LLC – 1979 N. Locust Grove, Meridian, ID 83646

C. Representative:

Same as Applicant

IV. NOTICING

	Planning & Zoning Posting Date	City Council Posting Date
Newspaper Notification	10/19/2022	11/20/2022
Radius notification mailed to properties within 500 feet	10/13/2022	11/17/2022
Site Posting	10/21/2022	11/18/2022
Nextdoor posting	10/13/2022	11/18/2022

V. STAFF ANALYSIS

A. Future Land Use Map Designation (<https://www.meridiancity.org/compplan>)

Medium Density Residential (MDR) – This designation allows for dwelling units at gross densities of three to eight dwelling units per acre. Density bonuses may be considered with the provision of additional public amenities such as a park, school, or land dedicated for public services.

The subject 20 acres currently contains a large home and other outbuildings with access being from a private driveway to Locust Grove in the location of the future Via Roberto Lane. The subject site is abutted by an arterial street to the west, S. Locust Grove, and a future collector street along the north, E. Via Roberto Lane. Access to the site is proposed via a new local street access to Via Roberto in alignment with an approved access on the north side of the street within Apex Southeast Subdivision. Abutting the property to the east and south are large county parcels that share the same future land use designation of MDR. The City’s newest park, Discovery Park, abuts the property at the northeast corner of the site offering close proximity to one of the largest parks in Meridian.

The Applicant is proposing 145 building lots on 20 acres of land within the R-15 zoning district which constitutes a gross density of 7.25 units per acre, near the maximum density allowed within the MDR designation. For comparison, the adjacent project to the north, Apex Southeast (H-2020-0057), was approved with approximately 3.7 du/ac and an average lot size of approximately 7,000 square feet, compared to 3,600 square foot average lot size within this development. Staff notes these development facts of the adjacent project because it shares the same future land use designation of MDR but also includes an area of mixed-use designation while proposing a less dense project. It should be noted that the Applicant is proposing new housing types for this area of this City and is proposing a higher open space percentage for the project than what was proposed with Apex Southeast.

The adjacent county parcels to the south and east do not contain a residence and instead are used as pasture for rescued horses. Because of this, Staff does not find it necessary for this Applicant to transition the housing density adjacent to these properties. However, Staff does have concerns with the proposed street layout in regards to the stub street locations. The Applicant is proposing a stub street near the north east corner of the property which is a logical and needed location. The Applicant is also proposing a stub street to the south boundary for future connectivity that Staff does not have concern with. Staff is concerned with the existing property layout of the adjacent county parcels in relation to the proposed stub streets. Specifically, Staff believes an additional stub street should be added along the southeast boundary in place of Lots 28 & 29, Block 2. Adding this stub street will provide for two stub streets to properties currently owned by the same entity and will not force future road development to avoid such a long stretch of property line without an intersecting street.

In addition to vehicular connectivity, the Comprehensive Plan desires safe and adequate pedestrian connectivity through and between developments and to-and-from public spaces, like Discovery Park to the northeast. The proposal to include a micro-path from an internal local street to Via Roberto, the collector street along the north boundary, is consistent with the Comprehensive Plan. In alignment with this, the noted revision to add a stub street in this location would also allow for better pedestrian connectivity in this area of the site from the southeast through this development and up to Discovery Park. Furthermore, it allows for the noted open space lot (Lot 30, Block 2) to be fronted by two public streets to increase its visibility and remove the additional concern of this area being a remnant area tucked away in a corner behind building lots. The Comprehensive Plan has specific policies related to these types of design elements (see 4.11.03) that support Staff's position.

This revision would add both a vehicular and a pedestrian connection between future subdivisions when the properties to the east and south redevelop—Staff has met with the owner of the property to the southeast and they have a desire to include connectivity and open space adjacent to the noted open space of this subject project so Staff finds it even more prudent to include this stub street in this area.

*It is also important to note the Applicant is proposing two housing types within the Hadler Neighborhood project, single-family detached and single-family attached (two units attached but on separate building lots). The addition of different lot sizes and housing types is a plus for this project and this general area as it introduces a different housing type in this area of the City. However, Staff has some concerns with parking because of the combination of the proposed density, that most of the proposed building lot frontages are relatively small (32-38 feet wide) when a 20-foot wide driveway is presumed for each lot, and because the Applicant is proposing a 27-foot wide section that allows parking on only one side of the street and not both. **The Commission or Council should determine if a solution is needed and if so, one option that could help is to require a wider minimum lot frontage than what is currently being proposed. At a minimum, the Applicant should provide a parking exhibit showing where guest parking could occur for this development and quell any concerns of a street section allowing on-street parking on one side versus both sides.***

With Staff's recommended revisions, Staff finds the proposed project to be generally consistent with the Comprehensive Plan, as discussed above. Specific Comprehensive Plan policies are discussed and analyzed below.

The City may require a development agreement (DA) in conjunction with an annexation and rezone pursuant to Idaho Code section 67-6511A. *In order to ensure the site develops as proposed with this application, Staff recommends a DA that encompasses the land proposed to be annexed and zoned with the provisions included in Section VIII.A1. The DA is required to be signed by the property owner(s)/developer and returned to the City within 6 months of the Council granting the rezone and annexation approval. **A final plat will not be accepted until the DA is executed and the AZ ordinance is approved by City Council.***

B. Comprehensive Plan Policies (<https://www.meridiancity.org/compplan>):

In alignment with the discussion above, Staff finds the following Comprehensive Plan policies applicable to this project; additional staff analysis to the specific policy may be warranted and is in *italics*:

- “Establish and maintain levels of service for public facilities and services, including water, sewer, police, transportation, schools, fire, and parks” (3.02.01G). *City water & sewer are not currently available to the site; both sewer and water must be made available to this site by the developer of Apex Southeast to the north. Public works has discussed the requirements and outlined the path to receiving services in the Public*

Works specific conditions in Section VIII.B. Fire Station #7 will be within ½ mile of the project and the project will be located wholly within the response time goal of the City—Station #7 is slated to be completed in later Summer 2023.

The subject site lays within the Kuna School District and not the West Ada School District. City Staff reached out to the Kuna School District for the purpose of obtaining a response to this project as they have not opted into our automatic transmittals. According to this interaction between Staff, all of their schools are over capacity and they have stated they cannot accommodate additional school-aged children. However, Kuna School District Staff have not submitted any formal comments and Staff is not aware of development slowing in Kuna due to these school capacity issues. The subject site is within walking distance of Discovery Park to the northeast which provides for a multitude of recreation opportunities.

Staff finds that the existing and planned development of the immediate area create appropriate conditions for levels of service to and for this proposed project.

- “Encourage a variety of housing types that meet the needs, preferences, and financial capabilities of Meridian's present and future residents.” (2.01.02D).
- “With new subdivision plats, require the design and construction of pathways connections, easy pedestrian and bicycle access to parks, safe routes to schools, and the incorporation of usable open space with quality amenities.” (2.02.01A).
- “Ensure that new development within existing residential neighborhoods is cohesive and complementary in design and construction.” (2.02.02F).
- “Avoid the concentration of any one housing type or lot size in any geographical area; provide for diverse housing types throughout the City. (2.01.01G).
- “Elevate and enhance the quality and connectivity of residential site and subdivision planning.” (2.02.01).
- “Support construction of multi-use facilities that can be used by both schools and the community.” (2.03.01B).
- “Require all new development to create a site design compatible with surrounding uses through buffering, screening, transitional densities, and other best site design practices.” (3.07.01A).
- “Ensure that new development and subdivisions connect to the pathway system.” (4.04.01A). *The Applicant is proposing regional pathways along its west and north boundaries to total approximately 2,212 linear feet of pathway (nearly half a mile).*
- “Provide options for passive recreational opportunities not typically supplied by parks and facilities such as jogging, walking, and bicycling.” (4.04.01B). *Applicant is proposing micro-paths within the large central open space that have efficient access to the proposed regional pathway network around the perimeter of the project creating ample opportunity for these passive recreational elements.*
- “Work with public and private development and management groups to promote and implement Crime Prevention through Environmental Design (CPTED) strategies.” (4.11.03). *For the most part, Staff finds the project complies with this policy. The exception is the noted area along the southeast boundary (Lot 30, Block 2) that Staff is recommending be opened up more and be fronted by two public streets by adding an additional stub street to the southeast boundary. Currently, this area is largely tucked behind buildable lots which decreases its visibility from the public street, an integral*

point CPTED strategies aim to alleviate. If the Applicant replaces Lots 28 & 29 with a stub street and slightly increases the green space, this issue is resolved.

- “Require new development to establish street connections to existing local roads and collectors as well as to underdeveloped adjacent properties.” (6.01.02C).

Staff finds the aforementioned analysis and policies in general makes the project consistent with the Comprehensive Plan.

C. Existing Structures/Site Improvements:

According to GIS imagery, there is an existing large home and other outbuildings that will be removed upon development of Hadler Neighborhood. No other site improvements are known.

D. Proposed Use Analysis:

The proposed use is detached single-family and attached single-family residential with a minimum lot size of approximately 3,000 square feet and an average lot size of approximately 3,600 square feet, based on the submitted plat (Exhibit VII.B). These residential uses are permitted uses in the requested R-15 zoning district per UDC Table 11-2A-2. The Applicant has noted the development is expected to develop in two phases with the number of lots in each phase appearing to be similar (Applicant has not provided the actual lot numbers within each phase but the exhibit appears to show slightly more lots in phase 1 than in phase 2). Because the only public road access allowed for this development is from Via Roberto, no more than 30 homes can be constructed. Therefore, the Applicant has proposed a temporary emergency access within phase 1 located on a future building lot, Lot 23, Block 1, along the west boundary. Meridian Fire has approved this temporary emergency access to allow more than 30 homes to be constructed off of one access.

