

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



In the Matter of the Request for Annexation & Zoning of 5.63 acres of land with an R-8 zoning district and a preliminary plat consisting of 18 single-family residential lots and 3 common lots on 5.25 acres of land, by Matthew Schultz, Schultz Development, LLC.

Case No(s). H-2021-0021

For the City Council Hearing Date of: June 22, 2021 (Findings on July 6, 2021)

A. Findings of Fact

1. Hearing Facts (see attached Staff Report for the hearing date of June 22, 2021, incorporated by reference)
2. Process Facts (see attached Staff Report for the hearing date of June 22, 2021, incorporated by reference)
3. Application and Property Facts (see attached Staff Report for the hearing date of June 22, 2021, incorporated by reference)
4. Required Findings per the Unified Development Code (see attached Staff Report for the hearing date of June 22, 2021, 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 June 22, 2021, incorporated by reference. The conditions are concluded to be reasonable and the applicant shall meet such requirements as a condition of approval of the application.

C. Decision and Order

Pursuant to the City Council's authority as provided in Meridian City Code § 11-5A and based upon the above and foregoing Findings of Fact which are herein adopted, it is hereby ordered that:

1. The applicant's request for Annexation and Zoning and Preliminary Plat is hereby approved per the conditions of approval in the Staff Report for the hearing date of June 22, 2021, attached as Exhibit A.

D. Notice of Applicable Time Limits

Notice of Preliminary Plat Duration

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

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

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

Notice of Conditional Use Permit Duration

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

Upon written request and filed by the applicant prior to the termination of the period in accord with 11-5B-6.G.1, the Director may authorize a single extension of the time to commence the use not to exceed one (1) two (2) year period. Additional time extensions up to two (2) years as

determined and approved by the City Council may be granted. With all extensions, the Director or City Council may require the conditional use comply with the current provisions of Meridian City Code Title 11(UDC 11-5B-6F).

Notice of Development Agreement Duration

The city and/or an applicant may request a development agreement or a modification to a development agreement consistent with Idaho Code section 67-6511A. The development agreement may be initiated by the city or applicant as part of a request for annexation and/or rezone at any time prior to the adoption of findings for such request.

A development agreement may be modified by the city or an affected party of the development agreement. Decision on the development agreement modification is made by the city council in accord with this chapter. When approved, said development agreement shall be signed by the property owner(s) and returned to the city within six (6) months of the city council granting the modification.

A modification to the development agreement may be initiated prior to signature of the agreement by all parties and/or may be requested to extend the time allowed for the agreement to be signed and returned to the city if filed prior to the end of the six (6) month approval period.

E. 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 June 22, 2021.

By action of the City Council at its regular meeting held on the 6th day of July, 2021.

COUNCIL PRESIDENT TREG BERNT

VOTED AYE

COUNCIL VICE PRESIDENT BRAD HOAGLUN

VOTED AYE

COUNCIL MEMBER JESSICA PERREAULT

VOTED AYE

COUNCIL MEMBER LUKE CAVENER

VOTED AYE

COUNCIL MEMBER JOE BORTON

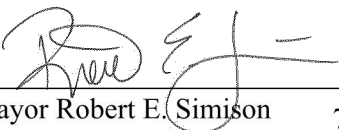
VOTED AYE

COUNCIL MEMBER LIZ STRADER

VOTED AYE

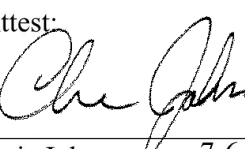
MAYOR ROBERT SIMISON
(TIE BREAKER)

VOTED _____



Mayor Robert E. Simison 7-6-2021

Attest:

Chris Johnson 7-6-2021
City Clerk

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

By:  Dated: 7-6-2021

City Clerk's Office

STAFF REPORT

COMMUNITY DEVELOPMENT DEPARTMENT



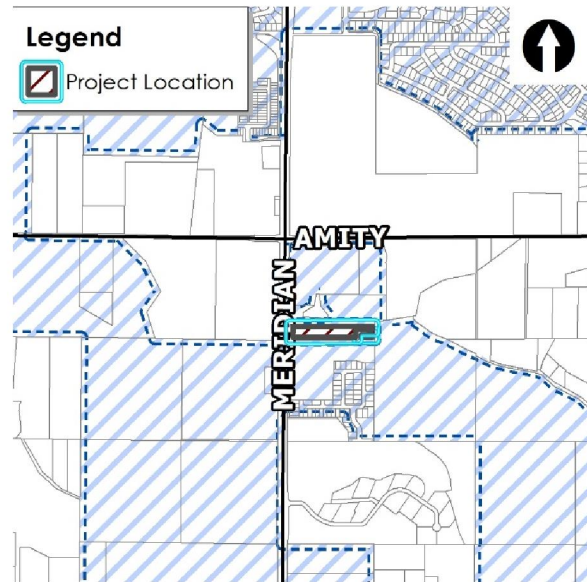
HEARING DATE: 6/22/2021

TO: Mayor & City Council

FROM: Joe Dodson, Associate Planner
208-884-5533

SUBJECT: H-2021-0021
Prevail North Subdivision

LOCATION: The site is located at 5150 S. Meridian Road, on the east side of Meridian Road and approximately ¼ mile south of E. Amity Road, in the NW ¼ of the NW ¼ of Section 31, Township 3N., Range 1E.



I. PROJECT DESCRIPTION

Annexation & Zoning of 5.63 acres of land with an R-8 zoning district and a preliminary plat consisting of 18 single-family residential lots and 3 common lots on 5.25 acres of land.

II. SUMMARY OF REPORT

A. Project Summary

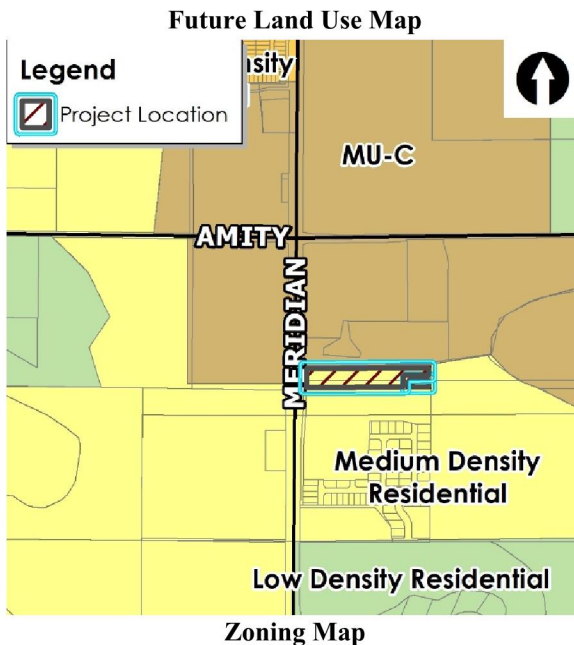
Description	Details	Page
Acreage	AZ – 5.63; Plat – 5.25 acres	
Future Land Use Designation	Medium Density Residential (3-8 du/ac)	
Existing Land Use(s)	Vacant land	
Proposed Land Use(s)	Detached Single-family Residential	
Lots (# and type; bldg./common)	18 residential building lots	
Phasing Plan (# of phases)	Proposed as one phase (essentially the third phase of the Prevail Subdivision)	
Number of Residential Units	18 single-family units	
Density	Gross – 3.42 du/ac	
Open Space (acres, total [%]/buffer/qualified)	0.83 acres (36,185 square feet), or 15.82% total open space; 0.75 acres, or 14.3% qualified open space	
Amenity	Multi-use Pathway	
Physical Features (waterways, hazards, flood plain, hillside)	Carlson Lateral crosses north property boundary twice. Applicant is proposing to reroute and pipe this lateral. See further analysis in Section V.N.	
Neighborhood meeting date; # of attendees:	March 30, 2021 – No attendees	
History (previous approvals)	N/A	

