

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



**In the Matter of the Request for Annexation of 40-Acres of Land with R-8 (27.63 acres), L-O (1.64 acres) and M-E (10.72 acres) Zoning Districts; and Preliminary Plat Containing a Total of 112 Lots Consisting of (93) Buildable Lots and (13) Common Open Space Lots on 27.63-Acres of Land in the R-8 Zoning District; (2) Buildable Lots on 1.64-Acres of Land in the L-O Zoning District; (1) Buildable Lot on 10.72-Acres of Land in the M-E Zoning District; and (3) Future Right-of-Way lots on 40-Acres of Land for Aviator Springs Subdivision, by The Land Group.**

**Case No(s). H-2021-0065**

**For the City Council Hearing Dates of: December 14, 2021 and January 25, 2022 (Findings on February 8, 2022)**

**A. Findings of Fact**

1. Hearing Facts (see attached Staff Report for the hearing date of January 25, 2022, incorporated by reference)
2. Process Facts (see attached Staff Report for the hearing date of January 25, 2022, incorporated by reference)
3. Application and Property Facts (see attached Staff Report for the hearing date of January 25, 2022, incorporated by reference)
4. Required Findings per the Unified Development Code (see attached Staff Report for the hearing date of January 25, 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 January 25, 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 & Zoning is hereby approved with the requirement of a Development Agreement; and Preliminary Plat is hereby approved per the conditions of approval in the Staff Report for the hearing date of January 25, 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. Notice of Final Action and Right to Regulatory Takings Analysis

1. **Please take notice** that this is a final action of the governing body of the City of Meridian. When applicable and pursuant to Idaho Code § 67-6521, any affected person being a person who has an interest in real property which may be adversely affected by the final action of the governing board may within twenty-eight (28) days after the date of this decision and order seek a judicial review as provided by Chapter 52, Title 67, Idaho Code.

F. Attached: Staff Report for the hearing date of January 25, 2022

By action of the City Council at its regular meeting held on the \_\_\_\_\_ day of \_\_\_\_\_, 2022.

COUNCIL PRESIDENT TREG BERNT VOTED\_\_\_\_\_

COUNCIL VICE PRESIDENT BRAD HOAGLUN VOTED\_\_\_\_\_

COUNCIL MEMBER JESSICA PERREAULT VOTED\_\_\_\_\_

COUNCIL MEMBER LUKE CAVENER VOTED\_\_\_\_\_

COUNCIL MEMBER JOE BORTON VOTED\_\_\_\_\_

COUNCIL MEMBER LIZ STRADER VOTED\_\_\_\_\_

MAYOR ROBERT SIMISON VOTED\_\_\_\_\_  
(TIE BREAKER)

\_\_\_\_\_  
Mayor Robert Simison

Attest:

\_\_\_\_\_  
Chris Johnson  
City Clerk

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

By: \_\_\_\_\_ Dated: \_\_\_\_\_  
City Clerk's Office

# STAFF REPORT

## COMMUNITY DEVELOPMENT DEPARTMENT



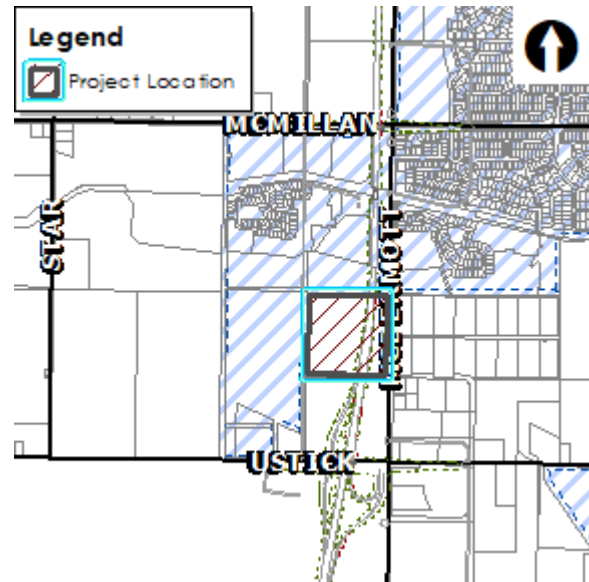
HEARING DATE: January 25, 2022  
 Continued from: December 14, 2021

TO: Mayor & City Council

FROM: Sonya Allen, Associate Planner  
 208-884-5533

SUBJECT: H-2021-0065  
 Aviator Springs – AZ, PP

LOCATION: 3235 N. McDermott Rd., in the SE ¼ of  
 Section 32, T.4N., R.1W. (Parcels  
 #R7824220044 & #R7824220042)



### I. PROJECT DESCRIPTION

Annexation of 40 acres of land with R-8 (~~31.59~~ 27.63 acres), L-O (1.64 acres) and M-E (~~6.77~~ 10.72 acres) zoning districts; and Preliminary plat containing a total of 112 lots consisting of (93) buildable lots and (13) common open space lots on ~~31.59~~ 27.63 acres of land in the R-8 zoning district; (2) buildable lots on 1.64 acres of land in the L-O zoning district; (1) buildable lot on ~~6.77~~ 10.72 acres of land in the M-E zoning district; and (3) future right-of-way lots on 40 acres of land.

### II. SUMMARY OF REPORT

#### A. Project Summary

Description	Details	Page
Acreage	40 acres	
Existing/Proposed Zoning	RUT in Ada County	
Future Land Use Designation	Mixed Use – Neighborhood (MU-N)	
Existing Land Use(s)	Agricultural land	
Proposed Land Use(s)	Single-family residential (SFR) & a church (seminary)	
Lots (# and type; bldg./common)	112 lots (96 buildable/13 common/3 future ROW)	
Phasing Plan (# of phases)	2 phases	
Number of Residential Units (type of units)	93 SFR detached dwellings	
Density (gross & net)	3.0 units/acre (gross); 3.92 units/acre (net)	
Open Space (acres, total [%]/buffer/qualified)	7.64 acres (or 23.8%) common open space	
Amenities	Community swimming pool & changing rooms, multi-use pathway, qualified open space in excess of 20,000 square feet.	

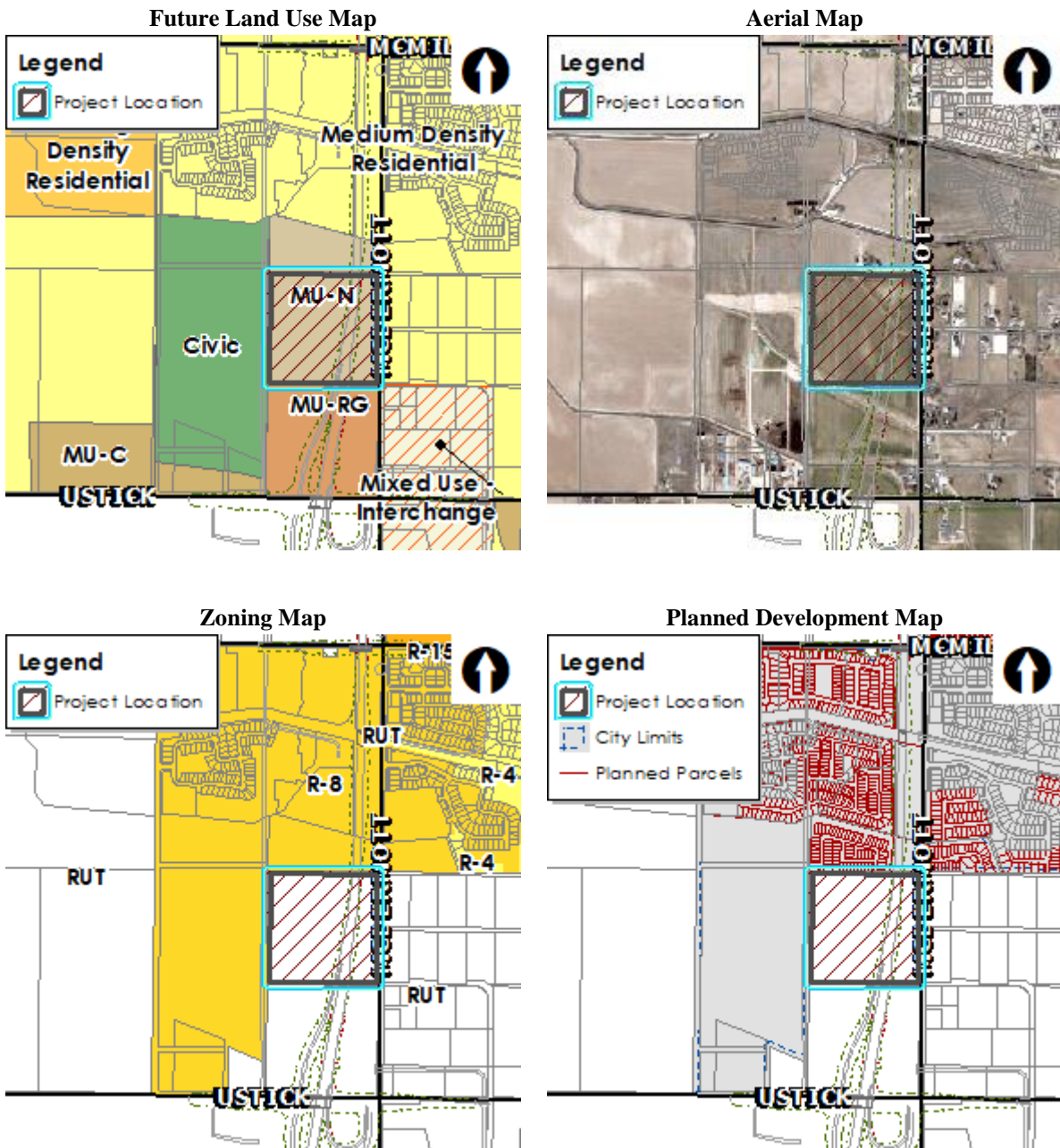
Description	Details	Page
Physical Features (waterways, hazards, flood plain, hillside)	The Eight Mile Lateral crosses the southwest corner of this site.	
Neighborhood meeting date; # of attendees:	7/7/21; 3 attendees	
History (previous approvals)	None	

## B. Community Metrics

Description	Details	Pg
Ada County Highway District		
<ul style="list-style-type: none"> <li>Staff report (yes/no)</li> <li>Requires ACHD Commission Action (yes/no)</li> </ul>	Yes No	
Access (Arterial/Collectors/State Hwy/Local)(Existing and Proposed)	Access is proposed via the extension of two local streets (N. Keklik Ave. and N. Alameda Creek Ave.) at the north boundary of the site.	
Traffic Level of Service	Ustick Rd. – Better than “E”	
Stub Street/Interconnectivity/Cross Access	A stub street is proposed to the property to the south for future extension.	
Existing Road Network	A north/south collector street (Owyhee Storm Ave.) exists ¼ mile to the west of this site, which provides access via a local street to this site through Chukar Ridge Subdivision to the north.	
Existing Arterial Sidewalks / Buffers	NA	
Proposed Road Improvements	Ustick Rd. is listed in the CIP to be widened to 5-lanes from Star Rd. to McDermott Rd. between 2026 and 2030.	
Fire Service		
<ul style="list-style-type: none"> <li>Distance to Fire Station</li> <li>Fire Response Time</li> </ul>	4.5 miles Falls outside the 5:00 minute response time area - nearest station is Fire Station #2 – <i>cannot</i> meet response time goals. <i>When Fire Station #8 is constructed in late summer of 2023, it will be within the 5:00 minute response time area.</i>	
<ul style="list-style-type: none"> <li>Resource Reliability</li> <li>Risk Identification</li> <li>Accessibility</li> </ul>	85% - <i>does</i> meet the target goal of 80% or greater 2 – current resources would be adequate to supply service Project meets all required access, road widths and turnaround. Project will require a secondary emergency access in order to exceed 30 lots or buildings will need to be sprinklered.	
<ul style="list-style-type: none"> <li>Special/resource needs</li> </ul>	Project will <i>not</i> require an aerial device; cannot meet this need in the required timeframe if a truck company is required.	
<ul style="list-style-type: none"> <li>Water Supply</li> <li>Other Resources</li> </ul>	Requires 1,500 gallons per minute for two hours, may be less if buildings are fully sprinklered. 	
Police Service		
<ul style="list-style-type: none"> <li>Distance from police station</li> </ul>	4.2 miles	