E. Dimensional Standards ([UDC 11-2](#)):

The residential lots are shown to meet all UDC dimensional standards per the submitted plat. In addition, all subdivision developments are also required to comply with Subdivision Design and Improvement Standards (UDC 11-6C-3). All lots are shown to meet the minimum lot size requirement of 2,000 square feet. There is no minimum street frontage requirement for the R-15 zoning district so, as discussed above, the Applicant is proposing lots with either 32 feet or 38 feet of frontage with a few lots having slightly more frontage. The Applicant is also proposing three (3) common drives within the development; two along the west boundary and one at the southeast corner of the project.

The three (3) proposed common drives depict 3 lots taking access from each of them and include at least 5 feet of landscaping adjacent to the abutting lot not taking access from the common drive. The proposed common drive design complies with UDC 11-6C-3D requirements.

The Applicant is proposing the north east-west local street (shown as W. Vantage Pointe Drive) within the project to be a long, relatively straight roadway. This street is shown with two intersecting streets on it which allows it to comply with UDC 11-6C-3 requirements for block length measurement. However, the overall roadway is still long and straight. For this reason, ACHD is requiring traffic calming along this street with future final plat submittals. Staff agrees with this and is recommending a condition of approval consistent with the ACHD condition.

F. Building Elevations ([UDC 11-3A-19](#) | [Architectural Standards Manual](#)):

The Applicant submitted conceptual building elevations for the proposed homes. Note that detached single-family homes do not require Design Review approval but the single-family attached single-family homes do require administrative design review approval prior to building

permit submittal. The Applicant is required to submit this Design Review and obtain Planning approval before building permit submittal.

The submitted elevations depict varying roof profiles and colors with the same or similar field materials of lap siding and stone accents for the detached homes. All of the attached single-family elevations depict single-story homes with lap siding and stone accents. Overall, Staff finds the submitted elevations to comply with the minimum standards but hopes future elevations depict more variation in finish materials to help delineate the building facades along public streets.

G. Access ([UDC 11-3A-3](#)):

Access is proposed via a new local street (shown as S. Peak Avenue) connection to E. Via Roberto on the south side of this roadway in alignment with the approved collector street access to the Apex Southeast Subdivision on the north side of Via Roberto. Via Roberto is approved to be constructed with the Apex Southeast development except for the required detached sidewalk on the Hadler side of the street. ACHD has approved the Applicant's proposal to complete Via Roberto with 8-foot parkway and detached 10-foot pathway its south side but notes if Brighton does not complete Via Roberto consistent with their approvals, Hadler is required to construct Via Roberto as half of a 36-foot wide collector street plus an additional 12 feet of pavement.

There are no existing stub streets adjacent to the site as Via Roberto is not yet constructed. The Applicant is proposing two stub streets according to the submitted plat; one near the north east corner of the property and one to the south boundary near the southwest area of the project. Staff has no concern with the two proposed stub streets or their locations. However, as noted within the Comprehensive Plan section above, Staff is recommending an additional stub street be added in place of Lots 28 & 29, Block 2. Adding this stub street will provide for two stub streets to properties currently owned by the same entity to the east and will not force future road development to avoid such a long stretch of property line without an intersecting street (the south/southeast boundary of this project). This revision would likely result in the loss of one building lot and remove one common drive from the project, two points that Staff finds are positive consequences of improving future road connectivity in this area.

The Applicant is proposing two different street sections within this development, a 27-foot and a 33-foot street section; both have been approved by ACHD as both are considered standard street sections. The 33-foot street section is proposed for the segment of E. Vantage Point Drive east of the access to Via Roberto along the north half of the site and for the stub street to the south boundary. All other streets are proposed with the 27-foot street section that allows parking on only one side of the street where no driveways exist. Staff notes the Applicant is also proposing a permanent cul-de-sac at the terminus of Vantage Point Drive at the northeast boundary because this segment of this street segment is greater than 150 feet in length. **Staff has requested a parking exhibit due to concerns with the proposed 27-foot street section in conjunction with the proposed lot widths, as discussed within the Comprehensive Plan section above. Staff anticipates the parking exhibit to show adequate parking for the development above the minimum requirements outlined in code.**

H. Parking ([UDC 11-3C](#)):

Off-street parking is required to be provided in accord with the standards listed in [UDC Table 11-3C-6](#) for single-family dwellings based on the number of bedrooms per unit. Staff will confirm compliance with these standards at the time of building permit submittal for each residence.

According to the submitted elevations, each home is proposed with a two-car garage which presumes a 3 or 4-bedroom home and would require a minimum 20-foot wide driveway for each building lot. In addition, as discussed above, some of the streets within this development are

proposed as 27-foot wide street sections which only allows parking on one side of the street instead of both sides as allowed on the standard 33-foot section.

I. Sidewalks & Pathways (UDC [11-3A-17](#) & UDC [11-3A-8](#)):

5-foot wide attached sidewalks are proposed along the internal local streets consistent with UDC requirements. The Applicant is proposing a 10-foot wide detached multi-use pathway along E. Via Roberto and an attached 10-foot wide sidewalk/pathway along S. Locust Grove; the pathway widths are consistent with the UDC, the Meridian Master Pathways Plan, and exceeds ACHD requirements but the location of the sidewalk along Locust Grove does not comply with Master Pathways plan as there is a desire to detach these sidewalks/pathways along arterial streets to improve pedestrian safety. The Applicant is required to place the multi-use pathways within public access easements adjacent to the public streets unless they are within ACHD right-of-way.

The pathway along Locust Grove appears to be attached to Locust Grove which does not comply with the UDC or Master Pathways Plan. So, the Applicant should revise the plat and landscape plan to depict this 10-foot pathway to be located within the required 25-foot buffer to Locust Grove and at least four (4) feet outside of the ultimate ROW to ensure the pathway remains detached.

J. Landscaping (UDC [11-3B](#)):

A 25-foot wide street buffer along S. Locust Grove, an arterial street, and a 20-foot wide street buffer along E. Via Roberto, a collector street, are required and should be landscaped per the standards in UDC Table 11-3B-7C. All landscape areas should be landscaped per UDC 11-3B-5, general landscaping standards. Lastly, according to the submitted plans, the Applicant is proposing micro-paths which should be landscaped in accord with UDC 11-3B-12 standards.

The Applicant is showing a 25-foot wide common lot along Locust Grove that is a 22.5-foot wide common lot along Via Roberto consistent with code requirements. The landscape buffers are depicted with trees in excess of code and include landscape beds with shrubs and other vegetative ground cover, consistent with UDC 11-3B-7. Therefore, Staff finds the proposed street buffers comply with all UDC requirements. In addition, all open space areas are shown with trees, sod, and other landscaping in excess of minimum code requirements.

K. Fencing (UDC [11-3A-7](#)):

All fencing is required to comply with the standards listed in UDC 11-3A-7.

According to the submitted landscape plans, the Applicant is proposing 6-foot vinyl privacy fencing along the perimeter of the property and the rear lot lines and 5-foot tall wrought iron open vision fencing adjacent to any common open space areas. Both fencing types and their proposed locations comply with UDC standards.

L. Open Space and Amenities (UDC [11-3G](#)):

The proposed project is approximately 20 acres in size requiring a minimum amount of open space based on the requested zoning. Per UDC Table 11-3G-3, the R-15 area requires a minimum of 15% qualified open space. Per the calculations, the minimum amount of qualified open space required is 3 acres. According to the submitted plans, the Applicant is proposing 3.49 acres of qualified open space, exceeding the minimum amount required. The proposed 3.49 acres equates to approximately 17.45% qualified open space.

The qualified open space proposed consists of 1/2 of the arterial street buffer to Locust Grove, the full collector street buffer to Via Roberto, the large central open space area, and the smaller common open space area along the southeast boundary. However, Staff is not sure if the

landscape buffers to the adjacent public streets meet the enhanced buffer requirements outlined in UDC 11-3G-3B.3 to count towards the open space. Previously, these areas automatically qualified towards the minimum open space but this is no longer the case with the latest open space code updates that desires for more than the minimum to be included within the required buffers in order to count towards the overall qualified open space for a project. The Applicant appears to comply with the first two points outlined in code but may not comply with the last two points: enhanced amenities with social interaction characteristics; and, enhanced context with the surroundings.

- a. Enhanced landscaping as set forth in Article 11-3B, Landscaping Requirements;
- b. Multi-use pathways;
- c. Enhanced amenities with social interaction characteristics;
- d. Enhanced context with the surroundings.

Staff recommends the Applicant provide evidence these buffers are enhanced beyond the pathway, trees, and grasses. For example, boulders, additional vegetation, decorative elements, decorative fence/walls, additional micro-pathways, etc. The burden of proof for the proposed common open space to qualify falls on the Applicant and not on Staff.

If these buffers do not count towards the minimum qualified open space, approximately 1 acre of land must be removed from the calculation leaving approximately 2.5 acres of qualified open space which does not comply with the minimum qualified open space requirement. Therefore, the Applicant should provide evidence that the proposed street buffers are qualified open space prior to the Commission hearing OR apply for Alternative Compliance to reduce the amount of qualified open space required due to the project's proximity to Discovery Park to the northeast.

The centralized open space area is depicted with playground equipment, a gazebo with picnic benches, and multiple seating areas all connected to the surrounding local streets via 5-foot wide micro-pathways. Staff supports the design of the central open space area. As discussed within the Comprehensive Plan section above, the other common open space area (Lot 30, Block 2) is approximately 9,300 square feet in size and is tucked behind multiple building lots. Staff does not have concern with the size of this open space lot but is concerned with its location being a remnant piece and tucked away. Because of these concerns, Staff recommends the adjacent Lot 29, Block 2 be removed and added to the open space lot to increase the visibility of this open space area and include an additional micro-path connection to the southeast boundary.