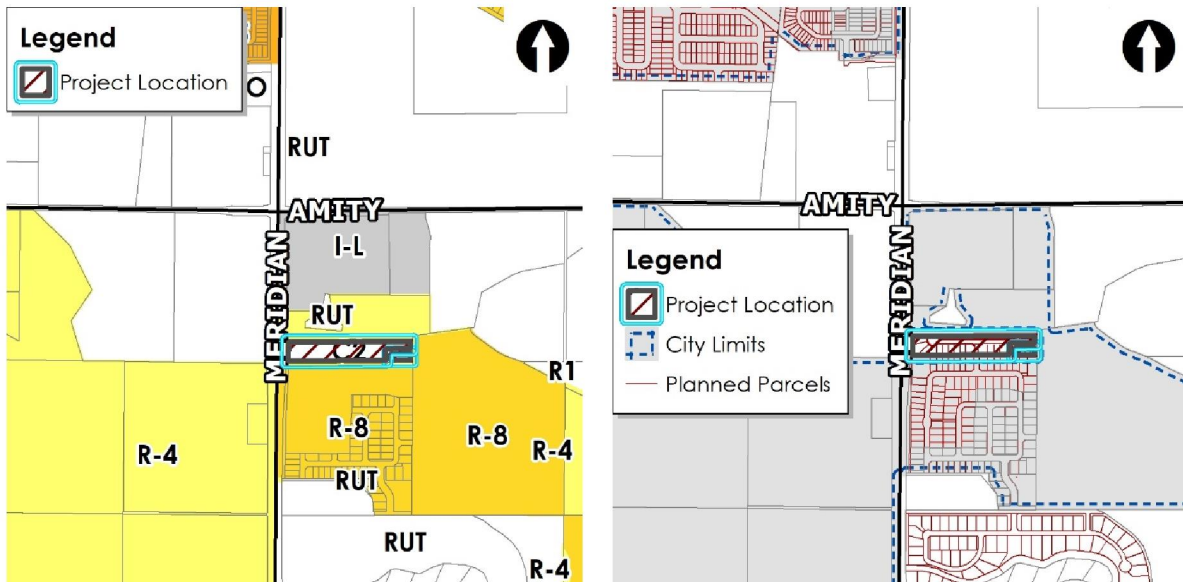
B. Community Metrics

Description	Details	Page
Ada County Highway District		
Staff report (yes/no)	Yes	
Requires ACHD Commission Action (yes/no)	No	
Access (Arterial/Collectors/State Hwy/Local) (Existing and Proposed)	Access is proposed via extension of an existing local street from Prevail No. 2 to the south. Through Prevail No. 2 and a segment of collector street (Quartz Creek Street), access is then to S. Meridian Road/SH 69.	
Stub Street/Interconnectivity/Cross Access	Applicant is proposing internal local streets to end in two cul-de-sacs, one to the east and one to the west. The western cul-de-sac would extend right-of-way to the northern property line for possible future extension through a city owned property. The eastern cul-de-sac is shown with a stub to the east property line for future connectivity to the east.	
Existing Road Network	No	
Existing Arterial Sidewalks / Buffers	No. Applicant will be required to construct the buffer, noise abatement, and detached multi-use pathway segment along Meridian Road/SH 69.	
Proposed Road Improvements	No road improvements are required with this application. CIP/Five Year Work Plan for nearby roads: - Amity Road is listed in the CIP to be widened to 5-lanes from Meridian Road (SH-69) to Locust Grove Road between 2036 and 2040. - Lake Hazel Road is listed in the CIP to 5-lanes from Meridian Road (SH-69) to Locust Grove Road between 2036 and 2040. - The intersection of Amity Road and Meridian Road (SH-69) is listed in the CIP to be widened to 6-lanes on the north leg, 6-lanes on the south, 7-lanes east, and 7-lanes on the west leg, and signalized between 2031 and 2035. - The intersection of Lake Hazel Road and Meridian Road (SH-69) is listed in the CIP to be widened to 6-lanes on the north leg, 6-lanes on the south, 7-lanes on the east, and 7-lanes on the west leg and signalized between 2036 and 2040.	
Distance to nearest City Park (+ size)	1.8 miles to Discovery Park	
Fire Service		
Distance to Fire Station	3.1 miles from Fire Station #6 (2.1 miles from proposed new fire station in South Meridian; response time would be approximately 3 minutes from proposed station).	
Fire Response Time	A portion of the project lies within the Meridian Fire response time goal of 5 minutes.	
Resource Reliability	Fire Station #6 reliability is 87% (above the goal of 80%)	
Risk Identification	Risk Factor 2 – Residential with hazards (open waterway)	
Accessibility	- Proposed project meets all required road widths, and turnaround dimensions. Emergency access in Prevail No. 2 to the south is meant to be temporary; additional access to the east or north is preferred by the Meridian Fire Department.	
Police Service		
Concerns	None/no comments	
Wastewater		