<ul style="list-style-type: none"><li>Police Response Time</li></ul>	Priority 3 (goal is within 3 to 5 minutes): 3:47 Priority 2 (goal is within 8 to 10 minutes): 7:06 Priority 1 (goal is within 15 to 20 minutes): 10:43																																															
West Ada School District	<table><thead><tr><th></th><th>Enrollment</th><th>Capacity</th><th>Approved prelim plat parcels per attendance area</th><th>Approved MF units per attendance area</th><th>Miles (Dev. to School)</th></tr></thead><tbody><tr><td>Pleasant View Elementary</td><td>546</td><td>650</td><td>3089</td><td>21</td><td>2.9</td></tr><tr><td>Star Middle School</td><td>823</td><td>1000</td><td>7967</td><td>278</td><td>7.1</td></tr><tr><td>Owyhee High School</td><td>1477</td><td>1800</td><td>5782</td><td>58</td><td>0.0</td></tr><tr><td colspan="6"><u>School of Choice Options</u></td></tr><tr><td>Chief Joseph School -Arts</td><td>507</td><td>700</td><td>N/A</td><td>N/A</td><td>6.8</td></tr><tr><td>Barbara Morgan - STEM</td><td>659</td><td>750</td><td>N/A</td><td>N/A</td><td>4.5</td></tr></tbody></table>						Enrollment	Capacity	Approved prelim plat parcels per attendance area	Approved MF units per attendance area	Miles (Dev. to School)	Pleasant View Elementary	546	650	3089	21	2.9	Star Middle School	823	1000	7967	278	7.1	Owyhee High School	1477	1800	5782	58	0.0	<u>School of Choice Options</u>						Chief Joseph School -Arts	507	700	N/A	N/A	6.8	Barbara Morgan - STEM	659	750	N/A	N/A	4.5	
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<ul style="list-style-type: none"><li>Distance (elem, ms, hs)</li><li>Capacity of Schools</li><li># of Students Enrolled</li><li># of Students Predicted from this development</li></ul>	93 school aged children predicted from this development by WASD. <a href="#">School Impact Table</a>																																															
Wastewater																																																
<ul style="list-style-type: none"><li>Distance to Sewer Services</li><li>Sewer Shed</li><li>Estimated Project Sewer ERU's</li><li>WRRF Declining Balance</li><li>Project Consistent with WW Master Plan/Facility Plan</li><li>Impacts/concerns</li></ul>	Directly adjacent  North McDermott Trunkshed  See application  14.21  Yes  <ul style="list-style-type: none"><li>Flow is committed</li><li>Property is subject to the Oaks Lift Station and Pressure Sewer Reimbursement Agreement</li></ul>																																															
Water																																																
<ul style="list-style-type: none"><li>Distance to Water Services</li><li>Pressure Zone</li><li>Estimated Project Water ERU's</li><li>Water Quality</li><li>Project Consistent with Water Master Plan</li><li>Impacts/Concerns</li></ul>	Directly adjacent  1  See application  None  Yes  See Public Works site specific conditions																																															

### C. Project Area Maps



#### A. Applicant:

Matt Adams, The Land Group, Inc. – 462 E. Shore Dr., Ste. 100, Eagle, ID 83616

#### B. Owner:

Acclima, Inc. – 1763 W. Marcon Ln., Ste. 175, Meridian, ID 83642

#### C. Representative:

Same as Applicant



### III. NOTICING

	Planning & Zoning Posting Date	City Council Posting Date
Notification published in newspaper	10/5/2021	11/28/2021
Notification mailed to property owners within 300 feet	10/5/2021	12/2/2021
Applicant posted public hearing notice on site	10/11/2021	12/2/2021
Nextdoor posting	10/5/2021	12/6/2021

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

The Future Land Use Map (FLUM) contained in the Comprehensive Plan designates this property as Mixed Use - Neighborhood (MU-N).

The purpose of the Mixed-Use designation is to provide for a combination of compatible land uses within a close geographic area that allows for easily accessible and convenient services for residents and workers. The intent is to promote developments that offer functional and physical integration of land uses, to create and enhance neighborhood sense of place, and to allow developers a greater degree of design and use flexibility.

**NOTE: Given the limitations with surrounding land uses, existing development pattern, poor access and bifurcation of the property with the extension of SH 16, it is not feasible to achieve full integration of uses as desired in MU-N areas. However, the applicant's narrative does discuss how they believe the proposed development is consistent with the MU-N designation.**

The purpose of the MU-N designation is to assign areas where neighborhood-serving uses and dwellings are seamlessly integrated into the urban fabric. The intent is to avoid predominantly single-use developments by incorporating a variety of uses. Land uses in these areas should be primarily residential with supporting non-residential services. Non-residential uses in these areas tend to be smaller scale and provide goods or services that people typically do not travel far for (approximately one mile) and need regularly. Employment opportunities for those living in the neighborhood are encouraged. Connectivity and access between the non-residential and residential land uses is particularly critical in MU-N areas. Tree-lined, narrow streets are encouraged. Developments are also encouraged to be designed according to the conceptual MU-N plan depicted in Figure 3B of the Comprehensive Plan.

The proposed development consists of a total of 93 single-family detached dwellings, an LDS seminary, a lot to be donated to the Boys and Girls Club for a future facility and commercial (research & development) uses consisting of one (1) 20,000 square foot (s.f.) research and development facility and one (1) 12,000 s.f. research and development greenhouse with 8,000 s.f. tenant offices. The gross density of the residential area is 3.00 units per acre, which is significantly less than the desired range of 6 to 12 units per acre in MU-N designated areas. The primary use proposed is residential as desired; however, no supporting non-residential services are proposed. Although commercial uses (i.e. employment opportunities) are proposed on the east side of the development, they are not directly accessible from the proposed neighborhood due to the future extension of SH-16 through the site which will separate the residential from the commercial uses.

In reviewing development applications, the following items will be considered in MU-N areas:  
(*Staff's analysis is in italics*)

- Development should comply with the items listed for development in all Mixed-Use areas as follows:
  - A mixed-use project should include at least three types of land uses. Exceptions may be granted for smaller sites on a case-by-case basis. This land use is not intended for high density residential development alone. *The proposed development includes ~~three (3)~~ four (4) different land use types (i.e. residential, commercial, office and civic).*
  - Where appropriate, higher density and/or multifamily residential development is encouraged for projects with the potential to serve as employment destination centers and when the project is adjacent to US 20/26, SH-55, SH-16 or SH-69. *Due to limited access for the western portion of this site and constraints due to the future extension of SH-16 through this site with no access allowed via the highway, Staff is of the opinion a higher density development is not appropriate for this site. Additionally, for the same access constraints, the western portion of this site is not viable as an employment center.*
  - Mixed Use areas are typically developed under a master or conceptual plan; during an annexation or rezone request, a development agreement will typically be required for developments with a Mixed-Use designation. *~~Staff recommends a Development Agreement (DA) is required as a provision of annexation to ensure certain MU-N guidelines are met in the absence of a conceptual development plan. A conceptual development plan was submitted after the Commission hearing for the non-residential portion of the development as shown in Section VII.H. A development agreement is required as a provision of annexation with the provisions listed in Section VIII.A.I.~~*
  - In developments where multiple commercial and/or office buildings are proposed, the buildings should be arranged to create some form of common, usable area, such as a plaza or green space. *~~If multiple buildings are proposed in the commercial development area on the east side of future SH-16, the site should be designed and buildings arranged in accord with this guideline. The conceptual development plan shown in Section VII.H depicts a plaza area between the two commercial buildings.~~*
  - The site plan should depict a transitional use and/ or landscaped buffering between commercial and existing low- or medium-density residential development. *Commercial uses consisting of research & development facilities and tenant offices are proposed on the east side of future SH-16. The future highway will provide a separation between the commercial and residential uses.*
  - Community-serving facilities such as hospitals, clinics, churches, schools, parks, daycares, civic buildings, or public safety facilities are expected in larger mixed-use developments. *An LDS seminary and a lot for a future Boys & Girls Club is proposed on the L-O zoned lots which will provide community-serving uses within the development.*
  - Supportive and proportional public and/or quasi-public spaces and places including but not limited to parks, plazas, outdoor gathering areas, open space, libraries, and schools are expected; outdoor seating areas at restaurants do not count. *A high school (Owyhee) abuts this site on the west. A plaza is proposed on the conceptual development plan between the two commercial structures.*
  - Mixed-use areas should be centered around spaces that are well-designed public and quasi-public centers of activity. Spaces should be activated and incorporate permanent design elements and amenities that foster a wide variety of interests ranging from leisure to play. These areas should be thoughtfully integrated into the development and further placemaking opportunities considered. *Although a mix of residential, civic and commercial uses are proposed, this isn't a typical mixed-use development due to the*

*limited access & connectivity available to the site and the future extension of SH-16 through this site.*

- All mixed-use projects should be accessible to adjacent neighborhoods by both vehicles and pedestrians. Pedestrian circulation should be convenient and interconnect different land use types. Vehicle connectivity should not rely on arterial streets for neighborhood access. *Two vehicular accesses (local streets) with pedestrian sidewalks alongside and a pathway through a connected common area (i.e. Lot 9, Block 2) are proposed between the development to the north (Chukar Ridge) and the subject development. Pedestrian connections are also proposed for interconnectivity between the high school campus to the west and the proposed seminary and lot where a Boys & Girls Club is anticipated to develop along the west boundary of the site. A multi-use pathway is proposed through the common area along the east boundary of the site, which will provide a connection between adjacent developments to the north & south. Because SH-16 will bisect this site, it's not feasible for the commercial portion of the site to be connected to the residential/civic portion of the site.*
- A mixed-use project should serve as a public transit location for future park-and-ride lots, bus stops, shuttle bus stops and/or other innovative or alternative modes of transportation. *Because this site doesn't have direct access via a collector or arterial street, a public transit facility is not feasible on this site.*
- Alleys and roadways should be used to transition from dissimilar land uses, and between residential densities and housing types. *Roadways are proposed as a transition between residential and civic uses. Only one housing type (i.e. single-family detached) is proposed.*
- Because of the parcel configuration within Old Town, development is not subject to the Mixed-Use standards listed herein. *This guideline is not applicable.*

In reviewing development applications, the following items will be considered in MU-N areas: (Staff's analysis in italics)

- Development should comply with the items listed for development in all Mixed-Use areas.  
See analysis above.
- Residential uses should comprise a minimum of 40% of the development area at gross densities ranging from 6 to 12 units/acre. *Residential uses comprise 76% of the developable area including open space; however, the gross density proposed of 3.0 units per acre is significantly below the target density noted in the guidelines for development in MU-N designated areas. Because this site does abut a future highway, staff has also calculated what the residential acreage would be if the buffer along the state highway was removed. With the buffer removed, the developable acreage would total approximately 21.22 acres; increasing the density for 3 units to the acre to 4.38. Staff is of the opinion that additional density can be accommodated within the proposed development. The applicant could provide a more diverse mix of dwelling units in the form of alley-load, townhomes, or secondary dwelling units, as submitted one type of dwelling is proposed. The feasibility of multi-family in the area is desirable as there is no employment proposed for the portion of the property that is mostly residential. Staff anticipates higher densities to development on the property directly south of this one based on its designation of Mixed-use Regional. In making the finding for consistency with the plan the Commission and Council should determine if the proposed density is appropriate for this project due to the limiting factors noted in this section of the report.*

- Non-residential buildings should be proportional to and blend in with residential buildings. *Future civic buildings should comply with this guideline.*
- Three specific design elements should be incorporated into a mixed-use development: a) street connectivity, b) open space, and c) pathways. *Street connectivity, open space and pedestrian pathways are proposed in this development and connect to the abutting residential development to the north and the future development to the south.*
- Unless a structure contains a mix of both residential and office, or residential and commercial land uses, maximum building size should be limited to a 20,000 square-foot building footprint. For the development of public school sites, the maximum building size does not apply. *None of the proposed structures exceed a 20,000 square foot building footprint.*
- Supportive and proportional public and/or quasi-public spaces and places such as parks, plazas, outdoor gathering areas, open space, libraries, and schools should comprise a minimum of 10% of the development area. Outdoor seating areas at restaurants do not count towards this requirement. *Although not on this site, a high school exists on the adjacent property to the west; a large amount of open space (5+/- acres) is proposed along the east boundary of the residential development abutting the SH-16 corridor. A total of 19.1% qualified open space is proposed overall.*
- Where the development proposes public and quasi-public uses to support the development above the minimum 10%, the developer may be eligible for additional residential densities and/or an increase to the maximum building footprint. *None are requested.*
- A straight or curvilinear grid or radiating street pattern is encouraged for residential areas, and most blocks should be no more than 500' to 600' long, similar to Old Town or Heritage Commons; larger blocks are allowed along arterial streets. *The proposed development generally meets this guideline.*

The following Comprehensive Plan Policies are applicable to this development:

- “Encourage a variety of housing types that meet the needs, preferences, and financial capabilities of Meridian’s present and future residents.” (2.01.02D)  
*Only one housing type, single-family detached, is proposed in this development. Other housing types (i.e. single-family attached units, townhomes, secondary dwellings or multi-family) could be added to this development for variety, which would increase the density of the development more in line with the guidelines for mixed use designated areas. However, because of the limited access to this site, Staff is hesitant to recommend more units be provided in this development. **If Commission feels a variety of housing types at a higher density should be provided more in line with the MU-N designation, Commission should require revisions to the plat accordingly.***
- “Permit new development only where it can be adequately served by critical public facilities and urban services at the time of final approval, and in accord with any adopted levels of service for public facilities and services.” (3.03.03F)  
*City water and sewer service is available in Chukar Ridge Subdivision to the north and can be extended by the developer with development in accord with UDC 11-3A-21. The emergency response time for the Police Dept. falls within the established goals. At this time, the emergency response time for the Fire Dept. falls outside of the 5-minute response time area; once Fire Station No. 8 is constructed in the summer of 2023, it will meet the response time goal.*

- “Encourage compatible uses and site design to minimize conflicts and maximize use of land.” (3.07.00)

*Staff believes the proposed uses and site design are compatible with each other and with the existing high school to the west.*

- “Ensure development is connected to City of Meridian water and sanitary sewer systems and the extension to and through said developments are constructed in conformance with the City of Meridian Water and Sewer System Master Plans in effect at the time of development.” (3.03.03A)

*The proposed development will connect to City water and sewer systems; services are required to be provided to and through this development in accord with current City plans.*

- “With new subdivision plats, require the design and construction of pathway 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)

*A 10-foot wide multi-use pathway is proposed within the common open space area adjacent to future SH-16, which stubs to the north and south for interconnectivity with adjacent development; other pathway connections are proposed to this pathway throughout the development. A pedestrian pathway is also proposed to the high school campus to the west. A substantial amount of usable open space & quality amenities is proposed in this development.*

- “Evaluate comprehensive impacts of growth and consider City Master Plans and Strategic Plans in all land use decisions (e.g., traffic impacts, school enrollment, and parks).” (3.01.01A)

*A Traffic Impact Study (TIS) was required by ACHD for this development and was taken into consideration in ACHD’s report.*

*WASD submitted comments stating that approximately 93 school aged children are estimated to be generated by this development; enrollment at the affected schools is currently under capacity.*

*The closest City Park to this site is Seasons Park, a neighborhood park consisting of 7.13 acres, to the southeast of W. Ustick Rd. and N. McDermott Rd. A future City Park is designated on the FLUM within a half mile of this site to the northwest.*

- “Require all development to create a site design compatible with surrounding uses through buffering, screening, transitional densities, and other best site design practices.” (3.07.01A)

*The proposed site design features a large linear common open space area as a transition and buffer between the proposed residential area and future SH-16. Lots proposed along the northern boundary are compatible in size and area with those in Chuker Ridge.*

- “Require urban infrastructure be provided for all new developments, including curb and gutter, sidewalks, water and sewer utilities.” (3.03.03G)

*Urban sewer and water infrastructure and curb, gutter and sidewalks are proposed as required with this development.*

*In summary, Staff believes the proposed development plan is generally consistent with the vision of the Comprehensive Plan per the analysis above. Although the proposed density is below that desired in MU-N designated areas and there are no supporting services for the residential development, Staff believes the proposed development is appropriate for this area based on the lack of access available to the site from collector or arterial roadways. The LDS seminary and land proposed to be donated for a Boys & Girls Club will provide religious and childcare*



*facilities within close proximity to the high school on the abutting property to the west which will be a benefit for area residents and the community.*

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

### A. Annexation:

The proposed annexation area consists of 40 acres of land with R-8 (~~31.59~~ 27.63 acres), L-O (1.64 acres) and M-E (~~6.77~~ 10.72 acres) zoning districts. As discussed above in Section IV., the uses proposed in this development are consistent with the MU-N FLUM designation.

The proposed residential use (i.e. single-family detached homes) is principally permitted in the R-8 district; future development should comply with the dimensional standards listed in UDC Table [11-2A-8](#). The LDS seminary (i.e. church or place of religious worship) is principally permitted in the L-O district, subject to the specific use standards listed in UDC [11-4-3-6](#); the Boys & Girls Club (i.e. civic, social or fraternal organization) is a conditional use in the L-O district, subject to the specific use standards listed in UDC [11-4-3-7](#); and research and development is a principal permitted use in the M-E district – future development should comply with the dimensional standards for the applicable district in UDC Table [11-2B-3](#).

The property is contiguous to City annexed land to the north and west and is within the City's Area of City Impact boundary. A legal description and exhibit map of the overall annexation area along with individual legal descriptions and exhibit maps for the R-2 and R-4 zoning districts are included in Section VIII.A.

The City may require a development agreement (DA) in conjunction with an annexation pursuant to Idaho Code section 67-6511A. **To ensure future development is consistent with the development plan proposed with this application and with the Comprehensive Plan, Staff recommends a new DA is required with this application, containing the provisions noted in Section VIII.A, as discussed herein.**

~~Because a conceptual development plan wasn't included in this application for the commercial M-E zoned portion of the site, Staff recommends the DA is amended to include a conceptual development plan for that area that is consistent with the development guidelines in the Comprehensive Plan for the MU-N designation. After the Commission hearing, a conceptual development plan was submitted for the commercial M-E zoned portion of the site that is consistent with the development guidelines in the Comprehensive Plan for the MU-N designation.~~

### B. Preliminary Plat:

The proposed preliminary plat consists of a total of 112 lots consisting of (93) buildable lots and (13) common open space lots on ~~31.59~~ 27.63 acres of land in the R-8 zoning district; (2) buildable lots on 1.64 acres of land in the L-O zoning district; (1) buildable lot on ~~6.77~~ 10.72 acres of land in the M-E zoning district; and (3) future right-of-way lots on 40 acres of land for Aviator Springs Subdivision. The future ROW for SH-16 totals 7.9 acres and the McDermott ROW is 0.8 of an acre.

The subdivision is proposed to develop in two (2) phases as shown on the preliminary plat. The first phase will contain the land on the west side of future SH-16 and the second phase will contain the land on the east side.

The Applicant requests approval for one building permit for the LDS seminary building to be issued prior to subdivision of the property. Because there are no structures on this property, Staff is amenable to the request.

**Existing Structures/Site Improvements:**

There are no existing structures or site improvements on this property; it's currently agricultural land.

**Subdivision Design and Improvement Standards (UDC [11-6C-3](#)):**

Development of the subdivision is required to comply with the subdivision design and improvement standards listed in UDC 11-6C-3, including but not limited to streets and block face. The proposed plat complies with these standards.

**Access (UDC [11-3A-3](#))**

Access is proposed to the western portion of the development via the extension of two (2) local streets from the north from Chukar Ridge Subdivision. A temporary emergency access easement has been granted to the subject property by WASD through the school property until such time as another acceptable secondary access is provided to the site that meets Fire Dept. requirements. Future SH-16 is planned to bisect this site on Lot 1, Block 5. Access is proposed to the eastern portion of the site via N. McDermott Rd. Direct access via future SH-16 is prohibited. One (1) stub street is proposed to the south for future extension and interconnectivity.

Typically, a street generally paralleling the state highway is required with development to provide connectivity and access to all properties fronting the state highway that lie between the Applicant's property and the nearest section line road and/or half mile collector road. Because the developments to the north (i.e. Chukar Ridge & Gander Creek) did not provide such a road, Staff is not requiring one with this development. The stub street to the south is located at the back edge of the street buffer along future SH-16, which can be extended to the south to Ustick Rd. in accord with UDC 11-3H-4B.3.

**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 detached dwellings based on the number of bedrooms per unit. Garages and parking pads in driveways are proposed to satisfy this requirement.

The proposed street sections accommodate on-street parking on both sides of the streets for guests in addition to driveway parking spaces on each lot; 146 spaces are proposed for guests in the residential area along with another 28 spaces as depicted on the parking plan in Section VII.E. Staff is of the opinion sufficient parking can be provided for this development.

Off-street parking is also required for the 600 square foot building/changing rooms at the community swimming pool. A minimum of (1) space is required; a total of 11 spaces are proposed, including (1) ADA space, in excess of UDC standards.

**Pathways (UDC [11-3A-8](#)):**

The Pathways Master Plan does not depict any required multi-use pathways on this property. A 10' wide multi-use pathway is proposed within the common open space area adjacent to future SH-16. **The pathway is required to be placed in a 14-foot wide public use easement, which shall be submitted to the Planning Division prior to submittal for City Engineer signature on the final plat(s) for Phase 1.**

**Sidewalks (UDC [11-3A-17](#)):**

Sidewalks are required to be provided adjacent to all streets as set forth in UDC 11-3A-17. Detached sidewalks are proposed within the development as depicted on the landscape plan.

**Parkways (UDC [11-3A-17](#)):**

Eight-foot wide parkways are proposed along all internal public streets where detached sidewalks are proposed. All parkways should be constructed in accord with the standards listed in UDC [11-3A-17E](#). **Because tree-lined streets are desired in MU-N designated areas, Staff recommends**

**trees and landscaping are added within all parkways per the standards in UDC 11-3A-17E and 11-3B-7C.**

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

A 35-foot wide street buffer is required on both sides of future SH-16, a state highway and entryway corridor. Landscaping is required to be installed within the buffer per the standards listed in [UDC 11-3B-7C](#), which require a *mix* of trees and shrubs, lawn, or other vegetative groundcover – shrub should be included in the buffer in accord with this standard. A dense buffer is proposed on the west side of future SH-16 consisting of a mix of deciduous & coniferous trees; **shrubs should be added as required by UDC 11-3B-7C. No buffer is depicted on the east side of future SH-16; a minimum 35-foot wide street buffer is required in a common lot or a permanent dedicated buffer with landscaping included on the landscape plan in accord with UDC standards.**

Common open space is required to be landscaped in accord with the standards listed in UDC 11-3G-3E. At a *minimum*, one tree per 8,000 square feet of common area is required to be provided along with lawn or other vegetative groundcover. Landscaping is proposed in *excess* of UDC standards as shown on the landscape plan in Section VII.C.

Landscaping is required adjacent to all pathways per the standards in UDC [11-3B-12C](#). A 5' wide landscape strip is required on both sides of pathways planted with a *mix* of trees, shrubs, lawn and/or other vegetative ground cover. **The Landscape Requirements table should include the linear feet of pathway with the required vs. proposed number of trees to demonstrate compliance with UDC standards.**

Landscaping is required within parkways per the standards listed in UDC [11-3A-17](#) and [11-3B-7C](#). **The Landscape Requirements table should include the linear feet of parkways within the development with the required vs. proposed number of trees to demonstrate compliance with UDC standards.**

**Qualified Open Space (UDC [11-3G](#)):**

A minimum of 10% *qualified* open space meeting the standards listed in UDC 11-3G-3B is required for developments over 5 acres in size. Based on the area of the plat, 40 acres, a minimum of 4 acres of qualified open space is required. The open space exhibit in Section VII.D depicts 7.64 acres (or approximately 23.8%) of common open space for the development in excess of the minimum standards. The exhibit includes all of the street buffer along future SH-16, whereas only 50% of the buffer qualifies per UDC 11-3G-3B.4; however, the amount of open space still exceeds the minimum standards.

**Qualified Site Amenities (UDC [11-3G](#)):**

A minimum of one (1) *qualified* site amenity is required for developments over 5 acres in size and up to 20 acres, with one (1) additional amenity required for each additional 20 acres of development area.

Based on a total of 40 acres of the residential development area, a minimum of two (2) qualified site amenities are required. A swimming pool with changing rooms, pedestrian pathways, additional qualified open space of at least 20,000 square feet in area and children's natural play structures are proposed as amenities in excess of the minimum UDC standards.

**Storm Drainage:**

An adequate storm drainage system is required in all developments in accord with the City's adopted standards, specifications and ordinances. Design and construction is required to follow Best Management Practices as adopted by the City. The Applicant submitted a [Limited Geotechnical Engineering Report](#) for the subdivision.



**Pressure Irrigation (UDC [11-3A-15](#)):**

Underground pressurized irrigation water is required to be provided for each and every lot in the subdivision as required in UDC 11-3A-15.

**Utilities (UDC [11-3A-21](#)):**

Utilities are required to be provided to the subdivision as required in UDC 11-3A-21.

**Waterways (UDC [11-3A-6](#)):**

The Eight Mile Lateral is a large open waterway that crosses the southwest corner of the site lies within a 50-foot wide irrigation easement that is proposed to be piped.

The UDC allows waterways such as this to remain open when used as a water amenity or linear open space as defined in UC 11-1A-1; otherwise, they are required to be piped or otherwise covered per UDC 11-3A-6B. The decision-making body may waive this requirement if it finds the public purpose requiring such will not be served and public safety can be preserved.