UDC 11-3G-4 dictates the minimum amenity points required for projects over 5 acres in size. The project size of 20 acres requires a minimum of four (4) amenity points (1 point for every 5 acres). According to the submitted plans and narrative, the Applicant is proposing the following qualifying amenities: picnic area, playground, a water feature (fountain), and two segments of multi-use pathway equaling approximately ½ mile in length. According to UDC Table 11-3G-4, the proposed amenities amount to eleven (11) amenity points and exceed the minimum amenity point requirements for a project of this size. Staff finds the proposed amenities within this development are sufficient due to the size of the property, their proposed locations within the development, the pedestrian connectivity within the project and to and from the nearby regional park, and because of the general proximity to Discovery Park to the northeast that offers additional recreational opportunities for future residents of this project and in this general area of the City.

M. Waterways (UDC 11-3A-6):

According to GIS imagery, there is an open irrigation ditch that runs along the shared north boundary of this site and the Apex Southeast Subdivision to the north. It is not a labeled ditch on the City's GIS and it can be presumed it is being tiled and relocated as part of the construction of Via Roberto Lane by the adjacent developer, Brighton. This Applicant is also required to comply

with UDC 11-3A-6 and ensure this irrigation facility along the north boundary is tiled or relocated.

N. Utilities (*UDC 11-3A-21*):

The Applicant is proposing and is required to extend necessary public utilities for the proposed project. Public Works has reviewed the subject applications for compliance with their standards and finds them to be in general compliance except for specific conditions outlined in Section VIII.B of this report. However, it should be noted that both water and sewer services must be provided to this development through the adjacent development to the north (Apex Southeast) and are currently not available.

VI. DECISION

A. Staff:

Staff recommends approval of the requested annexation and preliminary plat applications with the requirement of a Development Agreement per the conditions of approval in Section VIII of this report per the Findings in Section IX of this staff report.

B. The Meridian Planning & Zoning Commission heard these items on November 3, 2022. At the public hearing, the Commission voted to recommend **denial** of the subject Annexation and Zoning and Preliminary Plat requests.

1. Summary of Commission public hearing:

- a. In favor: Laren Bailey, Applicant; Hethe Clark, Applicant Representative
- b. In opposition: None
- c. Commenting: Hethe Clark; Ronnie Reno, Kuna School District.
- d. Written testimony: None
- e. Staff presenting application: Joseph Dodson, Associate Planner
- f. Other Staff commenting on application: None

2. Key issue(s) of public testimony:

- a. Ronnie Reno from Kuna School District (KSD), as a representative of the school board, testified that KSD cannot accommodate the Hadler Neighborhood development due to school capacity issues.

3. Key issue(s) of discussion by Commission:

- a. School district capacity and a lack of ability to accommodate Hadler Neighborhood;
- b. Concern with available parking with the combination of the 27-foot wide street section and common drives;
- c. Concern with proposed density and housing types with no nearby urban services (grocery, gas stations, medical, office, etc.);
- d. Concern that project is proposed with as many lots as possible within project area without a true identity;

4. Commission change(s) to Staff recommendation:

- a. Commission recommended denial to the City Council due to school capacity issues and a lack of urban services nearby the density proposed within this development.

5. Outstanding issue(s) for City Council:

- a. None

C. The Meridian City Council heard these items on 12/06/2022. At the public hearing, the Council voted to approve the subject AZ and PP request.

1. Summary of the City Council public hearing:

- a. In favor: Laren Bailey and Hethe Clark
- b. In opposition: None
- c. Commenting: Ronnie Reno, Dave Yorgason, and Julie Edwards

- d. Written testimony: None
- e. Staff presenting application: Bill Parsons
- f. Other Staff commenting on application: Bill Nary
- 2. Key issue(s) of public testimony:
 - a. Kuna School District school capacity and their methodology for mitigating impacts from the increased growth.
 - b. More density and less open space since the project is adjacent to a regional park.
- 3. Key issue(s) of discussion by City Council:
 - a. On street parking within the proposed development.
 - b. Removing the tot lot because of the development's proximity to a regional park.
 - c. Impacts this development would have on the Kuna School District and if the adopted methodology for mitigating the impact complied with state law.
- 4. City Council change(s) to Commission recommendation:
 - a. Council voted to approve the annexation and preliminary plat request which reinstated the previous conditions of approval in Section VIII. AND condition of approval 2.a was modified to reflect the changes to the plat as recommended by Staff.

VII. EXHIBITS

A. Annexation and Zoning Legal Descriptions and Exhibit Maps



IDAHO
SURVEY
GROUP

9955 W Emerald St
Boise, ID 83704

Phone: (208) 846-8570
Fax: (208) 884-5399

Hadler Subdivision Annexation Description

Project Number 21-360 July 13, 2022

Lot 1, Block 1 of Rescue Ranch Subdivision (Book 106 of Plats at Pages 14734 through 14736, records of Ada County, Idaho), and a portion of the adjacent public right-of-way of S. Locust Grove Road, situated in the north half of the southwest quarter of Section 5, Township 2 North, Range 1 East, Boise Meridian, Ada County, Idaho, and being more particularly described as follows:

Commencing at southwest corner of Section 5, Township 2 North, Range 1 East, Boise Meridian; Thence N00°04'42"W, 2655.92 feet to the west quarter-section corner of Section 5, the POINT OF BEGINNING:

Thence S89°52'50"E, 37.00 feet along the east-west centerline of Section 5 to the east line of S. Locust Grove Road and the northwest corner of Lot 1;

Thence continuing S89°52'50"E, 1618.16 feet along the boundary of Lot 1;

Thence S00°04'42"E, 335.88 feet along the boundary of Lot 1;

Thence 12.01 feet on a non-tangent curve to the left having a radius of 225.00 feet, a central angle of 03°03'27", a chord bearing of N88°20'52"W, and a chord length of 12.01 feet along the boundary of Lot 1;

Thence N89°52'36"W, 313.32 feet along the boundary of Lot 1;

Thence 143.71 feet on a curve to the left having a radius of 125.00 feet, a central angle of 65°52'19", a chord bearing of S57°11'14"W, and a chord length of 135.93 feet along the boundary of Lot 1;

Thence S24°15'05"W, 307.54 feet along the boundary of Lot 1;

Thence 75.80 feet on a curve to the right having a radius of 50.00 feet, a central angle of 86°51'39", a chord bearing of S67°40'54"W, and a chord length of 68.75 feet along the boundary of Lot 1;

Thence N68°53'16"W, 342.09 feet along the boundary of Lot 1;

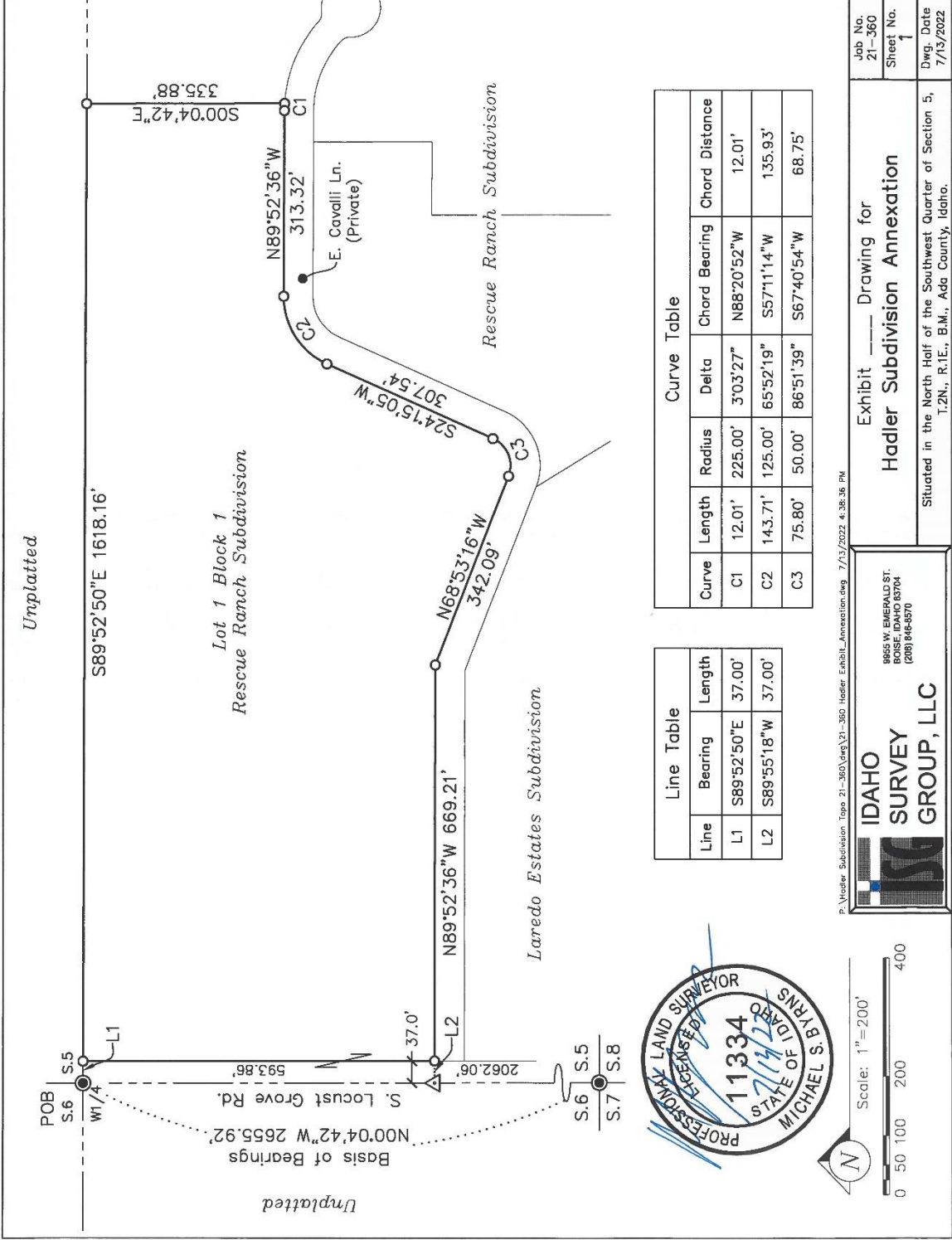
Thence N89°52'36"W, 669.21 feet along the boundary of Lot 1 to the east right-of-way line of S. Locust Grove Road;

Thence S89°55'18"W, 37.00 feet to the west line of Section 5;

Thence N00°04'42"W, 593.86 feet along the west line of Section 5 to the POINT OF BEGINNING.

