

Public Hearing for Matador Estates Subdivision (H-2022-0043) by Quantum LTD, Inc., located at 1235 E. McMillan Rd.

A. Request: Annexation of 5.09 acres of land with an R-4 zoning district.

B. Request: Preliminary Plat consisting of 14 building lots and 2 common lots on 4.84 acres of land in the R-4 zoning district.

Seal: Okay. At this time I would like to open File No. H-2022-0043 for Matador Estates Subdivision and we will begin with the -- with the staff report as well.

Parsons: Thank you, Mr. Chair, Members of the Commission. Next item on the agenda is the Matador Estates Subdivision. The request before you this evening is for annexation and a preliminary plat approval. The site consists of 4.84 acres of land currently zoned RUT in Ada county and it's located at 1235 East McMillan Road. The Comprehensive Plan land use designation for this property that you can see here in the center map is low density residential with -- in which we anticipate densities between -- not between -- three or less dwelling units to the acre in that land use designation. The plat before you this evening comes in at 2.89 dwelling units to the acre, which is consistent with this future land use map. Also wanted to let you know that I had a chance to speak with the applicant and he did confirm tonight that it is a subdivision of 14 lots. So, one of the homes will stay on -- one of the lots with 13 new residences for a total of 14. So, I just wanted to go on the record and clarify that based on some of the discrepancies in the plans. So, again, here is the pre-plat. So, annexation boundary is a little bit larger, because it goes to the center line of McMillan, but the plat itself is 4.84 acres. Applicant is requesting an R-4 zoning district, which is an 8,000 square foot lot. You can see here in the upper left-hand corner the existing home is to remain with the 13 other lots surrounding it. Open space is pretty minimal for this development. Technically, if it was five acres or more we would look at requiring the full 12 percent. This -- in this particular case it's close and because there is an annexation request staff felt it appropriate to require the 12 percent and the main reason for that is we are concerned that there is additional five acre lots in this area and if we just continue to piecemeal the five acre -- the lots that come in a little bit under that five acres development standard you don't get usable open space in these in-fill pieces. So, again, in tonight's presentation we are recommending that the applicant provide 12 percent open space and provide some amenities in accordance with 11-3-G3. We have met with the applicant. If you could look at the landscape plan here, the open space will be in the form of the street landscape buffer, a micro path lot that ties into that street buffer and ties into the internal street system and, then, there is also a 7,200 square foot open space lot that will have a sitting area. Staff has recommended a covered picnic area to go in that area as well to enhance that amenity package for this development. You can see here there is an existing stub street along the -- the west boundary of the site that will be extended as part of the development and also stubbed to the east for future connectivity and, then, a cul-de-sac that serves some of the other lots farther to the north. So, as you see the plat tonight there is one lot that doesn't meet the lot frontage requirements of the R-4 district. The applicant's been required to comply with that of 30 feet and as we go through that final plat process they will have to meet those street

frontage requirements at 30 feet for this particular lot here in the upper right-hand corner. The applicant did provide sample elevations for you this evening. You can see a mix of building materials consistent to what is currently developing in the area. I would also mention to you that a lot of this area is developed with single family homes. So, again, this is compatible with the surrounding land uses in the area. The applicant did submit written testimony in agreement with the staff report and all conditions and, then, if you had a chance to look at the public record we did receive some testimony from a Neil Wilson, who lives along the southern boundary of this particular property. He had noted that he had put in some substantial solar investment on his property and wanted to make sure that this was actually a single family development and the homes would be single to two-story homes, which as you can see here in the elevations tonight there are single story and two-story homes proposed for this development. Again, staff is recommending approval with a development agreement and with that I will conclude my presentation stand for any questions you may have.

Seal: Great. Thank you, Bill. Would the applicant like to come forward, please? Good evening, sir. Just need your name and address for the record and the floor is yours.

Camberlango: Marty Camberlango. 1110 North Five Mile, Road, Boise. 83713. And Mr. Parsons did an excellent job of presenting the project. It's not complicated. It's just a small really 13 lot -- homes to be built on 13 lots. So, I don't want to belabor the -- the fact that it's a pretty simple plat. We have four point -- 4.84 of an acre here, which comply -- and we -- the number of lots comply with the R-4 zoning and so do the size of the lots and size of the structures that will go in there, the new homes. I really would just refer the Commission to ask any questions that you might have.