**Fencing (UDC [11-3A-6](#) and [11-3A-7](#)):**

All fencing is required to comply with the standards listed in UDC 11-3A-7. A 6-foot tall open vision metal fence is proposed adjacent to internal common open space areas to distinguish common from private areas. A 6-foot tall solid vinyl fence is proposed at the back edge of landscape buffers along local streets and at the rear of building lots facing future SH-16. A 6

**Noise Attenuation Wall ([11-3H-4D](#)):**

Noise abatement is required for residential uses adjoining a state highway. A berm or berm and wall combination is required to be constructed parallel to the state highway that meets the standards listed in UDC 11-3H-4D. A 6-foot tall fence/wall is proposed on the landscape plan that does *not* meet the required standards as there is no berm proposed.

**In accord with City Council's direction on previous developments to the north (i.e. Chukar Ridge & Gander Creek subdivisions), Staff recommends a 6-foot tall berm with a 6-foot tall wall on top of the berm is constructed within the buffer along future SH-16. The berm/wall is required to be a minimum of 10-feet higher than the elevation at the centerline of the state highway; the wall must meet the standards in UDC 11-3H-4D.3. A detail of the proposed berm/wall combination that demonstrates compliance with the standards listed in UDC 11-3H-4D and as recommended by Staff ~~should be~~ was submitted with the final plat for the first phase of development after the Commission hearing. *Alternative compliance may be approved by the Director as set forth in UDC 11-5B-5 where the applicant has a substitute noise abatement proposal in accord with ITD standards and prepared by a qualified sound engineer per UDC 11-3H-4D.4.***

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

Two (2) conceptual building elevations were submitted for future homes in this development as shown in Section VII.G. *Single-family detached dwellings are exempt from the design standards in the Architectural Standards Manual.*

A Certificate of Zoning Compliance and Design Review application shall be submitted for the non-residential portions of the development and approved prior to submittal of applications for building permits. All non-residential structures shall comply with the design standards listed in the Architectural Standards Manual.

**Because homes on lots that abut future SH-16 will be highly visible, the rear and/or side of structures on lots that face the highway should 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.**

## **VI. DECISION**

### **A. Staff:**

Staff recommends approval of the requested annexation and preliminary plat with the requirement of a DA with the conditions noted in Section VIII per the Findings in Section IX.

### **B. The Meridian Planning & Zoning Commission heard these items on October 21, 2021. At the public hearing, the Commission moved to recommend approval of the subject AZ and PP requests.**

#### **1. Summary of Commission public hearing:**

- a. In favor: Matt Adams, The Land Group**
- b. In opposition: None**
- c. Commenting: Todd Tucker, Boise Hunter Homes (BHH)**
- d. Written testimony: None**
- e. Staff presenting application: Bill Parsons**
- f. Other Staff commenting on application: None**

#### **2. Key issue(s) of public testimony:**

- a. BHH requested the stub street to the south be shifted further to the east to align with the planned location of the street in their future development;**
- b. The Applicant stated they'd like to pursue development of the LDS seminary and residential portions of the development first and restrict development of the Boys & Girls Club lot until a second public street access is available consistent with the ACHD conditions of approval.**

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

- a. The single public street access to this development;**
- b. Secondary emergency access and parameters of the M-E zone.**

#### **4. Commission change(s) to Staff recommendation:**

- a. None**

#### **5. Outstanding issue(s) for City Council:**

- a. None**

### **C. The Meridian City Council heard these items on December 14, 2021 and January 25, 2022. At the public hearing on January 25<sup>th</sup>, the Council moved to approve the subject AZ and PP requests to January 25, 2022.**

#### **1. Summary of the City Council public hearing:**

- a. In favor: Matt Adams, The Land Group; Ron Hopper; Hethe Clark, Clark Wardle**
- b. In opposition: None**
- c. Commenting: Todd Tucker, Boise Hunter Homes; Travis Hunter, Boise Hunter Homes; Sue Waggoner; Mark Waggoner.**
- d. Written testimony: Bart Hamilton, David Austin, Holly Miller, Jen Johnson, Jennifer Reese, Lance & Camie Olsen, Maile Thomas, Mathew & Nicole Gamette, Megan Roos, Trish Dildine, Troy Ball, Greg Borup, Paula Horsager, Melanie Evans; Matt Adams, The Land Group**
- e. Staff presenting application: Sonya Allen**
- f. Other Staff commenting on application: None**

#### **2. Key issue(s) of public testimony:**

- a. Many letters in support of the LDS seminary were submitted;**
- b. The Applicant submitted a response to the Commission recommendation (in agreement);**

- c. Todd Tucker, Boise Hunter Homes, requested the stub street to the south be shifted further to the east closer to future SH-16 to align with the planned location of the street in their future development;
  - d. Concern pertaining to impacts on water usage and from traffic generated from this development and public safety;
  - e. Updated school enrollment calculations resulting in 53 fewer students generated from this development than originally anticipated.
  - f. The property owner to the south requests Council approval of a reduction to the width of the street buffer at the southeast corner of this site along future SH-16 to facilitate a shift of the stub street to the south closer to SH-16 to allow for a reduced buffer width in the future on the adjacent property to the south when it comes in for development;
  - g. Not in favor of the density of the proposed development, desire for it to be less dense.
- 3. Key issue(s) of discussion by City Council:
  - a. Mr. Tucker's request for the stub street to the south to be shifted further to the east closer to future SH-16;
  - b. Concern pertaining to this development's impact on enrollment at area schools;
  - c. Concern pertaining to this development's impact on transportation in this area;
  - d. Impact on the proposed development from the adjacent school (i.e. traffic, parking, possibility of students using the common area and pool, trash, etc.);
  - e. Possible realignment of future SH-16 and resulting impact on the proposed development.
- 4. City Council change(s) to Commission recommendation:
  - a. None

## VII. EXHIBITS

### A. Annexation/Zoning Legal Descriptions & Exhibit Maps



#### LEGAL DESCRIPTION

Page 1 OF 1

July 9, 2021  
Project No.: 120124

**EXHIBIT "A"**  
**ANNEXATION / REZONE**  
**AVIATOR SRINGS SUBDIVISION**  
**ACCLIMA INC.**

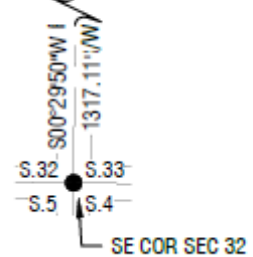
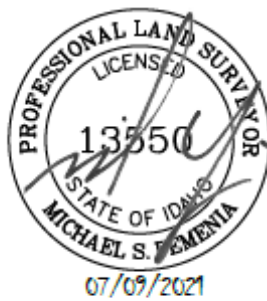
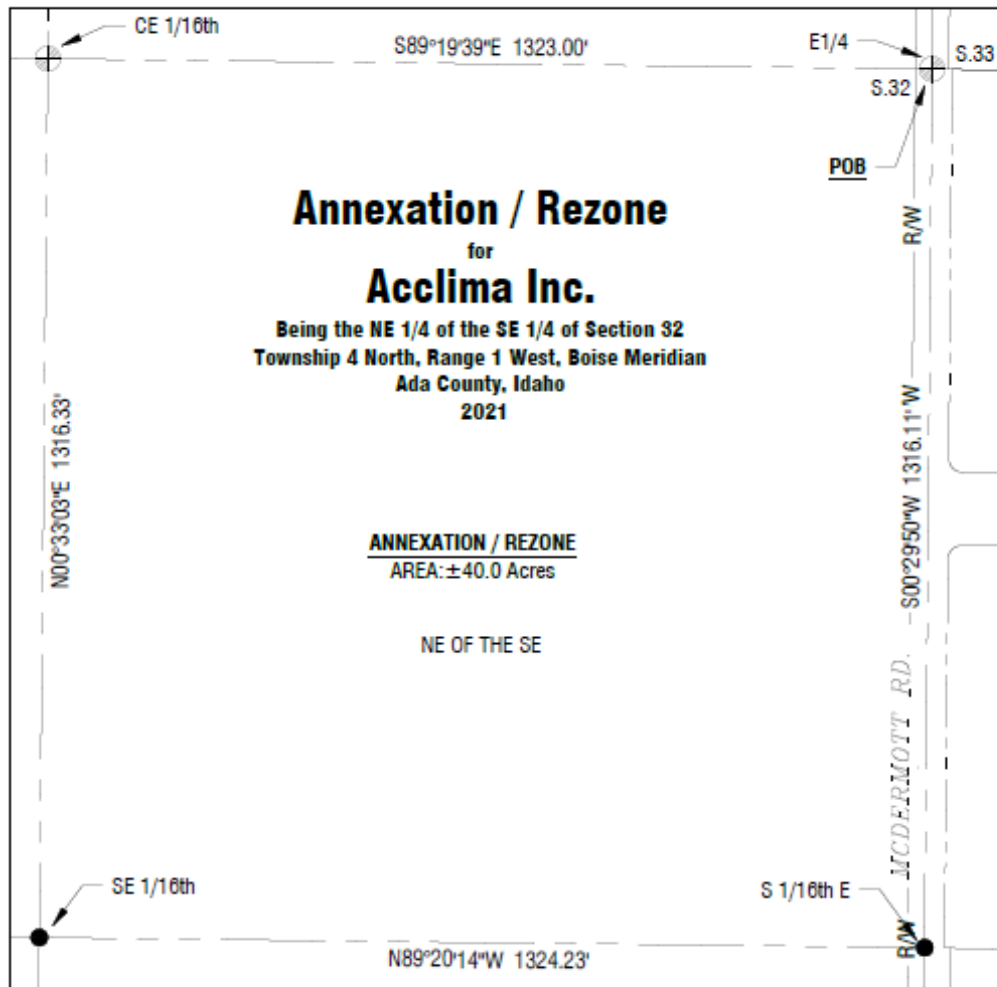
An area of land being the Northeast one quarter of the Southeast one quarter of Section 32, Township 4 North, Range 1 West, Boise Meridian, Ada County, Idaho, being more particularly described as follows:

**BEGINNING** at the East One Quarter corner of said Section 32 (from which the Southeast corner of said Section 32 bears South 00° 29' 50" West, 2633.22 feet distant);  
Thence South 00° 29' 50" West, 1316.11 feet, to the South One Sixteenth East corner of said Section 32;  
Thence North 89° 20' 14" West, 1324.23 feet, to the Southeast One Sixteenth corner of said Section 32;  
Thence North 00° 33' 03" East, 1316.33 feet, to the Center East One Sixteenth corner of said Section 32;  
Thence South 89° 19' 39" East, 1323.00 feet, to the **POINT OF BEGINNING**:

The above described area of land contains 40.0 acres, more or less.

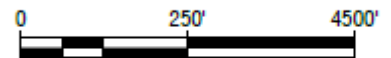
PREPARED BY:  
**The Land Group, Inc.**  
Michael Femenia, PLS





**Exhibit "B"**

Horizontal Scale: 1"=250'



120194  
Date of Issuance: July 9, 2021

File Location: C:\Users\jason\Documents\120194\120194.dwg  
Last Printed By: jason  
Date Printed: Mon, July 9, 2021 10:05:06 AM



**Annexation / Rezone  
Aviator Springs Subdivision  
Acclima Inc.**

**1 of 1**



## LEGAL DESCRIPTION

Page 1 OF 2

October 18, 2021  
Project No.: 120194

### EXHIBIT "A"

AVIATOR SRINGS SUBDIVISION  
ACCLIMA INC.  
ZONE R-8 REZONE DESCRIPTION

A parcel of land located in the Northeast Quarter of the Southeast Quarter of Section 32, Township 4 North, Range 1 West, Boise Meridian, Ada County, Idaho, being more particularly described as follows:

Commencing at the East Quarter Corner of Section 32 of said Township 4 North, Range 1 West, (from which point the South 1/16th corner common to Section 32 and Section 33 bears South 00°29'50" West, 1316.11 feet distant);

Thence North 89°19'39" West, a distance of 262.39 feet on the east-west mid-section line of said Section 32 to a point of curve, said point being the POINT OF BEGINNING;

Thence 673.35 feet on the arc of a curve to the left, said curve having a radius of 13,000.00 feet, a central angle of 02° 58' 04", a chord bearing of South 08° 15' 59" West, and a chord length of 673.28 feet on the proposed centerline of Highway 16;

Thence South 09° 45' 00" West, a distance of 657.04 feet on the proposed centerline of Highway 16 to a point on the south line of said Northeast Quarter of the Southeast Quarter of Section 32;

Thence North 89° 20' 14" West, a distance of 865.18 feet on said south line to the southeast 1/16th corner of said Section 32;

Thence North 00° 33' 03" East, a distance of 570.42 feet on the west line of said Northeast Quarter of the Southeast Quarter of Section 32;

Thence South 89° 25' 18" East, a distance of 217.12 feet;

Thence North 00° 40' 21" East, a distance of 176.00 feet;

Thence North 89° 25' 18" West, a distance of 217.49 feet to a point on the west line of said Northeast Quarter of the Southeast Quarter of Section 32;

Thence North 00° 33' 03" East, a distance of 19.62 feet on said west line;

Thence South 89° 25' 18" East, a distance of 217.54 feet;

Thence North 00° 40' 21" East, a distance of 155.94 feet;

Thence North 89° 19' 39" West, a distance of 41.70 feet to a point of curve;

Thence 25.23 feet on the arc of a curve to the right, said curve having a radius of 67.00 feet, a central angle of 21° 34' 42", a chord bearing of North 78° 32' 18" West, and a chord length of 25.08 feet;

Thence South 22° 15' 03" West, a distance of 11.20 feet;

Thence North 89° 25' 18" West, a distance of 147.39 feet to a point on the west line of said Northeast Quarter of the Southeast Quarter of Section 32;

October 19, 2021

Page 2

Thence North 00° 33' 03" East, a distance of 399.96 feet on said west line to a point on the east-west mid-section line of said Section 32;

Thence South 89° 19' 39" East, a distance of 1060.61 feet on said mid-section line to the POINT OF BEGINNING.