Description	Details	Page
Distance to Sewer Services	N/A	
Sewer Shed	South Black Cat Trunkshed	
Estimated Project Sewer ERU's	See application	
WRRF Declining Balance	14.09	
Project Consistent with WW Master Plan/Facility Plan	Yes	
Impacts/Concerns	Flow is committed	
Water		
Distance to Services	0'	
Pressure Zone	5	
Estimated Project Water ERU's	See application	
Water Quality Concerns	None	
Project Consistent with Water Master Plan	Yes	
Impacts/Concerns	- Water main will need to be installed in S Keyport Ave to connect to the existing water stub from Prevail Sub Phase 2 - The water main in S Scandia Ave that stubs to the City of Meridian property will need to be discussed with Public Works.	

C. Project Area Maps





III. APPLICANT INFORMATION

A. Applicant:

Matt Schultz, Schultz Development, LLC – PO Box 1115, Meridian, ID 83680

B. Owner:

Carl Reiterman – 2697 S. Linder Road, Meridian, ID 83642

C. Representative:

Same as Applicant

IV. NOTICING

	Planning & Zoning Posting Date	City Council Posting Date
Newspaper Notification	4/30/2021	
Radius notification mailed to properties within 500 feet	4/27/2021	
Site Posting	5/7/2021	
Nextdoor posting	4/27/2021	

V. STAFF ANALYSIS

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

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

The subject site is an approximate five (5) acre parcel in between multiple parcels that are already annexed into the City of Meridian. The site to the North is a city owned property reserved for a future well site that currently only has access to Meridian Road. To the South is the 113-lot

Prevail Subdivision (approved in 2019) zoned R-8 with a future access to Meridian Road via a collector street, E. Quartz Creek Street, and a temporary emergency-only access to Meridian Road. The Applicant on this application is the same as who received approvals for the Prevail Subdivision to the south therefore making Prevail North a continuation of the already approved Prevail Subdivision.

Commensurate with the future land use designation of MDR, the Applicant is proposing Prevail North with a gross density of 3.42 units per acre; therefore, proposing a residential project at the low end of the allowable density. Because this is an extension of the Prevail Subdivision to the south, the Applicant is aligning the proposed lots of Prevail North with those to the south to ensure compatibility of lot sizes. Furthermore, due to the constraints of the site being deep but relatively narrow and having a waterway along the north boundary, the Applicant is only proposing homes along the south boundary of the site.

Staff finds the proposed project to be generally consistent with the Comprehensive Plan. Specific Comprehensive Plan policies are discussed and analyzed below.

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

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

The applicable Comprehensive Plan policies are cited below with Staff analysis in italics.

“Avoid the concentration of any one housing type or lot size in any geographical area; provide for diverse housing types throughout the City” (2.01.01G). The proposed project offers a density and site design that mirrors that to the south. Because of the relatively small lot size, strict adherence to this policy is not feasible and not in the best interest of the City when considering the constraint of the city owned property to the north. Staff finds the addition of 18 more lots matching the already approved project to the south as merely an extension of that project.