Seal: All right. Commissioners, do we have any questions for the applicant or staff?

Lorcher: Mr. Chair?

Seal: Commissioner Lorcher, go ahead.

Lorcher: So, as I'm looking at this how do these 14 homes access this subdivision? Are they coming directly off of McMillan or are they coming --

Camberlango: Can you see that little street called Territory?

Lorcher: Yes.

Camberlango: That is a stub street from the Silver Spring Subdivision. That will -- that stubs into it and that is the way the traffic will go is out Territory, down into Silver Springs and out to McMillan. The current access off of McMillan to the existing home will be deleted, because the existing home will be required to exit out on that cul-de-sac that you can see there. In addition to the fact that the home that's staying will also be required to hook into city sewer and water.

Lorcher: So, the lot -- the parcel to the east of you is a current homeowner and that's for future development; correct? But you have subdivisions to the west of you and that's where the cul-de-sac and Territory would access; correct?

Camberlango: Yeah. The Silver Spring Subdivision is west and there is another five acre lot east that it will -- our street will stub into that for connectivity in the future. Yeah.

Lorcher: Okay. Thank you.

Seal: Commissioner Grace, go ahead.

Lorcher: Mr. Chairman. Marty, does the subdivision to the west -- is that -- does that lead out to McMillan?

Camberlango: Yes. Uh-huh. That's a Todd Campbell project there. It does go out to McMillan.

Grace: Okay.

Camberlango: ACHD, as you well know, they don't want -- they want to eliminate as many accesses to an arterial street as possible, so they have routed this through this existing subdivision. They are actually thrilled that you have to delete a driveway that's going out to McMillan, so they like it.

Seal: Commissioner Lorcher, go ahead.

Lorcher: Is there a light at that particular --

Camberlango: No, there is no light there.

Lorcher: So, if I want to go east I just turn right, but if I want to go west there is a center divider I take it? I don't -- I don't live over there, so I'm --

Camberlango: No, I don't believe there is a center divider there, but about a block west is the light that goes into Saguaro Canyon --

Lorcher: Okay.

Camberlango: -- and over into Copperfield think they call it. So, right there where -- once the traffic light goes red, then, they will have a chance to pull out and go left or go west. Yeah.

Lorcher: Okay. Thank you.

Camberlango: Uh-huh.

Seal: Any further questions? All right. Thank you very much, sir.

Camberlango: Thank you.

Seal: Madam Clerk, do we have anybody signed up to testify?

Hall: There is no one signed up online, but we do have an Aaron Davis signed up in house. Aaron Davis? That is it.

Seal: That is it. If anybody else in Chambers would like to testify -- sir, come on up. Good evening. Please give us your name and address for the record and speak right into the microphone and the floor is all yours.

Spiewak: Randy Spiewak. 1458 East Loyalty Street, Meridian. I saw this on the agenda and I thought I might just mention something you all may want to have the applicant respond to. I'm the volunteer ditch manager for the Parkins-Nourse North No. 14 irrigation lateral that feeds all the way from Eagle Road at the Community Church by Lowe's all the way down through the next square mile across Locust Grove, splits and covers all of those properties, including Silver Springs, on McMillan and the other direction Heritage Commons and a couple other smaller subdivisions. The problem they are going to be facing -- and it will come later -- is that that currently is now a landscape company of some kind and they have plants on it and they do field flooding one day every 12. That's the only access they get to water. It was all field flooding for years when that was farmland or small ranches. When you put a subdivision in homeowners aren't going to be happy about only having water one day every 12. So, whether they store water or whether they work out some arrangement with Silver Springs, who has faced that and they store a lot of water on the days that it is part of their 12. They may want to address this. Otherwise they are using potable city water for irrigating grass and plants in a residential subdivision that Public Works usually isn't pretty happy about. So, on the corner opposite -- in fact, a number of those parcels have -- have been converted to residential and we have worked out the process, but I have had no response from that developer or no -- no contact by that developer as to how we would deal with that and as the -- the irrigation lateral manager I haven't been asked to sign off by anything -- by anyone from the city to make sure that that does comply with the easements and the requirements that far predate any use of that property -- go back to 1800s. So, questions?