The above-described parcel contains 20.51 acres, more or less.





Unplatted

S89°52'50"E 1618.16'

Lot 1 Block 1
Rescue Ranch Subdivision

Rescue Ranch Subdivision

Laredo Estates Subdivision

Exhibit _____ Drawing for
Hadler Subdivision Annexation

IDAHO SURVEY GROUP, LLC
8655 W. EMERALD ST.
BOISE, IDAHO 83704
(208) 948-8570

Situated in the North Half of the Southwest Quarter of Section 5,
T.2N., R.1E., B.M., Ado County, Idaho.

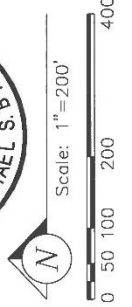
Job No. 21-360
Sheet No. 1
Dwg. Date 7/13/2022

Line Table

Line	Bearing	Length
L1	S89°52'50"E	37.00'
L2	S89°55'18"W	37.00'

Curve Table

Curve	Length	Radius	Delta	Chord Bearing	Chord Distance
C1	12.01'	225.00'	3°03'27"	N88°20'52"W	12.01'
C2	143.71'	125.00'	65°52'19"	S57°11'14"W	135.93'
C3	75.80'	50.00'	86°51'39"	S67°40'54"W	68.75'



P:\Hadler Subdivision\Topic 21-360\Drawings\21-360 Hadler Exhibit Annexation.dwg 7/13/2022 4:38:36 PM

C. Landscape Plans (date: ~~7/29/~~ 11/2/2022)



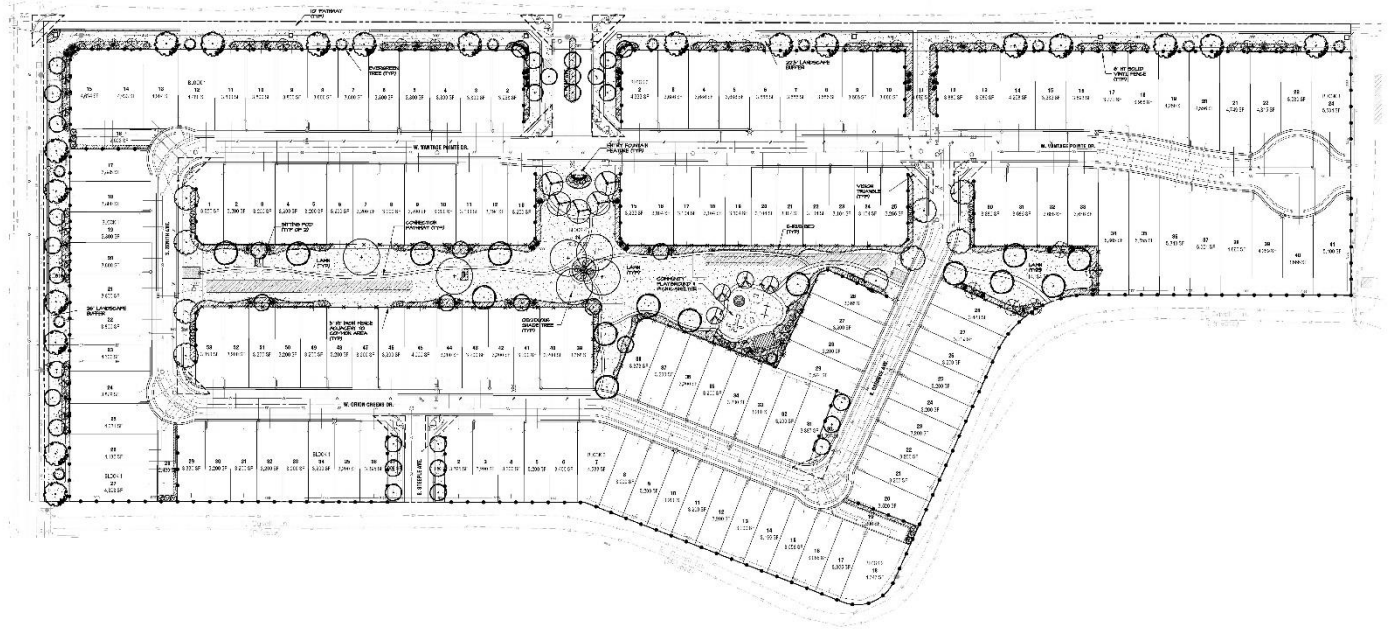
HADLER SUBDIVISION
 MERIDIAN, ID PRELIMINARY PLAT LANDSCAPE PLAN

CIVIL ENGINEER
 CIVIL INNOVATIONS, PLLC
 BEN THOMAS
 1014 S. HARRIS BLVD, SUITE 101
 BOISE, IDAHO 83712

DEVELOPER
 DEVCO, LLC
 LARSEN SAALEY
 4820 S. PARKWAY AVE
 BOISE, IDAHO 83736

NOVEMBER 2, 2022
 NORTH
 SCALE 1" = 50'





HADLER SUBDIVISION

MERIDIAN, ID PRELIMINARY PLAT LANDSCAPE PLAN

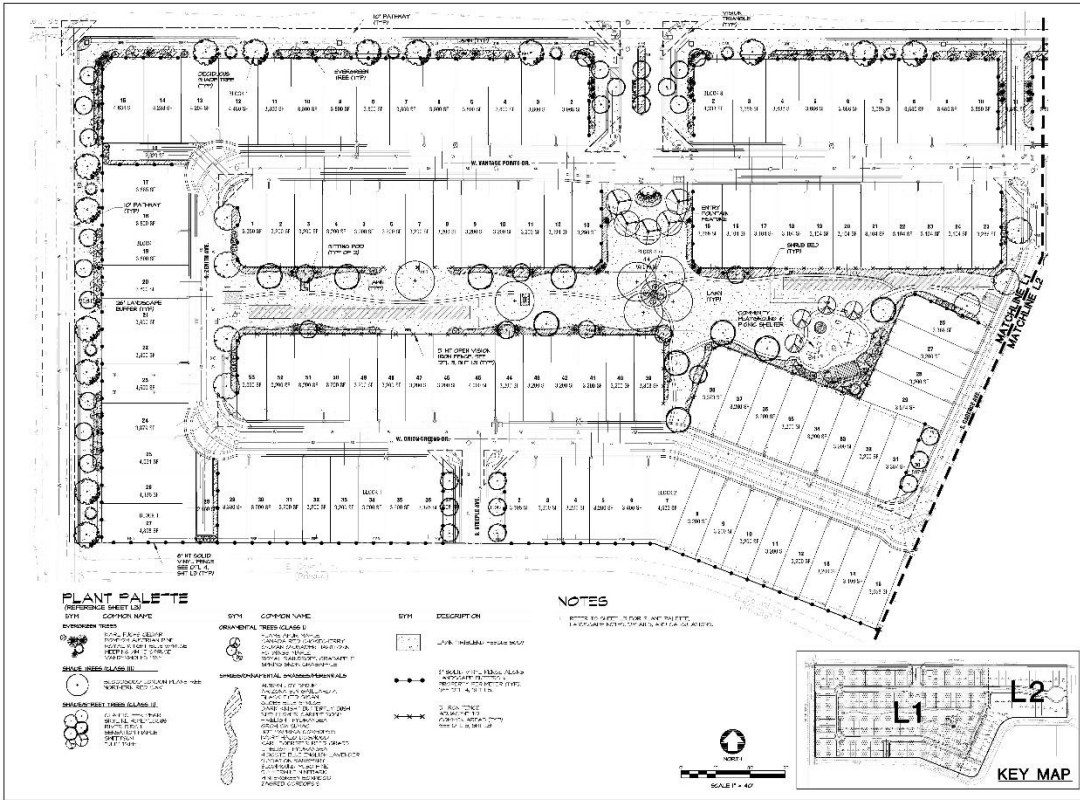
CIVIL ENGINEER
 GUY R. BENDIS, P.E.
 204 S. BRIDGES BLVD., 2ND FLOOR
 BOISE, ID 83725

DEVELOPER
 EDVO, LLC
 1401 W. TRAVELER RD.
 JAY, ID 83401

NOVEMBER 2, 2022
 NORTH
 SCALE: 1" = 50'



JENSEN BELTS ASSOCIATES
 200 N. 10th St., Ste. 200, Boise, ID 83725
 208.333.8888



PLANT PALETTE

REFERENCE SHEET L1

SYMBOL COMMON NAME

EVERGREEN TREES

SYMBOL COMMON NAME

SHADE TREES

SHADE TREES

SHADE TREES

SYMBOL COMMON NAME

ORNAMENTAL TREE CLASS I

SYMBOL COMMON NAME

ORNAMENTAL TREE CLASS II

SYMBOL COMMON NAME

SYMBOL COMMON NAME

SYMBOL COMMON NAME

SYMBOL DESCRIPTION

SYMBOL DESCRIPTION

SYMBOL DESCRIPTION

SYMBOL DESCRIPTION

SYMBOL DESCRIPTION

SYMBOL DESCRIPTION

SYMBOL DESCRIPTION

NOTES

SEE SHEET L1 FOR PLANT PALETTE

LANDSCAPE PLAN SHALL BE AS SHOWN

UNLESS OTHERWISE NOTED

SEE SHEET L1 FOR PLANT PALETTE

SEE SHEET L1 FOR PLANT PALETTE

SEE SHEET L1 FOR PLANT PALETTE

SEE SHEET L1 FOR PLANT PALETTE

Rev	Description	Date
001	ISSUED FOR PERMIT	11.22.2020



Dr. Thomas
Landscape Architect
1025 S. 10th St., Ste. 100
Meridian, ID 83402
PH: 208.333.7175
www.jensenbillys.com