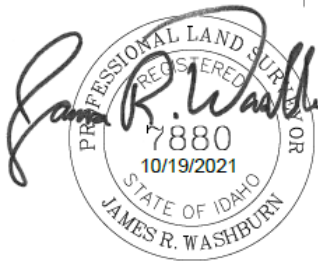
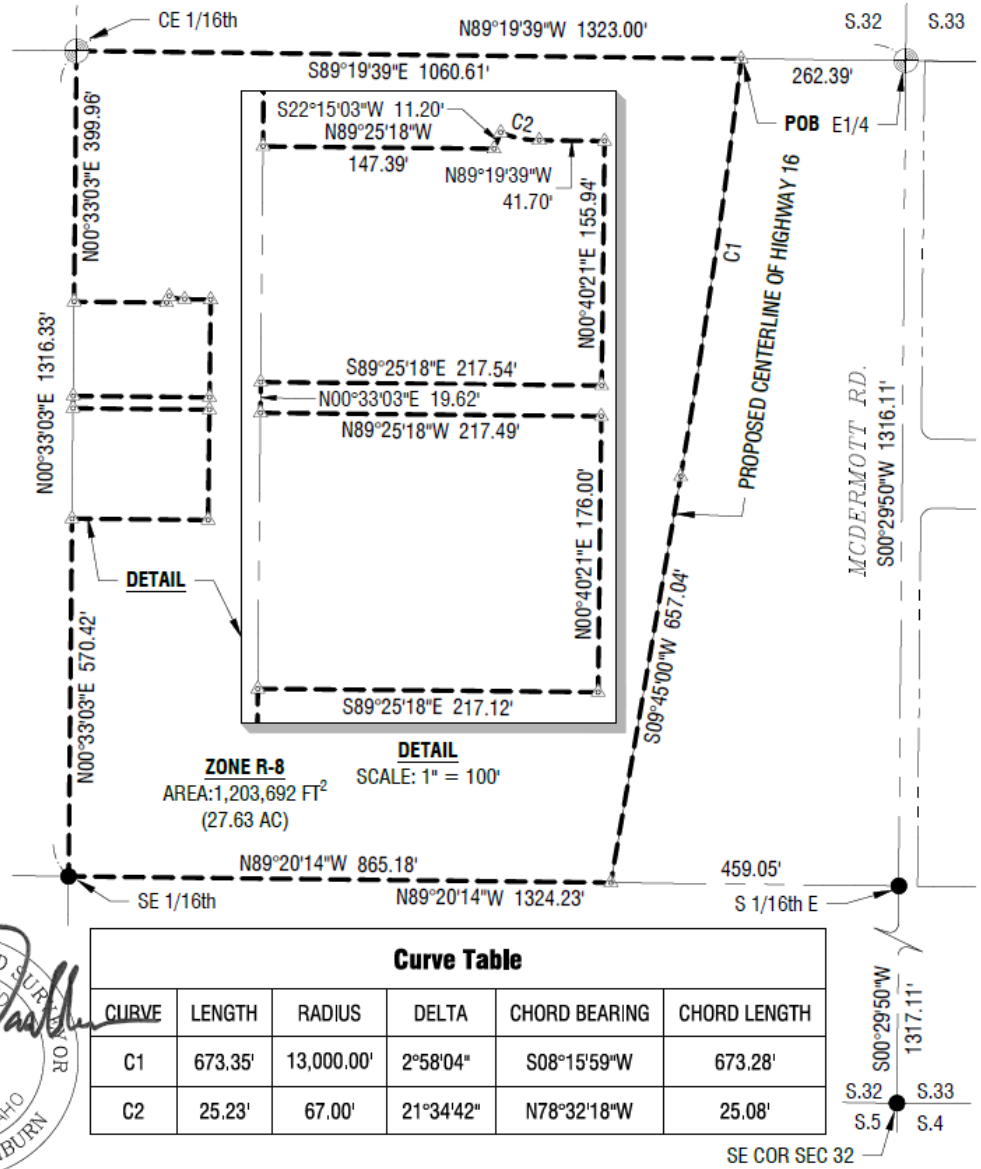
The above described contains 27.63 acres more or less.

PREPARED BY:  
**The Land Group, Inc.**

James R. Washburn

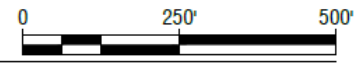






**Exhibit "B"**

Horizontal Scale: 1"=250'



120194  
Date of Issuance: 10/19/2021



**Rezone Exhibit  
Zone R-8**

**1 of 1**

File Location: g:\2020\120194\cad\survey\exhibit\120194 rezoning zone r-8 120194.dwg  
Last Plotted By: dm hicks  
Date Plotted: Tuesday, October 19, 2021 at 09:20 AM





## LEGAL DESCRIPTION

Page 1 OF 2

August 20, 2021  
Project No.: 120194

### EXHIBIT "A"

AVIATOR SPRINGS SUBDIVISION  
ACCLIMA INC.  
REZONE – ZONE L-0

A parcel of land located in the Northeast Quarter of the Southeast Quarter of Section 32, Township 4 North, Range 1 West, Boise Meridian, Ada County, Idaho, being more particularly described as follows:

Commencing at the East Quarter Corner of Section 32 of said Township 4 North, Range 1 West, (from which point the South 1/16th corner common to Section 32 and Section 33 bears South 00°29'50" West, 1316.11 feet distant);

Thence North 89°19'39" West, 1323.00 feet on the east-west mid-section line to the Center East One Sixteenth corner of said Section 32;

Thence South 00°33'03" West, a distance of 399.96 feet on the west line of the Northeast Quarter of the Southeast Quarter of Section 32 to the POINT OF BEGINNING;

Thence South 89° 25' 18" East, a distance of 147.39 feet;

Thence North 22° 15' 03" East, a distance of 11.20 feet to a point of curve;

Thence 25.23 feet on the arc of a curve to the left, said curve having a radius of 67.00 feet, a central angle of 21° 34' 42", a chord bearing of South 78° 32' 18" East, and a chord length of 25.08 feet;

Thence South 89° 19' 39" East, a distance of 41.70 feet;

Thence South 00° 40' 21" West, a distance of 155.94 feet;

Thence North 89° 25' 18" West, a distance of 217.54 feet to a point on the west line of the Northeast Quarter of the Southeast Quarter of Section 32;

Thence North 00° 33' 03" East, a distance of 150.33 feet on said west line to the POINT OF BEGINNING.

The above described parcel contains 33,162 square feet (0.76 acres) more or less.

### TOGETHER WITH

### REZONE – ZONE L-0

A parcel of land located in the Northeast Quarter of the Southeast Quarter of Section 32, Township 4 North, Range 1 West, Boise Meridian, Ada County, Idaho, being more particularly described as follows:

Commencing at the East Quarter Corner of Section 32 of said Township 4 North, Range 1 West, (from which the South 1/16th corner common to Section 32 and Section 33 bears South 00°29'50" West, 1316.11 feet distant);

Thence North  $89^{\circ}19'39''$  West, 1323.00 feet on the east-west mid-section line to the Center East One Sixteenth corner of said Section 32;  
Thence South  $00^{\circ}33'03''$  West, a distance of 569.91 feet on the west line of the Northeast Quarter of the Southeast Quarter of Section 32 to the POINT OF BEGINNING;

Thence South  $89^{\circ}25'18''$  East, 217.49 feet;

Thence South  $00^{\circ}40'21''$  West, a distance of 176.00 feet;

Thence North  $89^{\circ}25'18''$  West, a distance of 217.12 feet to a point on the west line of the Northeast Quarter of the Southeast Quarter of Section 32;

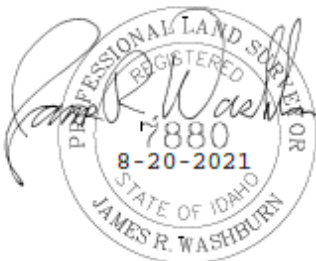
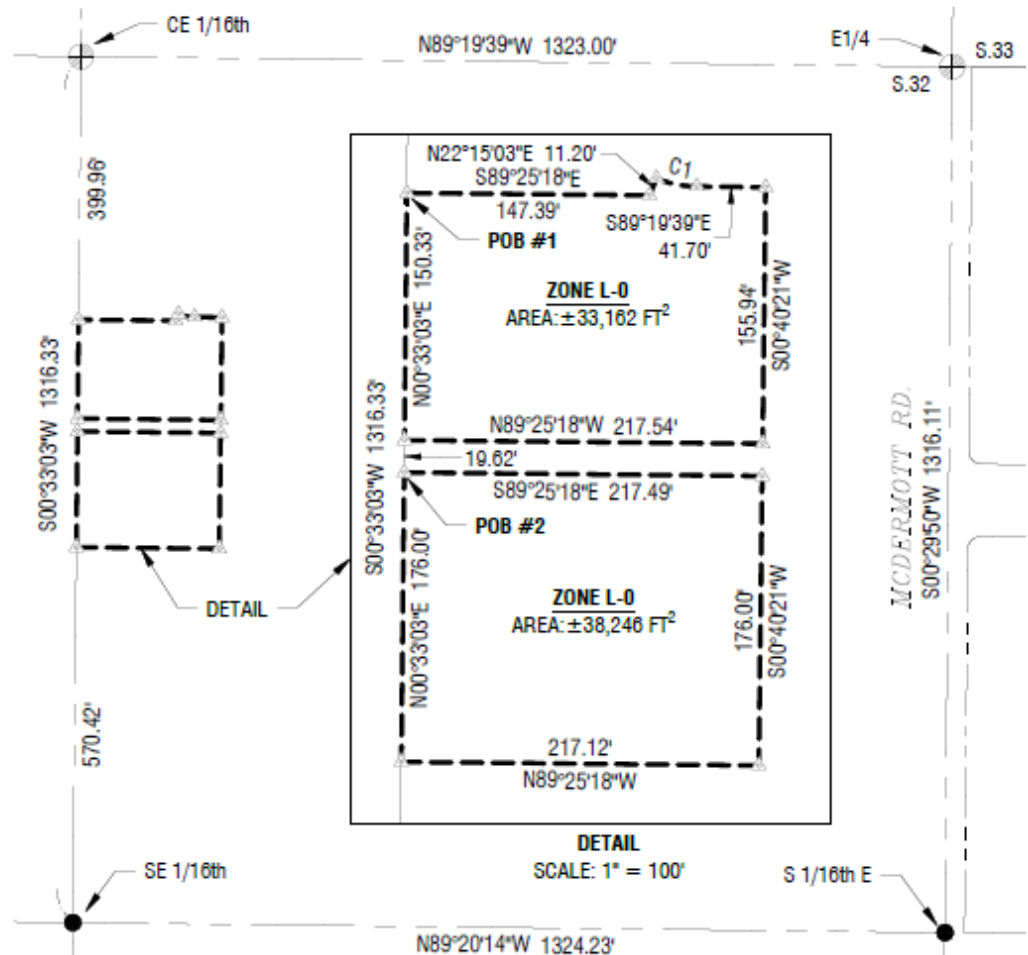
Thence North  $00^{\circ}33'03''$  East, 176.00 feet on said west line to the POINT OF BEGINNING.

The above described contains 38,246 square feet (0.88 acres) more or less.