Seal: Yeah. Can you -- do you have any detail on how the other subdivisions do store water?

Spiewak: Silver Springs, which is comprised of I think four five acre parcels, less a little bit on the corner on the west -- northwest corner that was a large residential property and they are -- they are receiving pressurized water from Silver Springs, but as that gravity fed 24 inch pipe from the Parkins-Nourse at the south edge of that parcel and all the other five acre parcels along there, as it flows by gravity it's manually blocked off with a weir gate and, then, it flooded their property. Well, what Silver Springs had to do with the four five acre parcels is they had to find a way to store water and they didn't want to lose a lot of lots in making a big pond of some kind. My suggestion to them -- and their engineers

agreed -- was to do an underground lateral storage -- not vertical, but horizontal. Taking a -- I think they ended up using a 24 inch or 36 inch concrete pipe and as that line came down from east to west and made that north turn down their property, that became underground storage of water laterally -- or horizontally rather than vertically and so far it's worked. They are at the end of that branch of the lateral, so they are storing every bit of water that people upstream from them don't use. They store it and when that pipe gets full it overflows under McMillan into the north slough. This property butts up against that. I believe. If I'm looking at it correctly. They may want to contact Silver Springs and see if they can get access to pressurized water, give their day of -- of -- of field flooding to Silver Springs and let Silver Springs give them seven by 24 access. That's what we have been doing with other parcels is getting these HOAs to work together. There will eventually be an HOA for these 12, 14 homes, so no reason not to do that. I'm doing another one right now with Caldera Canyon that was built two years ago and nobody thought about irrigation water. So, we are getting that fixed as we speak.

Seal: Okay.

Spiewak: It can be done.

Seal: Is there an easement --

Spiewak: Oh, yeah.

Seal: -- where this is at?

Spiewak: It goes back dozens and dozens of years.

Seal: Okay. Well, I mean is there an easement where the underground water storage is within the subdivision?

Spiewak: No. Just where the pipe runs.

Seal: Okay.

Spiewak: They would -- they would have their own storage where ever they would plan for putting it. It could run under homes. It could do whatever they want. It's only the -- the pipe that runs to the east-west at the south end of their property that would be protected from -- you can sell the property, you just can't build over it.

Seal: Interesting. Okay.

Lorcher: Mr. Chair?

Seal: Commissioner Lorcher, go ahead.

Lorcher: Based on this picture that you see up here -- so, where is your easement in regard to that? So, the bottom street is Territory and, then, you have got the four homes

at the bottom and, then, they got the cul-de-sac going to the top and, then, McMillan is at the top. Where is --

Spiewak: It would be right through their park.

Lorcher: Go through that little park right there?

Spiewak: And the one house at the -- it's -- oh, no. It would be across the bottom of those five houses -- five lots at the -- the five houses at the bottom that our -- our line goes right through their backyards.

Seal: Okay.

Spiewak: So, you can have a backyard over it, you just can't have a house, you can't have a pool, you can't have concrete, because if the pipe breaks or there is a problem, the homeowner has got to tear down whatever is there and they have to fix it and, then, put it back. It's the property owner who is held responsible in Idaho for maintaining the irrigation, not the irrigation lateral association.

Lorcher: Mr. Chair?

Seal: Commissioner Lorcher, go ahead.

Lorcher: So, currently where those four houses are at the bottom of Territory, you are saying that's where the lateral is. Is it open right now?

Spiewak: Is it underground pipe.

Lorcher: It is underground pipe.

Spiewak: Yeah. I think it's a -- that one I believe is -- is 24 inch.

Lorcher: Okay.

Spiewak: It could be 12, but I think it's --

Lorcher: And you are suggesting to kind of stub it going north just to hold the water, so that they -- the houses can tap in for pressurized irrigation as it's stored.

Spiewak: Or they could have a parallel storage lateral pipe still running through those backyards if they wish or they could go perpendicular to it, where ever their pump station is, if they don't work out a -- a joint arrangement with Silver Springs on -- on one side. We know there is only two five acre parcels left that are still commercial and I have been waiting to see what happens. I just happened to notice it on the agenda.

Seal: Interesting.

Lorcher: One more question, Mr. Chair.

Seal: Absolutely.