HADLER SUBDIVISION
PRELIMINARY PLAT LANDSCAPE
MERIDIAN, IDAHO

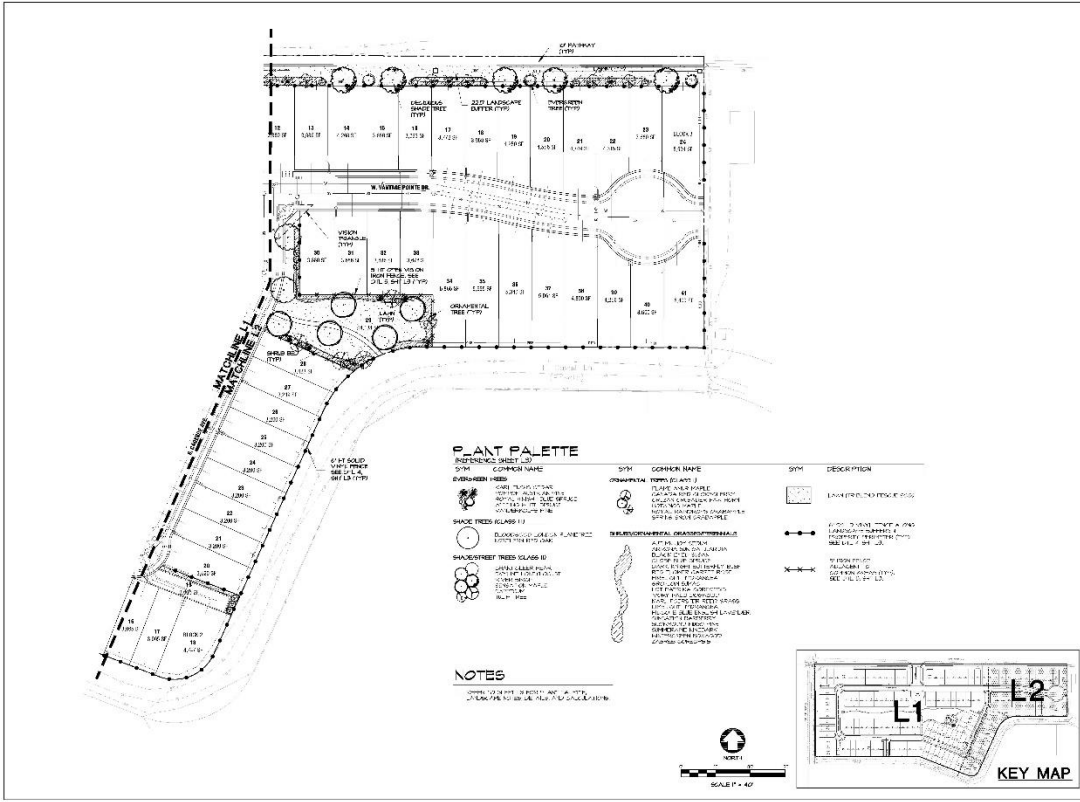
Job Number: 2020

Drawn: Checked:
JAM: KOB

Scale: AS SHOWN

Sheet Title:
LANDSCAPE PLAN

Sheet Number:
L1
1 of 2 Sheets



PLANT PALETTE

REFERENCE SHEET L1

SYMBOL COMMON NAME

EVERGREEN TREES

SYMBOL COMMON NAME

SHADE TREES

SHADE TREES

SHADE TREES

SYMBOL COMMON NAME

ORNAMENTAL TREE CLASS I

SYMBOL COMMON NAME

ORNAMENTAL TREE CLASS II

SYMBOL COMMON NAME

SYMBOL COMMON NAME

SYMBOL COMMON NAME

SYMBOL DESCRIPTION

SYMBOL DESCRIPTION

SYMBOL DESCRIPTION

SYMBOL DESCRIPTION

SYMBOL DESCRIPTION

SYMBOL DESCRIPTION

SYMBOL DESCRIPTION

NOTES

SEE SHEET L1 FOR PLANT PALETTE

LANDSCAPE PLAN SHALL BE AS SHOWN

UNLESS OTHERWISE NOTED

SEE SHEET L1 FOR PLANT PALETTE

SEE SHEET L1 FOR PLANT PALETTE

Rev	Description	Date
001	ISSUED FOR PERMIT	11.22.2020



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HADLER SUBDIVISION
PRELIMINARY PLAT LANDSCAPE
MERIDIAN, IDAHO

Job Number: 2020

Drawn: Checked:
JAM: KOB

Scale: AS SHOWN

Sheet Title:
LANDSCAPE PLAN

Sheet Number:
L2
2 of 2 Sheets

D. Open Space Exhibit:



LIVE TABLE		
LIVE	AREA	LENGTH
L	AREA	LENGTH
L	AREA	LENGTH

CURVE TABLE					
CURVE	LENGTH	RADIUS	CHORD	CHORD BEG.	CHORD END
C1	15.00	200.00	15.00	0.00	15.00
C2	10.00	100.00	10.00	0.00	10.00
C3	25.00	30.00	25.00	0.00	25.00

SITE DATA	
TOTAL ACRES	20.00 AC.
PUBLIC RIGHT OF WAY	3.00 AC. 15.00%
RESIDENTIAL LOT AREA	17.50 AC. 87.50%
COMMON LOT AREA	3.00 AC. 15.00%
TOTAL LOTS	156
SINGLE FAMILY LOTS	146
COMMON LOTS	10

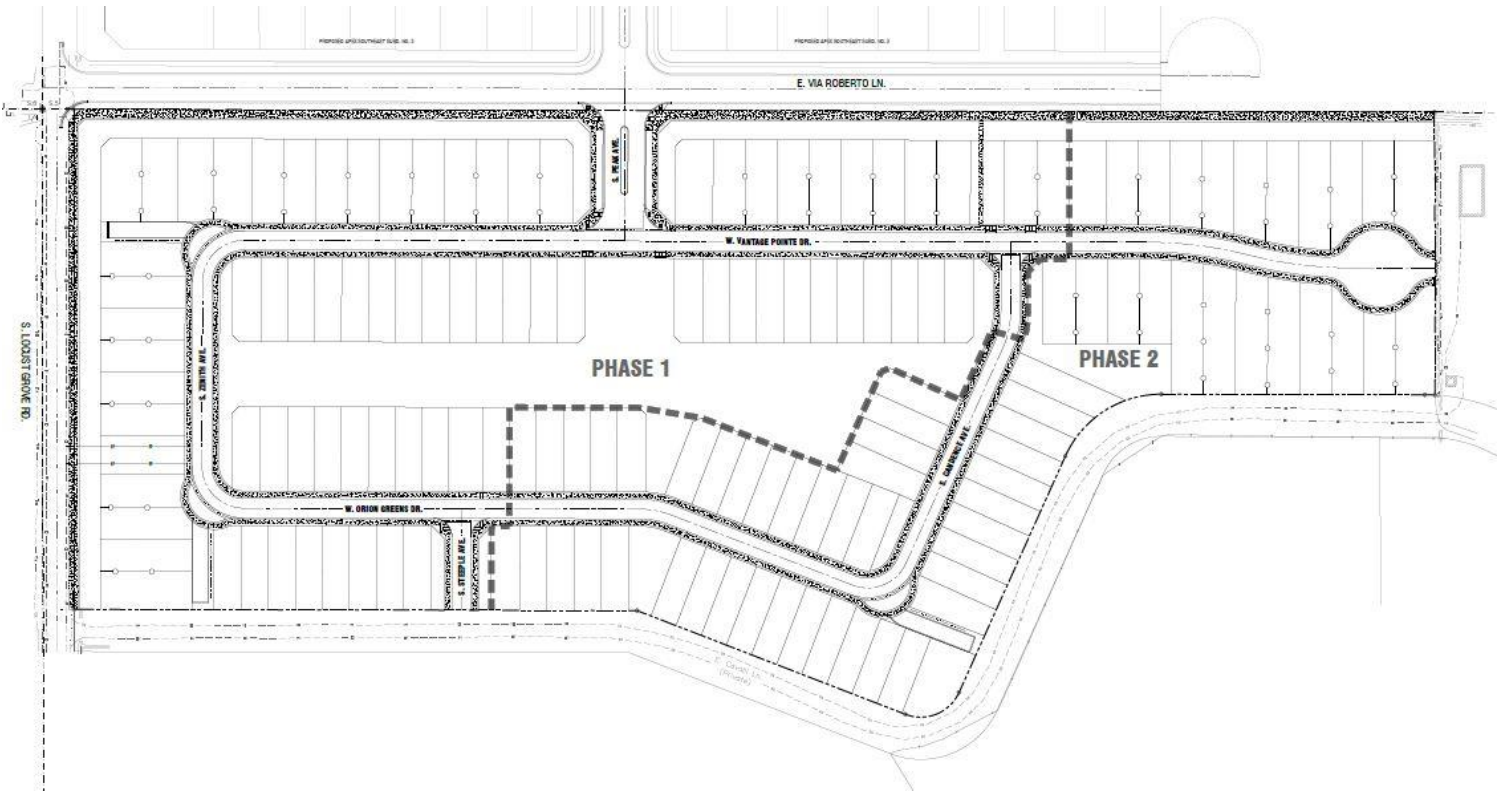
QUALIFIED OPEN SPACE CALCULATION	
OPEN SPACES	3.00 AC.
COLLECTOR BUFFER	0.00 AC.
ARTERIAL BUFFER (1/2 OF TOTAL)	0.17 AC.
TOTAL QUALIFIED OPEN SPACE	3.17 AC.
QUALIFIED OPEN SPACE PERCENTAGE	15.85%