PREPARED BY:  
**The Land Group, Inc.**

James R. Washburn



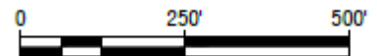


Curve Table					
CURVE	LENGTH	RADIUS	DELTA	CHORD BEARING	CHORD LENGTH
C1	25.23'	67.00'	21°34'42"	S78°32'18"E	25.08'



**Exhibit "B"**

Horizontal Scale: 1"=250'



120194

Date of Issuance: 08/11/2021



**Rezone Exhibit  
Zone L-0**

**1 of 1**



## LEGAL DESCRIPTION

Page 1 OF 1

October 19, 2021  
Project No.: 120194

### EXHIBIT "A"

AVIATOR SPRINGS SUBDIVISION  
ACCLIMA INC.  
ZONE M-E REZONE DESCRIPTION

A parcel of land located in the Northeast Quarter of the Southeast Quarter of Section 32, Township 4 North, Range 1 West, Boise Meridian, Ada County, Idaho, being more particularly described as follows:

Commencing at the East Quarter Corner of Section 32 of said Township 4 North, Range 1 West, (from which point the South 1/16th corner common to Section 32 and Section 33 bears South 00°29'50" West, 1316.11 feet distant), said East Quarter Corner of Section 32 being the POINT OF BEGINNING;

Thence South 00° 29' 50" West, a distance of 1316.11 feet on the east line of said Section 32 to the South 1/16th corner common to Section 32 and Section 33;

Thence North 89° 20' 14" West, a distance of 459.05 feet on the south line of the Northeast Quarter of the Southeast Quarter of Section 32;

Thence North 09° 45' 00" East, a distance of 657.04 feet to a point of curve;

Thence 673.35 feet on the arc of a curve to the right, said curve having a radius of 13,000.00 feet, a central angle of 02° 58' 04", a chord bearing of North 08° 15' 59" East, and a chord length of 673.28 feet to a point on the east-west mid-section line of said Section 32;

Thence South 89° 19' 39" East, a distance of 262.39 feet on said mid-section line to the POINT OF BEGINNING.

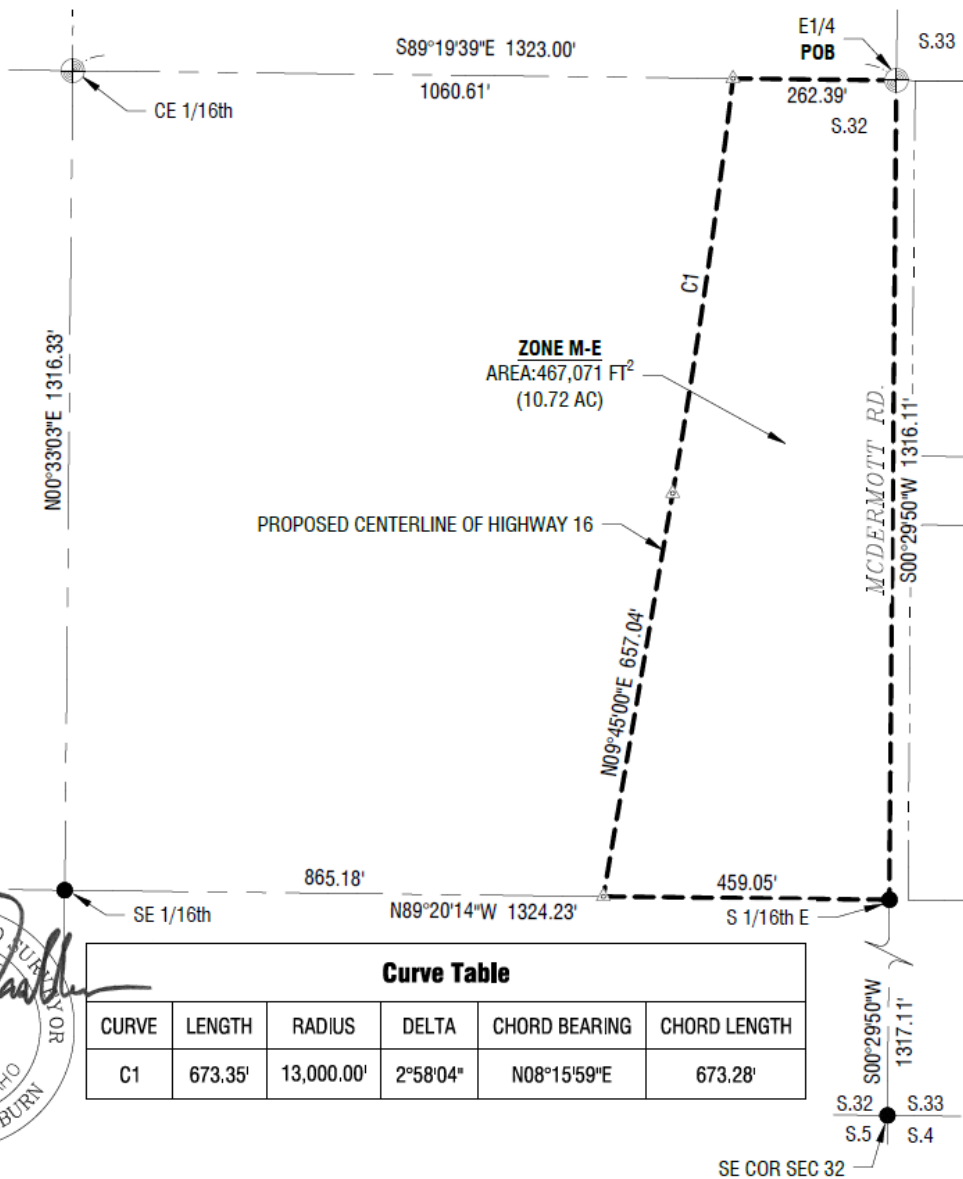
The above described parcel contains 10.72 acres more or less.

PREPARED BY:  
**The Land Group, Inc.**

James R. Washburn

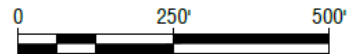


File Location: c:\2020\120194\land survey\exhibit\ex211016 rezon zone m-e 120194.dwg  
 User: jrwashburn  
 Date Plotted: Monday, October 18, 2021 4:02:19 PM



**Exhibit "B"**

Horizontal Scale: 1"=250'



120194

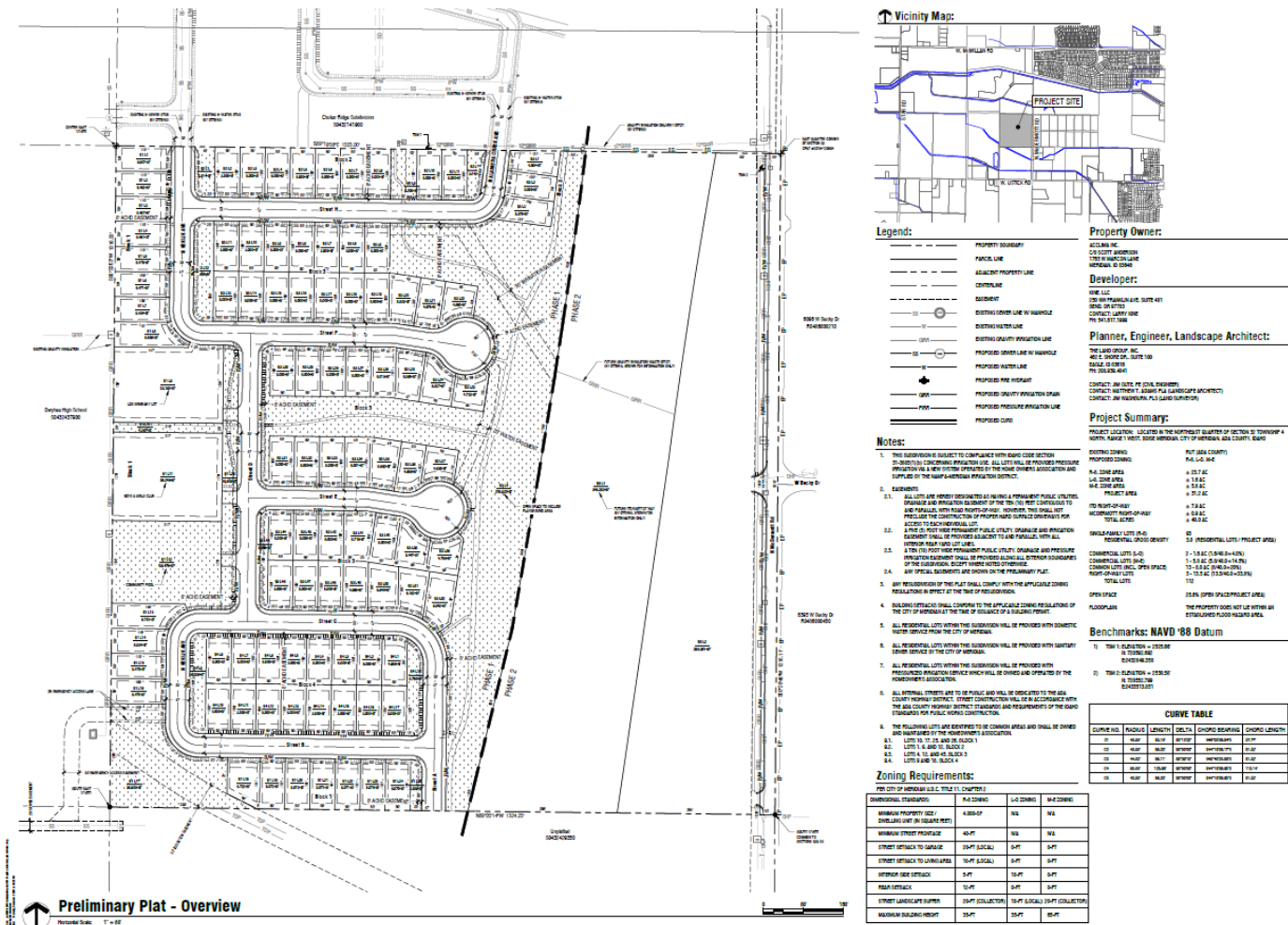
Date of Issuance: 10/18/2021



**Rezone Exhibit  
Zone M-E**

**1 of 1**

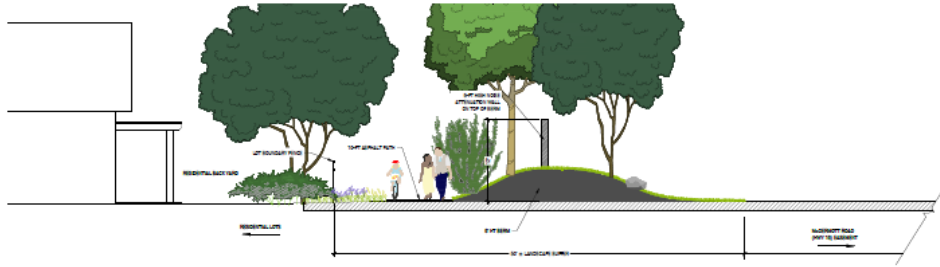
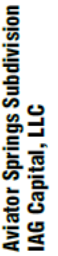
## B. Preliminary Plat & Phasing Plan (date: 9/3/2021-12/2/21) - Revised