Lorcher: So, the existing parcel that's already at the top that's the big one, number one, how do they get their water? Top left-hand corner. Right there. Do they have septic and --

Spiewak: They would have to put a pressurized irrigation system in. Normally a four or six inch pressurized pipe. It would go from their pump to each of the homes and to the common areas.

Lorcher: Right. But what I'm saying is that that's the existing homestead that's there on the five acre parcel that's current. So, he has his own -- he has his own access to pressurized irrigation I would assume already; correct?

Spiewak: It's -- he has -- he floods the back part of that property, I believe, where he has trees that he is a -- a tree farm of some kind or something in there. How he gets water up to the front -- I don't know if he has storage or may have an old well from many, many years ago. Some of those farmers did.

Lorcher: Okay. Thank you.

Seal: Commissioners, anymore questions? All right. Thank you very much. I appreciate that.

Lorcher: Mr. Chair?

Seal: Commissioner Lorcher, go ahead.

Lorcher: Question for staff. So, has -- has this come up in the application process as far as talking with the lateral and the ditch diggers -- or the ditch managers?

Parsons: Mr. Chairman, Members of the Commission, it's -- there is so many different ditch riders out there that we can't capture all of them. So, I'm -- I do appreciate this gentleman being here, because they actually get their water from a larger irrigation district, like a Settlers or Nampa-Meridian, and so that's who we transmit our information to and get feedback on these types of situations. What I can tell you is our code requires a pressurized irrigation system as part of the development. So, the fact that this gentleman's here sharing his requirements with us, the applicant's aware of it, now they can go -- go to the drawing board, come up with a solution. A lot of times in these particular situations if it is problematic to deliver water, they will build a pond on site to store that water, as this gentleman mentioned, or they may connect into an existing system and have to work out those details with the developer to make sure everyone's getting water. But we will certainly have that figured out prior to them getting any sign-off

or developing anything on this -- this site. It's -- it's a requirement as part of their construction drawings.

Seal: Okay. Good?

Lorcher: I'm good.

Seal: Okay. Thank you very much. Commissioner Grace, go right ahead. See you reaching for the --

Grace: I don't have a question for staff or the applicant, but a question for our deliberations maybe. I mean what was just described something, then, that we would leave as conditional or can we -- or should we not proceed with it at this time?

Seal: I'm not sure that we can condition anything, because as Bill said, it is a requirement to have pressurized irrigation. So, it is -- it is their -- it is a requirement of the applicant in order to provide that. So, they will have to comply with that.

Grace: Okay. And as we sit today it's not complied with; right?

Seal: It is to be determined at this point. I -- it will have to be complied with in order for them to put a shovel in the ground, as it -- is one way to put it. So, before it passes through City Council it will have to be complied with.

Parsons: Well, that's -- yeah. Mr. Chair, Members of the -- that's -- that's part of the development review process. So, annexation plat comes in, this is just a pre-plat. The next step is they do a final plat, which has a lot of those details figured out with engineered drawings. So, you don't get to that level at -- with a pre-plat stage. It usually happens later on down the road. So, right now they are requesting to annex -- this is a pretty common topic discussion for subdivisions. We get this all the time with people asking -- making sure that they have adequate water and there are subdivisions in Meridian where they just don't have adequate water -- surface water rights and they had to use city water. But in this particular case I think there is a -- a workable solution here, as long as there is communication happening.

Grace: Okay. Thank you.

Seal: Any further questions? All right. Would the applicant like to come back up? Go ahead and give us your closing remarks and you just need to give us your name and address again, please.

Camberlango: Maybe just address that irrigation a little bit. Appreciate the --

Seal: Do you want to give us your name and address one more time, please?

Camberlango: Oh, address again -- name and address?

Seal: Yes, sir. Thank you.