“Establish and maintain levels of service for public facilities and services, including water, sewer, police, transportation, schools, fire, and parks” (3.02.01G). All public utilities are available for this project site due to the existing stubs abutting the site to the south within the right-of-way of the local street, S. Keyport Avenue. This project also lies within the Fire Department response time goal. However, the singular public road access is through the Prevail Subdivision to the south, currently under development. Fire code only allows 30 homes off of one access and with the two projects combined, there will be 135 homes off of this access. This is why, as seen on the plat and in previous approvals, an emergency-only access is required to Meridian Road and is located adjacent to the southern boundary of this plat. Despite meeting Fire Code, Meridian Fire has concerns over the approved access points and recommends requiring stub streets to both the north and east of this plat for future connectivity. West Ada School District has not made comments on this application but an additional 18 homes are expected to generate approximately 14 school age children which can be easily absorbed into the school system, according to the ratio of 0.8 kids per household.

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

“Preserve, protect, and provide open space for recreation, conservation, and aesthetics” (4.05.01F). *The Applicant is proposing this project with .75 acres of qualified open space, or 14.3%. The area chosen for the open space currently contains an irrigation lateral that is to be rerouted and placed on the shared property line between this property and the city owned property to the north—the Applicant has discussed this with Public Works and received approval to do this work.*

Placing the open space in this location allows for a relatively long and large open space area on one side of the new local street and preserves the area above the lateral for maintenance and for adequate recreation.

“Promote area beautification and community identity through context sensitive building and site design principles, appropriate signage, and attractive landscaping.” (5.01.02C). *As discussed above, the area of most notable open space is the large open space lot along the north property boundary. This open space area is proposed with adequate open area, a detached sidewalk, and appropriate landscaping to beautify the space while not being overwhelmed with trees that would otherwise limit the open area uses of the space. In addition, the Applicant will be required to continue the multi-use pathway and landscaping along Meridian Road adding to the area beautification along a major roadway.*

“Require pedestrian access in all new development to link subdivisions together and promote neighborhood connectivity.” (2.02.01D). *Proposed project is extending the attached sidewalks from the south to allow easy access to the future pedestrian facilities and amenities within Prevail Subdivision.*

“Ensure that new development within existing residential neighborhoods is cohesive and complementary in design and construction.” (2.02.02F). *As discussed, the Applicant is proposing lot sizes and lot lines that match those directly abutting the site to the south. This proposed density and lot placement should provide a cohesive project with Prevail Subdivision to the south.*

“Require new development to establish street connections to existing local roads and collectors as well as to underdeveloped adjacent properties.” (6.01.02C). *The Applicant is required to and is proposing to extend the abutting local street, S. Keynote, into the site and then “T” off the street by heading east and west with new streets for access to the proposed homes. In order to meet this policy as well as city development code, the Applicant is also proposing stub streets to the east and to the north. Further discussion and analysis on this are below in Section F, Access. Staff finds the Applicants proposed street connections comply with this policy.*

Staff finds this development to be generally consistent with the Comprehensive Plan.

C. Existing Structures/Site Improvements:

There are no existing structures on site beyond the existing irrigation lateral that bends south into the site from the north and runs along nearly the entire north property boundary line.

D. Proposed Use Analysis:

The proposed use is detached single-family residential with an average lot size of 6,677 square feet and a minimum lot size of 5,362 square feet. This use is a permitted use in the requested R-8 zoning district per UDC Table 11-2A-2. Due to the relatively small size of the development (5 acres), the project is proposed to be constructed in one phase but will be phase 3 of the Prevail Subdivision to the south.

The proposed use, lot sizes, and lot alignment should provide for a development that is cohesive with the adjacent development to the south.

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

The residential lots appear to meet all UDC dimensional standards per the submitted plat. In addition, all subdivision developments are also required to comply with Subdivision Design and Improvement Standards (UDC 11-6C-3). *The proposed preliminary plat and submitted plans appear to meet all UDC requirements.*

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

The Applicant submitted conceptual building elevations for the proposed detached single-family homes. Note that detached single-family homes do not require Design Review approval therefore Staff does not review these for compliance with any standards.