**LP-01**

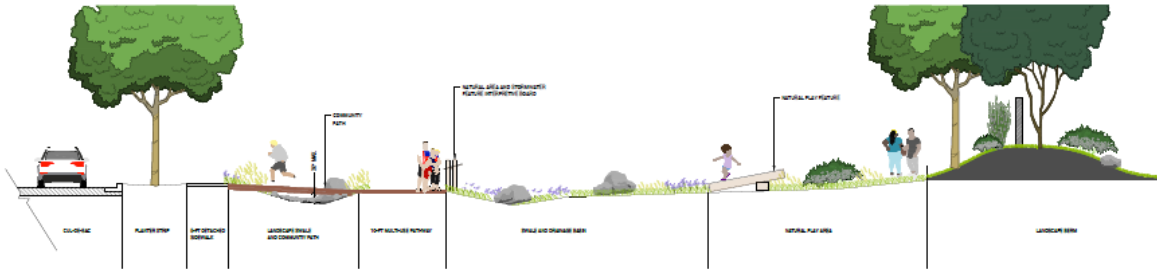




## 1 North Landscape Buffer - Connection to Ghukar Ridge Subdivision



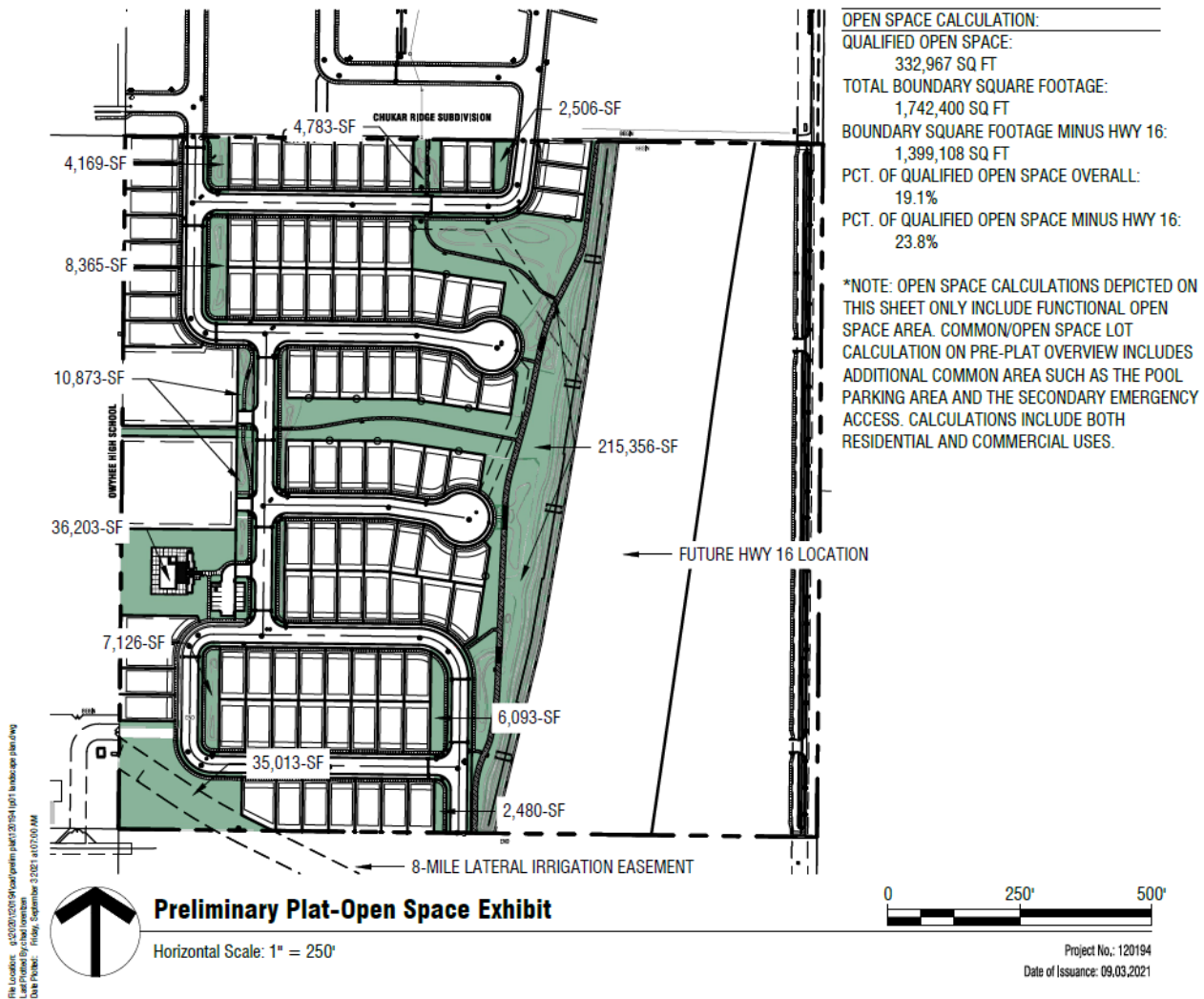
## 2 Roadside Swale



### 3 Pedestrian Pathways and Natural Play Area

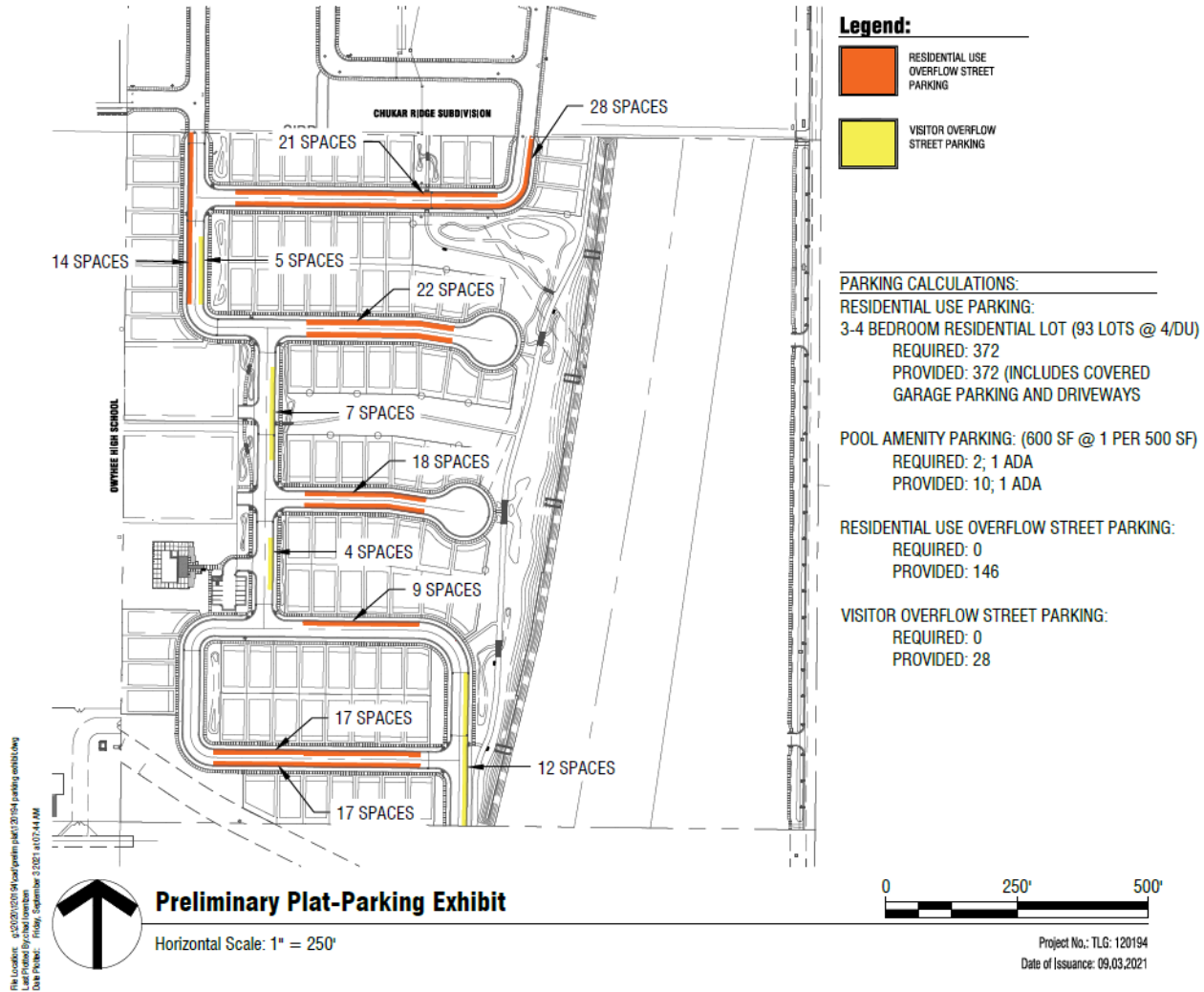


# D. Open Space Exhibit (dated: 9/3/21)



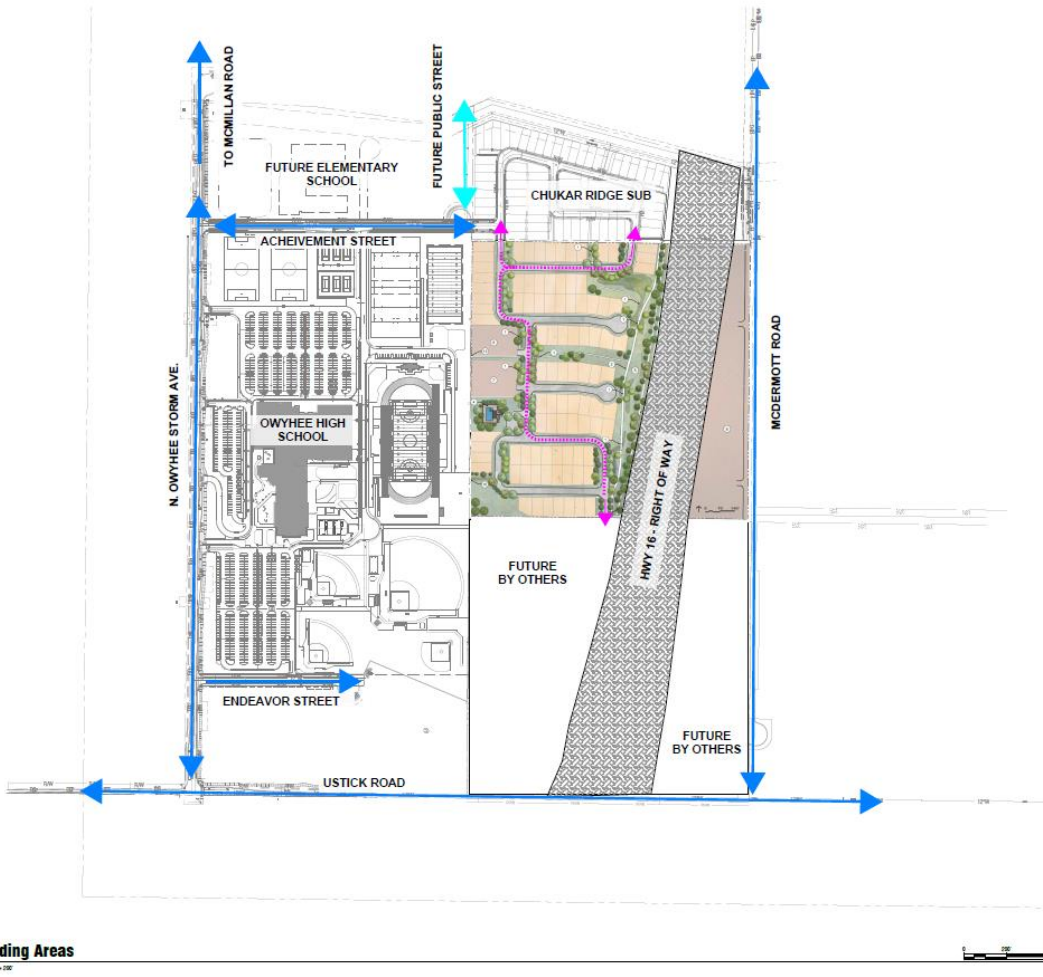
Agency Submittal  
Aviator Springs Subdivision  
IAG Capital, LLC  
LP-04