ZONING	
GENERAL RES.	PROPOSED R-10
MINIMUM LOT SIZE (SQ)	3,000 SQ
MINIMUM FRONT YARD	10.00 FT
MINIMUM SIDE YARD	5.00 FT
MINIMUM REAR YARD (MIN)	5.00 FT

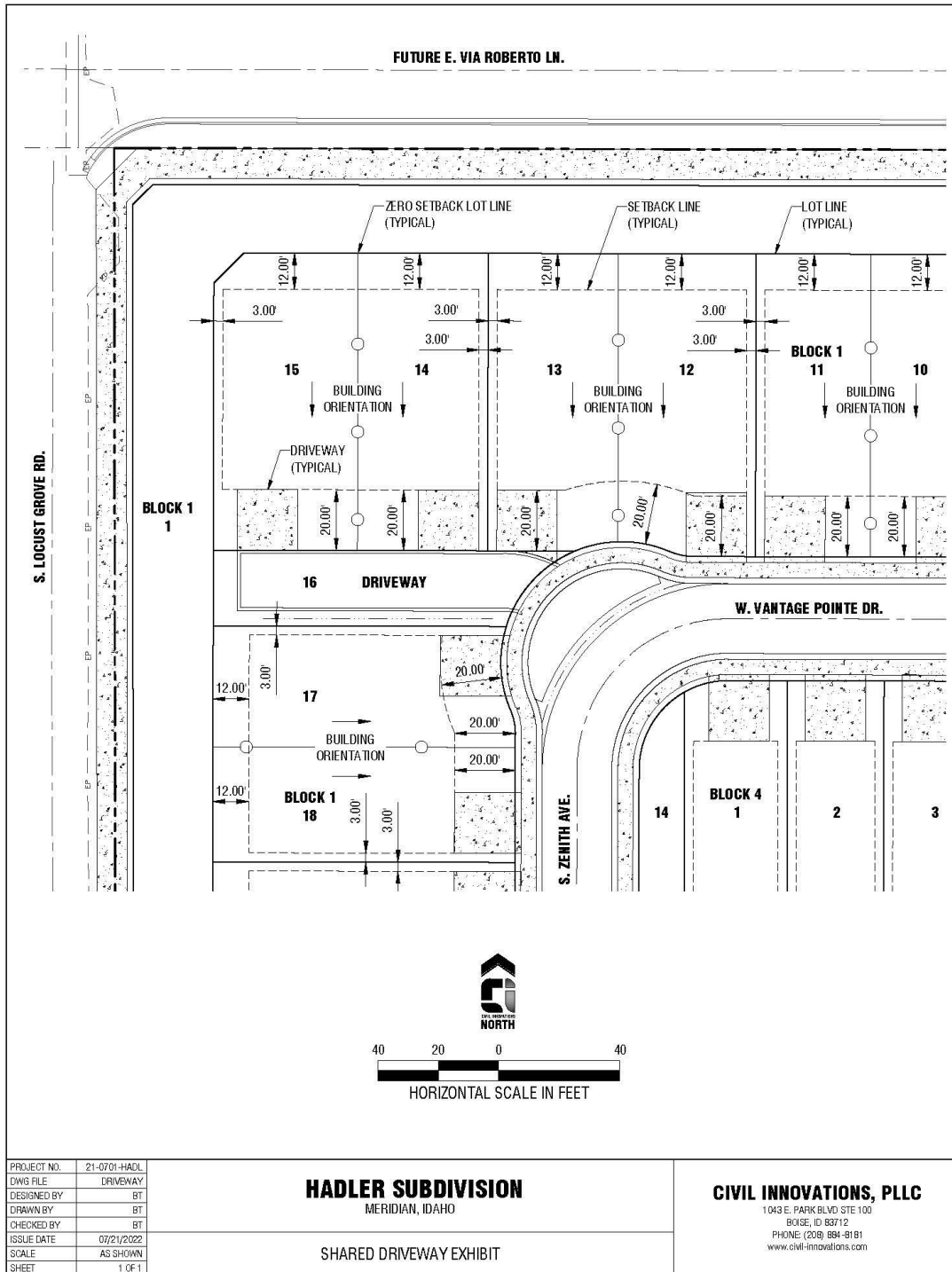
MATCH LEGEND	
[Orange Box]	RAVINE-DEVELOP
[Green Box]	QUALIFIED OPEN SPACE
[Light Green Box]	QUALIFIED OPEN SPACE (ARTERIAL BUFFER)
[Yellow Box]	QUALIFIED OPEN SPACE (COLLECTOR BUFFER)
[Light Yellow Box]	NON-QUALIFIED OPEN SPACE
[Grey Box]	PUBLIC RIGHT-OF-WAY

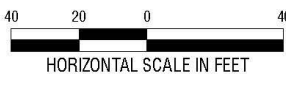
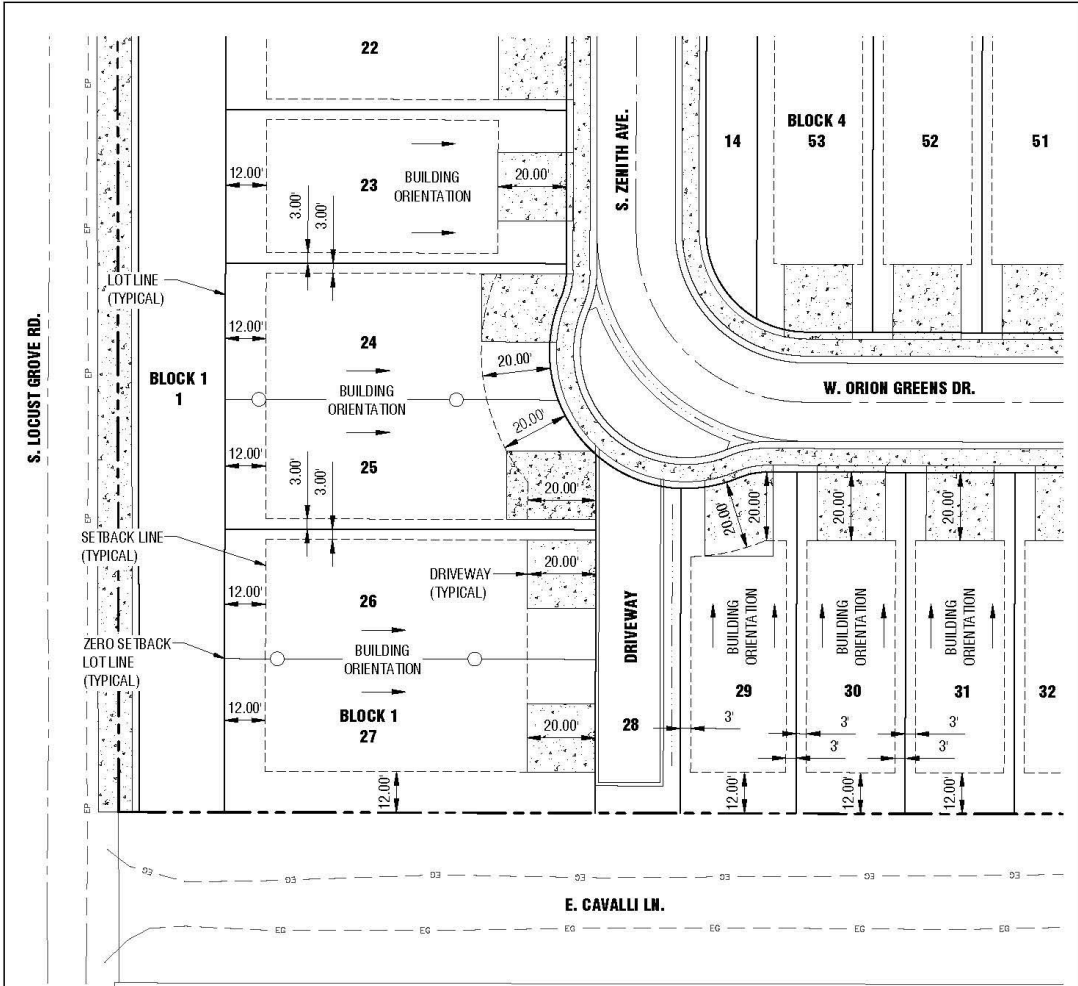