Camberlango: Marty Camberlango. 1110 North Five Mile Road. And on your staff report under Public Works number 2.4 addresses that the City of Meridian requires that pressurized irrigation systems be supplied by year around surface -- basically irrigation water. Now, this piece of property is owned by Diamond Lawns. They are a landscape company and they have a lot of water and we have had some conversations with Silver Springs about tapping into their system or recently I did a subdivision in Boise where we couldn't work anything out with the homeowners association, so we retained our own water. We don't like to do a pond, because they are ugly. So, we -- we build kind of a little concrete structure below ground, kind of like a seepage bed, so you can't see it. There is a pump on it and it fills up and when it fills up it shuts off and, then, people can draw upon that for their pressurized water. And sometimes if there is not enough water -- if there seems like there is not enough water, we will put people on a schedule, like they might have Monday, Wednesday, Friday from 3:00 o'clock to 6:00 o'clock or whatever and this subject always comes up and we -- we can resolve it. It's like Bill said, there are solutions for these things and we just -- we don't -- at the preliminary plat stage we don't engineer everything, because if for some reason we are turned down by the city, we don't want to have to pay all those engineering fees for something that has to be engineered, but isn't engineered yet, but we will be working on that. And I think that's all I have to say.

Seal: Okay.

Camberlango: Thank you.

Seal: Commissioners, do we have any questions for the applicant? If not, thank you very much, sir. Appreciate that. And I will take a motion to close the public hearing for File No. H-2022-0043, Matador Estates.

Lorcher: So moved.

Stoddard: Second.

Seal: It's been moved and seconded to close File No. H-2022-0043. All in favor please say aye. None opposed. Motion carries.

MOTION CARRIED: FOUR AYES. TWO ABSENT.

Seal: Any discussion?

Lorcher: Mr. Chair?

Seal: Commissioner Lorcher, go right ahead.

Lorcher: I have been on record to deny applications on McMillan Road because of traffic, but because this is not a new access to McMillan Road, they are actually going to be moved around the existing subdivision and if each parcel has two cars, you are looking at 28 cars moving, you know, maybe 20 or 30 times a day or less. I think that the way the street is managed at that point at McMillan, especially going through the subdivision, should be able to handle this particular subdivision. So, I would be in support of this parcel.

Seal: Okay. Anything else? Commissioner Grace, go ahead.

Grace: Mr. Chairman, I -- that was the first thing that came to my mind, too, was the traffic and that's why I followed up with Commissioner Lorcher's question about access. It's still a concern, but I -- I think ultimately I'm -- I'm able to approve as well.

Seal: Okay. Yeah. And I will -- I mean that's -- McMillan is ugly, so it's been talked about a lot. We have had some applications come in where we have recommended denial or denied applications coming through because of the traffic on it, so considering this is -- I mean this main stretch of this is on a cul-de-sac, I saw the elevations in there with, you know, possible RV parking garages and things like that, a little tight to squeeze them in there, but, you know, I think if this is a product out there that the applicant thinks will sell, then, I think they will figure all that out, so --

Grace: Do we know the future of McMillan Road?

Seal: McMillan Road is set to develop in 2031 through 2036, I believe, or 2035. I'm fairly certain of that. Bill is shaking his head, so I must be right.

Parsons: Mr. Chair, Members of the Commission, I don't have the exact date for you, but as you know, anything heading west from Locust Grove is going to be a constrained corridor because of the -- the ditches and the -- and the Idaho Power poles. So, it's a three lane road. So, it's two lane with a center turn lane from -- from that point on, so --

Seal: But the good news is we have plenty of water and power.

Lorcher: Chairman Seal, I actually wrote it down.

Seal: Go ahead.

Lorcher: Locust Grove, ACHD, 2036 to 2040 and McMillan 2031 to 2035. So, you are spot on.

Seal: I do have a memory. That's good. Okay. With that anymore discussion or I will take a motion if anybody wants to throw one my way.

Lorcher: Commissioner Seal?

Seal: Commissioner Lorcher, go right ahead.

Lorcher: After considering all staff, applicant, and public testimony, I moved to recommend approval to City Council to File No. H-2022-0043 as presented in the staff report for the hearing date of September 15th, 2022, with no modifications.

Grace: I will second.

Seal: Okay. It's been moved and seconded to approve File No. H-2022-0043, Matador Estates Subdivision, with no modifications. All in favor please say aye. None opposed. Motion carries.

MOTION CARRIED: FOUR AYES. TWO ABSENT.

Seal: Thank you very much. And with that I will take one more motion.

Lorcher: Commissioner Seal?

Seal: Commissioner Lorcher, go right ahead.

Lorcher: Motion that we adjourn.

Grace: Second.

Seal: It's been moved and seconded that we adjourn. All in favor, please, say aye. None opposed. Motion carries. We are adjourned. Thank you very much.