## E. Parking Exhibit



**Agency Submittal**  
**Aviator Springs Subdivision**  
**IAG Capital, LLC**  
**LP-05**

## F. Circulation Exhibit



Aviator Springs Subdivision

Map Date: 10/10/10

1	
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NOT FOR  
CONSTRUCTION

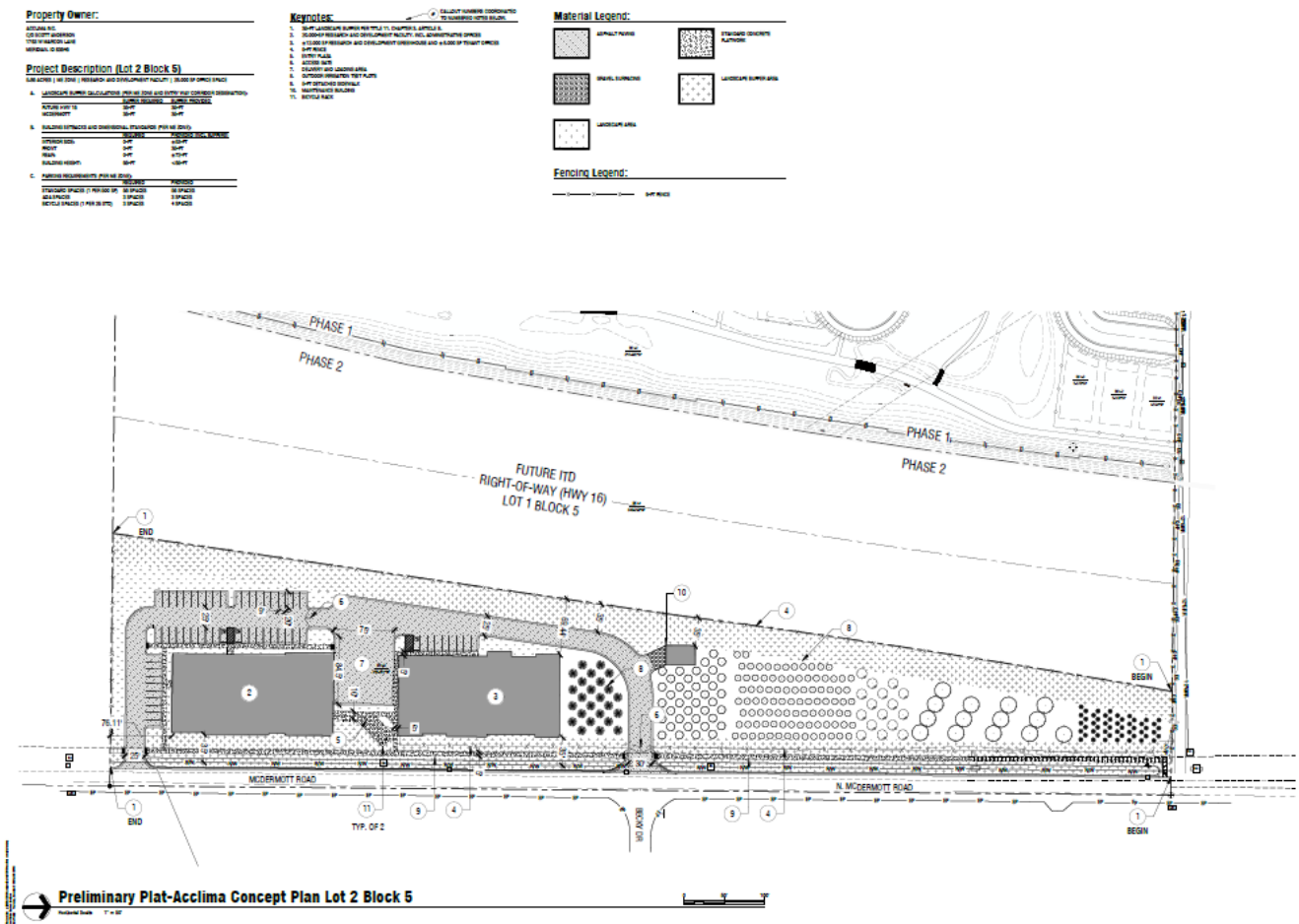
Project No.: 12/10/1000  
 Date: 10/10/10  
 Author: [Name]  
 Exhibit

EX



## G. Conceptual Building Elevations





**Aviator Springs Subdivision  
IAG Capital, LLC**

Journal of Marketing Education, 10(1), 10-11.  
 Marilam, ID 0509-405



**Preliminary Plot**  
**Decline Concept Plan**

PP-11

## 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) at the time of annexation ordinance adoption.

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. Development of the subject property shall be generally consistent with the preliminary plat, phasing plan, landscape plan, open space exhibit, conceptual development plan and conceptual building elevations.
  - b. A mix of uses shall be developed on this site consistent with that proposed (i.e. residential, church/civic and commercial) and as required in the MU-N designation.
  - c. ~~Prior to development of the M-E zoned portion of the site, the development agreement shall be amended to include a conceptual development plan that is consistent with UDC standards and the guidelines for development in the MU-N designation. If multiple~~ The commercial buildings are proposed in the development area on the east side of future SH-16, the buildings shall be arranged to create some form of common, usable area, such as a plaza or green space in accord with the development guidelines in the Comprehensive Plan for Mixed Use – Neighborhood designated areas and as shown on the conceptual development plan in Section VII.H.
  - d. One building permit for the LDS seminary building shall be allowed prior to subdivision of the property.
  - e. Noise abatement is required to be provided within the street buffer along future SH-16 in accord with the standards listed in UDC 11-3H-4D and as required by City Council in previous developments to the north (i.e. Chukar Ridge and Gander Creek Subdivisions - 6-foot tall berm with a 6-foot tall wall on top of berm).
2. The final plat shall include the following revisions:
    - a. Depict a minimum 35-foot wide street buffer along the east side of future SH-16 in a common lot or on a permanent dedicated buffer on Lot 1, Block 5; include a note stating the buffer will be maintained by the property owner or business owner's association in accord with UDC 11-3B-7C.2.
    - b. Include a note prohibiting access to future SH-16.
  3. The landscape plan submitted with the final plat shall be revised as follows:
    - a. Add Class II trees and landscaping within all parkways within the development in accord with the standards listed in UDC 11-3A-17E and 11-3B-7C as desired in MU-N designated areas.
    - b. Depict a minimum 35-foot wide street buffer along the east side of future SH-16 either in a common lot or a permanent dedicated buffer on Lot 1, Block 5; depict landscaping within the buffer in accord with the standards listed in UDC 11-3B-7C. Include shrubs within all required street buffers.

- c. Include calculations in the Project Calculations table that demonstrate compliance with the standards for pathway ([11-3B-12C](#)) and parkway ([11-3B-7C](#)) landscaping; include required vs. provided number of trees.
  - d. Include a detail of the berm or berm and wall combination required for noise abatement along future SH-16 that demonstrates compliance with the standards listed in UDC 11-3H-4D and is consistent with what City Council required on previous developments to the north (i.e. Chukar Ridge & Gander Creek – a 6-foot tall berm with a 6-foot tall wall on top of the berm); or apply for alternative compliance as allowed by UDC 11-3H-4D.4 as set forth in UDC 11-5B-5.
4. A 14-foot wide public use easement shall be submitted to the Planning Division for the multi-use pathway within the common open space area along future SH-16 prior to submittal of the Phase 1 final plat for City Engineer signature.
  5. Future development shall be consistent with the minimum dimensional standards listed in UDC Tables [11-2A-6](#) for the R-8 zoning district and [11-2B-3](#) for the L-O and M-E zoning districts.
  6. Off-street parking is required to be provided for all residential units in accord with the standards listed in [UDC Table 11-3C-6](#) based on the number of bedrooms per unit.
  7. The rear and/or sides of structures on lots that are visible from future SH-16 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.*
  8. Non-residential buildings shall be proportional to and blend in with residential buildings as set forth in the Comprehensive Plan.
  9. All waterways on this site shall be piped as set forth in UDC [11-3A-6B](#) unless otherwise waived by City Council (i.e. the Eight Mile Lateral).
  10. A conditional use permit application is required to be submitted and approved for the Boys and Girls Club (i.e. civic, social or fraternal organization) in the L-O zoning district as required by UDC Table 11-2B-2. Compliance with the specific use standards listed in UDC [11-4-3-7](#) is required.
  11. A Certificate of Zoning Compliance and Design Review applications shall be submitted for the non-residential portions of the development and approved prior to submittal of applications for building permits. All non-residential structures shall comply with the design standards listed in the Architectural Standards Manual.

## **B. PUBLIC WORKS**

### **1. Site Specific Conditions of Approval**

- 1.1 The [geotechnical investigative report](#) prepared by GeoTek, Inc. indicates some very specific construction considerations. The applicant shall be responsible for the adherence of these recommendations.
- 1.2 The applicant shall be required to pay the Oaks Lift Station and Pressure Sewer Reimbursement Fees in the amount of \$265.25 per building lot. The aggregate amount of the reimbursement fees for the entire preliminary plat area must be paid with the first final plat application.



- 1.3 The applicant shall be required to pay the Oaks Lift Station Pump Upgrades Reimbursement fees in the amount of \$185.43 per building lot. The aggregate amount of the reimbursement fees for the entire preliminary plat area must be paid prior to city signatures on the first final plat.
- 1.4 Ensure infiltration trenches are located so that sewer service lines do not pass through them.
- 1.5 Install blow-off valve per standard drawing W13 at the southern property boundary.
- 1.6 Ensure no permanent structures (trees, fences, bushes, buildings, car ports, trash enclosures, infiltration trenches, light poles, etc.) are placed within utility easements.

## **2. General Conditions of Approval**

- 2.1 Applicant shall coordinate water and sewer main size and routing with the Public Works Department, and execute standard forms of easements for any mains that are required to provide service outside of a public right-of-way. 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.
- 2.2 Per Meridian City Code (MCC), the applicant shall be responsible to install sewer and water mains to and through this development. Applicant may be eligible for a reimbursement agreement for infrastructure enhancement per MCC 8-6-5.
- 2.3 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 development plan approval.
- 2.4 The City of Meridian requires that pressurized irrigation systems be supplied by a year-round source of water (MCC 9-1-28.C). 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 receiving development plan approval.
- 2.5 All existing structures that are required to be removed shall be prior to signature on the final plat by the City Engineer. Any structures that are allowed to remain shall be subject to evaluation and possible reassignment of street addressing to be in compliance with MCC.
- 2.6 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.



- 2.7 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.
- 2.8 Any existing septic systems within this project shall be removed from service per City Ordinance Section 9-1-4 and 9 4 8. Contact Central District Health for abandonment procedures and inspections (208)375-5211.
- 2.9 Street signs are to be in place, sanitary sewer and water system shall be approved and activated, road base approved by the Ada County Highway District and the Final Plat for this subdivision shall be recorded, prior to applying for building permits.
- 2.10 A letter of credit or cash surety in the amount of 110% will be required for all uncompleted fencing, landscaping, amenities, etc., prior to signature on the final plat.
- 2.11 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.
- 2.12 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.
- 2.13 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.
- 2.14 Applicant shall be responsible for application and compliance with any Section 404 Permitting that may be required by the Army Corps of Engineers.
- 2.15 Developer shall coordinate mailbox locations with the Meridian Post Office.
- 2.16 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.
- 2.17 The design 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.
- 2.18 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.
- 2.19 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.
- 2.20 A street light plan will need to be included in the civil construction plans. Street light plan requirements are listed in section 6-5 of the Improvement Standards for Street Lighting. A copy of the standards can be found at [http://www.meridiancity.org/public\\_works.aspx?id=272](http://www.meridiancity.org/public_works.aspx?id=272).

2.21 The City of Meridian requires that the owner post to the City a performance surety in the amount of 125% of the total construction cost for all incomplete sewer, water and reuse 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 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.

2.22 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, water and reuse infrastructure for duration of two years. This surety will be verified by a line item cost estimate 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.

**C. FIRE DEPARTMENT**

<https://weblink.meridiancity.org/WebLink/DocView.aspx?id=237898&dbid=0&repo=MeridianCity&cr=1>

**D. POLICE DEPARTMENT**

<https://weblink.meridiancity.org/WebLink/DocView.aspx?id=237478&dbid=0&repo=MeridianCity>

**E. COMMUNITY PLANNING ASSOCIATION OF SOUTHWEST IDAHO (COMPASS)**

<https://weblink.meridiancity.org/WebLink/DocView.aspx?id=239097&dbid=0&repo=MeridianCity>

**F. DEPARTMENT OF ENVIRONMENTAL QUALITY (DEQ)**

<https://weblink.meridiancity.org/WebLink/DocView.aspx?id=238412&dbid=0&repo=MeridianCity>

**G. WEST ADA SCHOOL DISTRICT (WASD)**

<https://weblink.meridiancity.org/WebLink/DocView.aspx?id=250217&dbid=0&repo=MeridianCity> (Updated)

**H. COMMUNITY DEVELOPMENT SCHOOL IMPACT ANALYSIS**

<https://weblink.meridiancity.org/WebLink/DocView.aspx?id=239278&dbid=0&repo=MeridianCity>

**I. ADA COUNTY HIGHWAY DISTRICT (ACHD)**

<https://weblink.meridiancity.org/WebLink/DocView.aspx?id=240021&dbid=0&repo=MeridianCity>

**J. PARK'S DEPARTMENT**

<https://weblink.meridiancity.org/WebLink/DocView.aspx?id=240082&dbid=0&repo=MeridianCity>

## IX. FINDINGS

### A. Annexation and/or Rezone (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 City Council finds the proposed zoning map amendment to R-8, L-O and M-E and subsequent development is generally consistent with the Comprehensive Plan due to surrounding land uses, existing development patterns, future extension of Hwy 16 and limited access.*

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

*The City Council finds the proposed map amendment will allow for the development of single-family detached homes which will contribute to the range of housing opportunities available within the City consistent with the purpose statement of the residential districts.*

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

*The City Council finds the proposed zoning map amendment should 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 City Council finds the proposed zoning map amendment will 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 City Council finds the proposed 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 City Council finds that the proposed plat is generally consistent with the adopted Comprehensive Plan due to surrounding land uses, existing development patterns, future extension of Hwy 16 and limited access. (Please see Comprehensive Plan Policies in, Section IV. 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 City Council finds that public services will be provided to the subject property with development. (See Exhibit B 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, City 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 City 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 City Council is not aware of any health, safety, or environmental problems associated with the platting of this property. ACHD considers road safety issues in their analysis.*

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

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