E. Phasing Plan:



F. Common Drive Exhibits:





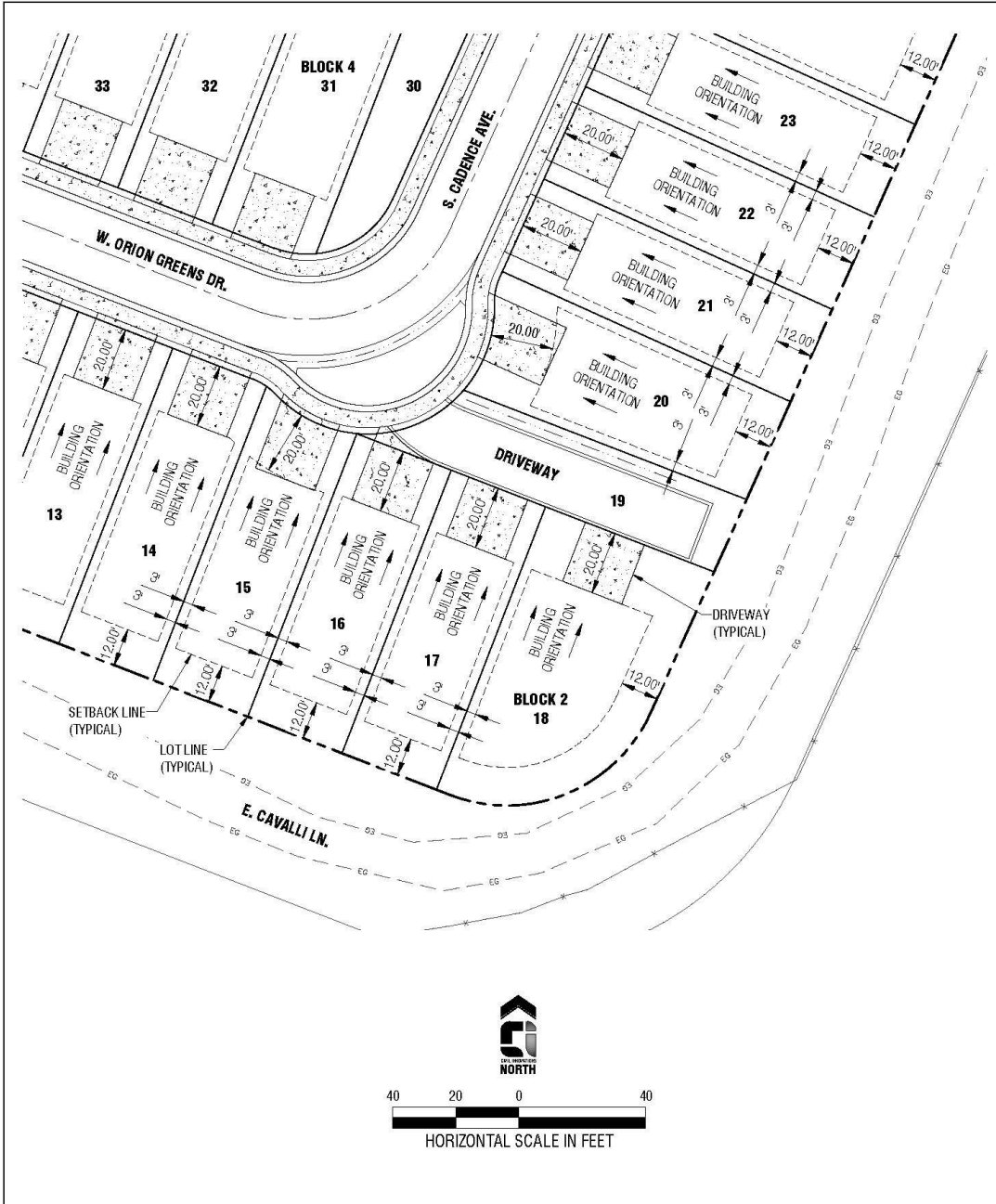
PROJECT NO.	21-0701-HADL
DWG FILE	DRIVEWAY
DESIGNED BY	BT
DRAWN BY	BT
CHECKED BY	BT
ISSUE DATE	07/21/2022
SCALE	AS SHOWN
SHEET	1 OF 1

HADLER SUBDIVISION
MERIDIAN, IDAHO

SHARED DRIVEWAY EXHIBIT

CIVIL INNOVATIONS, PLLC

1043 E. PARK BLVD STE 100
BOISE, ID 83712
PHONE: (208) 884-8181
www.civil-innovations.com



PROJECT NO.	21-0701-HADL
DWG FILE	DRIVEWAY
DESIGNED BY	BT
DRAWN BY	BT
CHECKED BY	BT
ISSUE DATE	07/21/2022
SCALE	AS SHOWN
SHEET	1 OF 1

HADLER SUBDIVISION
MERIDIAN, IDAHO

SHARED DRIVEWAY EXHIBIT

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G. Conceptual Building Elevations



VIII. CITY/AGENCY COMMENTS & CONDITIONS

A. PLANNING DIVISION

1. A Development Agreement (DA) is required as a provision of annexation of this property. Prior to approval of the annexation ordinance, a DA shall be entered into between the City of Meridian and the property owner(s)/developer at the time of annexation ordinance adoption, and the developer. A final plat will not be accepted until the DA is executed and the Annexation and Zoning ordinance is approved by City Council.

Currently, a fee of \$303.00 shall be paid by the Applicant to the Planning Division prior to commencement of the DA. 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 this site shall be substantially consistent with the approved plat, landscape plan, phasing plan, common drive exhibits, and conceptual building elevations included in Section VII and the provisions contained herein.
- b. The existing home and outbuildings shall be removed upon phase 1 development, as proposed.
- c. The rear and/or sides of homes visible from S. Locust Grove and E. Via Roberto Lane (Lots 2-27, Block 1 & Lots 2-24, Block 3) shall incorporate articulation through changes in two or more of the following: modulation (e.g. projections, recesses, step-backs, pop-outs), bays, banding, porches, balconies, material types, or other integrated architectural elements to break up monotonous wall planes and roof lines that are visible from the subject public street. *Single-story structures are exempt from this requirement.*

Preliminary Plat Conditions:

2. The preliminary plat included in Section VII.B, dated October 18, 2022, shall be revised as follows prior to submitting for Final Plat approval:
 - a. Replace Lots 28 & 29, Block 2 with an additional stub street open space and a micro-path leading to the southeast property boundary for future vehicular and pedestrian connectivity and to enhance the currently proposed open space on Lot 30, Block 2.
 - b. Direct lot access to S. Locust Grove and E. Via Roberto Lane is prohibited except for the emergency access to Locust Grove and the approved access to Via Roberto, in accord with UDC 11-3A-3.
 - c. Add a plat note stating that Lot 23, Block 1 is a non-buildable lot until such time that an additional Fire approved public street connection is provided.
 - d. Consistent with ACHD conditions of approval, provide traffic calming measures along W. Vantage Point Drive to help mitigate its long and straight design.
 - e. Depict the 10-foot pathway along S. Locust Grove to be located within the required 25-foot street buffer and located at least four (4) feet outside of the ultimate ROW to ensure the pathway remains detached, consistent with UDC 11-3B-7C.1a.
3. The landscape plan included in Section VII.C, dated July 29 November 2, 2022, shall be revised as follows prior to submitting for Final Plat approval:
 - a. Revise the landscape plan to match the revisions made to the street section of Vantage Pointe Drive on the latest preliminary plat.

- b. Make the necessary revisions to the landscape plans to match the plat revisions noted above in VIII.A2.
- c. Depict the 10-foot pathway along S. Locust Grove to be located within the required 25-foot street buffer and located at least four (4) feet outside of the ultimate ROW to ensure the pathway remains detached, consistent with UDC 11-3B-7C.1a.
4. Prior to the Commission hearing, the Applicant shall provide evidence that the proposed street buffers are qualified open space OR apply for Alternative Compliance prior to the City Council hearing to request a reduction to the amount of qualified open space required.
5. Prior to the Commission hearing, the Applicant shall provide a parking exhibit showing available parking within the subject development.
6. Future development shall be consistent with the minimum dimensional standards listed in UDC Table 11-2A-7 for the R-15 zoning district.
7. Off-street parking is required to be provided in accord with the standards listed in UDC Table 11-3C-6 for single-family dwellings based on the number of bedrooms per unit.
8. The Applicant shall comply with all ACHD conditions of approval.
9. The Applicant shall ensure the irrigation ditch along the north boundary is tiled and/or relocated consistent with UDC 11-3A-6 standards.
10. Provide a pressurized irrigation system consistent with the standards as set forth in UDC 11-3A-15, UDC 11-3B-6 and MCC 9-1-28.
11. Prior to the City Engineer's signature on each final plat, a 14-foot wide public pedestrian easement shall be submitted to the Planning Division and recorded for the multi-use pathways along S. Locust Grove and E. Via Roberto as required by the Park's Department, unless ACHD requires an easement within their right-of-way.
12. Prior to applying for building permits, Administrative Design Review is required to be submitted and approved by the Planning Division for the proposed single-family attached units.
13. Upon completion of the landscape installation, a written Certificate of Completion shall be submitted to the Planning Division verifying all landscape improvements are in substantial compliance with the approved landscape plan as set forth in UDC 11-3B-14.
14. The preliminary plat approval shall become null and void if the applicant fails to either: 1) obtain the City Engineer signature on a final plat within two years of the date of the approved findings; or 2) obtain approval of a time extension as set forth in UDC 11-6B-7.

B. PUBLIC WORKS

SITE SPECIFIC CONDITIONS:

1. Must provide sewer to and through parcel R7406180010.
2. Ensure no sewer services pass through infiltration trenches.
3. There currently are no water mains to the site. Water will be coming from the Apex Southeast Development.
4. Water and sewer in parallel require a minimum 30' easement. Easement width may be greater depending on sewer depth.
5. Where water ties into existing line in E. Via Roberto Ln two vales are required.

6. As part of Apex Southeast, a 12" water main will be brought to the corner of Locust Grove and Via Roberto Ln. Extend 12" water main down Locust Grove to southern property boundary.
7. A second connection to the 12" water main in Locust Grove is required. The City would prefer this connection be made in E. Cavalli Ln with an easement.
8. Must install water blow-off per SD W13 at eastern boundary along Vantage Pointe Dr. and at the southern boundary at Steeple Ave. See changemarks on sheet PE.200 for additional details.
9. At the corner of Cadence Ave and Orion Greens Drive, the water mains have multiple odd bends; remove unnecessary bends in said water main.
10. Water and sewer at the corner of Zenith Ave and Vantage Pointe needs to be laid out differently. The current configuration adds an extra sewer manhole that isn't needed, multiple water fittings that are not needed, and a sewer service in a common lot when the house access is not from the common lot. See the uploaded "Water and Sewer Comments" pdf for suggestions of a better configuration.
11. Near the common driveway at the southeast corner of the site there is a water service running across a private property that is not being serviced by the meter. The meter should be located in the landscaping area of the common driveway. See changemarks on sheet PE.200.
12. As noted in the Geotechnical Engineering Report prepared by Atlas Materials Testing & Inspection, there are shallow cemented soils across the site. Particular attention needs to be focused on ensuring that all residences constructed with crawl spaces should be designed in a manner that will inhibit water in crawl spaces. Applicant should adhere to recommendations including the installation of foundation drains, and the installation of rain gutters and roof drains that will carry storm water at least 10-feet away from all residences. Foundation drains are not allowed to drain into the sanitary sewer system, nor the trench backfill for the sewer and/or water service lines.

GENERAL CONDITIONS:

1. Sanitary sewer service to this development is available via extension of existing mains adjacent to the development. The applicant shall install mains to and through this subdivision; applicant shall coordinate main size and routing with the Public Works Department, and execute standard forms of easements for any mains that are required to provide service. Minimum cover over sewer mains is three feet, if cover from top of pipe to sub-grade is less than three feet than alternate materials shall be used in conformance of City of Meridian Public Works Departments Standard Specifications.
2. Water service to this site is available via extension of existing mains adjacent to the development. The applicant shall be responsible to install water mains to and through this development, coordinate main size and routing with Public Works.
3. All improvements related to public life, safety and health shall be completed prior to occupancy of the structures. Where approved by the City Engineer, an owner may post a performance surety for such improvements in order to obtain City Engineer signature on the final plat as set forth in UDC 11-5C-3B.
4. Upon installation of the landscaping and prior to inspection by Planning Department staff, the applicant shall provide a written certificate of completion as set forth in UDC 11-3B-14A.
5. A letter of credit or cash surety in the amount of 110% will be required for all incomplete fencing, landscaping, amenities, pressurized irrigation, prior to signature on the final plat.

6. The City of Meridian requires that the owner post with the City a performance surety in the amount of 125% of the total construction cost for all incomplete sewer, water infrastructure prior to final plat signature. This surety will be verified by a line item cost estimate provided by the owner to the City. The applicant shall be required to enter into a Development Surety Agreement with the City of Meridian. The surety can be posted in the form of an irrevocable letter of credit, cash deposit or bond. Applicant must file an application for surety, which can be found on the Community Development Department website. Please contact Land Development Service for more information at 887-2211.
7. The City of Meridian requires that the owner post to the City a warranty surety in the amount of 20% of the total construction cost for all completed sewer, and water infrastructure for a duration of two years. This surety amount will be verified by a line item final cost invoicing provided by the owner to the City. The surety can be posted in the form of an irrevocable letter of credit, cash deposit or bond. Applicant must file an application for surety, which can be found on the Community Development Department website. Please contact Land Development Service for more information at 887-2211.
8. In the event that an applicant and/or owner cannot complete non-life, non-safety and non-health improvements, prior to City Engineer signature on the final plat and/or prior to occupancy, a surety agreement may be approved as set forth in UDC 11-5C-3C.
9. Applicant shall be required to pay Public Works development plan review, and construction inspection fees, as determined during the plan review process, prior to the issuance of a plan approval letter.
10. It shall be the responsibility of the applicant to ensure that all development features comply with the Americans with Disabilities Act and the Fair Housing Act.
11. Applicant shall be responsible for application and compliance with any Section 404 Permitting that may be required by the Army Corps of Engineers.
12. Developer shall coordinate mailbox locations with the Meridian Post Office.
13. All grading of the site shall be performed in conformance with MCC 11-1-4B.
14. Compaction test results shall be submitted to the Meridian Building Department for all building pads receiving engineered backfill, where footing would sit atop fill material.
15. The engineer shall be required to certify that the street centerline elevations are set a minimum of 3-feet above the highest established peak groundwater elevation. This is to ensure that the bottom elevation of the crawl spaces of homes is at least 1-foot above.
16. The applicants design engineer shall be responsible for inspection of all irrigation and/or drainage facility within this project that do not fall under the jurisdiction of an irrigation district or ACHD. The design engineer shall provide certification that the facilities have been installed in accordance with the approved design plans. This certification will be required before a certificate of occupancy is issued for any structures within the project.
17. At the completion of the project, the applicant shall be responsible to submit record drawings per the City of Meridian AutoCAD standards. These record drawings must be received and approved prior to the issuance of a certification of occupancy for any structures within the project.
18. Street light plan requirements are listed in section 6-7 of the Improvement Standards for Street Lighting (http://www.meridiancity.org/public_works.aspx?id=272). All street lights shall be installed at developer's expense. Final design shall be submitted as part of the development plan set for approval, which must include the location of any existing street lights. The contractor's work and materials shall conform to the ISPWC and the City of

Meridian Supplemental Specifications to the ISPWC. Contact the City of Meridian Transportation and Utility Coordinator at 898-5500 for information on the locations of existing street lighting.

19. The applicant shall provide easement(s) for all public water/sewer mains outside of public right of way (include all water services and hydrants). The easement widths shall be 20-feet wide for a single utility, or 30-feet wide for two. The easements shall not be dedicated via the plat, but rather dedicated outside the plat process using the City of Meridian's standard forms. The easement shall be graphically depicted on the plat for reference purposes. Submit an executed easement (on the form available from Public Works), a legal description prepared by an Idaho Licensed Professional Land Surveyor, which must include the area of the easement (marked EXHIBIT A) and an 8 1/2" x 11" map with bearings and distances (marked EXHIBIT B) for review. Both exhibits must be sealed, signed and dated by a Professional Land Surveyor. DO NOT RECORD. Add a note to the plat referencing this document. All easements must be submitted, reviewed, and approved prior to signature of the final plat by the City Engineer.
20. Applicant shall be responsible for application and compliance with and NPDES permitting that may be required by the Environmental Protection Agency.
21. Any wells that will not continue to be used must be properly abandoned according to Idaho Well Construction Standards Rules administered by the Idaho Department of Water Resources. The Developer's Engineer shall provide a statement addressing whether there are any existing wells in the development, and if so, how they will continue to be used, or provide record of their abandonment.
22. Any existing septic systems within this project shall be removed from service per City Ordinance Section 9-1-4 and 9 4 8. Contact the Central District Health Department for abandonment procedures and inspections.
23. The City of Meridian requires that pressurized irrigation systems be supplied by a year-round source of water (UDC 11-3B-6). The applicant should be required to use any existing surface or well water for the primary source. If a surface or well source is not available, a single-point connection to the culinary water system shall be required. If a single-point connection is utilized, the developer will be responsible for the payment of assessments for the common areas prior to development plan approval.
24. All irrigation ditches, canals, laterals, or drains, exclusive of natural waterways, intersecting, crossing or laying adjacent and contiguous to the area being subdivided shall be addressed per UDC 11-3A-6. In performing such work, the applicant shall comply with Idaho Code 42-1207 and any other applicable law or regulation.

C. FIRE DEPARTMENT

<https://weblink.meridiancity.org/WebLink/DocView.aspx?id=275369&dbid=0&repo=MeridianCity>

D. ADA COUNTY DEVELOPMENT SERVICES

<https://weblink.meridiancity.org/WebLink/DocView.aspx?id=276691&dbid=0&repo=MeridianCity&cr=1>

E. MERIDIAN POLICE DEPARTMENT (MPD)

<https://weblink.meridiancity.org/WebLink/DocView.aspx?id=275370&dbid=0&repo=MeridianCity&cr=1>

F. BOISE PROJECT BOARD OF CONTROL (BPBC)

<https://weblink.meridiancity.org/WebLink/DocView.aspx?id=276388&dbid=0&repo=MeridianCity>

G. MERIDIAN PATHWAYS – CONDITIONS

<https://weblink.meridiancity.org/WebLink/DocView.aspx?id=275182&dbid=0&repo=MeridianCity>

H. ADA COUNTY HIGHWAY DISTRICT (ACHD)

<https://weblink.meridiancity.org/WebLink/DocView.aspx?id=278590&dbid=0&repo=MeridianCity>

IX. FINDINGS

A. Annexation and Zoning (UDC 11-5B-3E)

Required Findings: 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 an annexation and/or rezone, the council shall make the following findings:

1. The map amendment complies with the applicable provisions of the comprehensive plan;

The Council finds the proposed zoning map amendment to annex the property into the City of Meridian with the R-15 zoning district with the proposed preliminary plat is consistent with the Comprehensive Plan.

2. The map amendment complies with the regulations outlined for the proposed districts, specifically the purpose statement;

The Council finds the proposed zoning map amendment and the request for the development complies with the regulations outlined in the requested R-15 zoning district and is consistent with the purpose statement of the requested zone.

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

The Council finds the proposed zoning map amendment will not be detrimental to the public health, safety and welfare.

4. The map 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; and

The Council finds the proposed zoning map amendment would not result in an adverse impact on the delivery of services by any political subdivision providing public services within the City.

5. The annexation (as applicable) is in the best interest of city.

The Council finds the annexation is in the best interest of the City.

B. Preliminary Plat Findings:

In consideration of a preliminary plat, combined preliminary and final plat, or short plat, the decision-making body shall make the following findings:

1. The plat is in conformance with the Comprehensive Plan;

The Council finds that the proposed plat is in general compliance with the adopted Comprehensive Plan in regard to land use, density, transportation, and pedestrian connectivity. (Please see Comprehensive Plan Policies in, Section V of this report for more information.)

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

The Council finds that public services will be provided to the subject property with development. (See Section VIII of the Staff Report for more details from public service providers.)

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

Because City water and sewer and any other utilities will be provided by the development at their own cost, the Council finds that the subdivision will not require the expenditure of capital improvement funds.

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

The Council finds there is public financial capability of supporting services for the proposed development based upon comments from the public service providers (i.e., Police, Fire, ACHD, etc.). (See Section VIII for more information).

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

The Council is not aware of any health, safety, or environmental problems associated with the platting of this property.

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

The Council is unaware of any significant natural, scenic or historic features that exist on this site that require preserving.