However, the submitted elevations depict majority two-story homes with two-car garages and varying home styles noted as “Traditional,” “Craftsman,” and “Contemporary.” The elevations depict differing field materials of lap siding and stone with varying roof profiles offering an overall array of potential homes.

G. Access ([UDC 11-3A-3](#), [11-3H-4](#)):

Access is proposed via extension of Keyport Avenue, a local street stubbed to the southern boundary from the Prevail Subdivision. The submitted plans show Keyport extending into the site and then heading both east and west as Liberator Street to end in permanent cul-de-sacs at both ends of the site, in alignment with ACHD policy. The extension of all local streets is proposed as 33-foot wide street sections with the exception of a bulb-out along the north side of Liberator Street at the terminus of Keyport Avenue. This bulb-out is intended to be a traffic calming measure because the overall Liberator street, east-west, is greater than 750’ in length (Liberator is proposed as approximately 908’ in length from the center of the western cul-de-sac to the east property line). ACHD notes in their staff report that this type of traffic calming is acceptable but has not given a definitive approval of the location proposed on the revised preliminary plat. The Applicant will continue working with ACHD following any approvals received from the City and will likely be finalized with the final plat submittal at a future date. Staff is not concerned with the proposed location of the bulb-out and believes it will provide the desired traffic calming effects.

Although, the length of the street from east to west is greater than 750’ in length, S. Keyport intersects this street approximately half way to break up the block length. In addition, UDC 11-6C-3 notes that a dead-end street cannot be greater than 750’ in length without an intersecting street. Because of S. Keyport intersecting Liberator, neither the west or east cul-de-sac is greater than 500’ therefore not requiring any Council Waiver. It is admittedly an unusual road design but Staff considers it the most efficient design for livability and access when considering the site constraints of a large irrigation facility along nearly the entire northern boundary and topography throughout the site. Furthermore, there are no homes fronting along the north side of the proposed local street which further mitigates any Staff concern regarding its length on one side.

The Applicant is also proposing two stub streets to adjacent properties; one to the north boundary out of the west cul-de-sac and one to the east boundary out of the east cul-de-sac. The original plat proposed both of these stub streets in the east quarter of the site but following conversations with Public Works the Applicant moved the stub street to the north to the west quarter of the site due to future plans for the City well site and topography issues. In congruence with this premise, the Applicant has also sited major topography issues with stubbing a street to the east boundary of the site and has specifically noted there could be a ten (10) foot elevation difference between the east stub street finish grade and the current grade of the Brighton owned property to the east.

Furthermore, the Applicant has also provided a conceptual drawing from the land owner to the east in order to show that a stub street to the east is not necessary—the submitted concept plan for the adjacent property does not show a street abutting the east property boundary of the subject site and instead appears to show an open space lot (see Exhibit VII.F). It should be noted that this concept plan is an older concept plan and the adjacent land owners do not have a solid plan in place for the area abutting the proposed plat.

Staff supports the overall road layout and stub street locations as proposed on the revised preliminary plat. Though there is potential for topography to complicate the future road extension to the east, Staff highly recommends maintaining the stub street to the east for added future connectivity through the Brighton parcel to the east. This recommendation is based both in code (UDC 11-3A-3) and from recommendations of the Meridian Fire Department for better neighborhood connectivity and emergency response access as properties to the southeast develop in the future.

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

Off-street parking is required to be provided in accord with the standards listed in [UDC Table 11-3C-6](#) for single-family dwellings based on the number of bedrooms per unit. Staff will confirm compliance with these standards at the time of building permit submittal for each residence. In addition, the proposed 33-foot wide street section accommodates on-street parking where no driveways exist and where there is no bulb-out. Furthermore, no on-street parking is allowed within any part of either cul-de-sac at the end of the new local streets.

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

5-foot wide attached sidewalks are proposed along the proposed streets except for that sidewalk adjacent to the large open space lot where 5-foot detached sidewalks with an 8-foot landscaped parkway are proposed instead. These sidewalks will be an extension of the pedestrian circulation of Prevail Subdivision to the south. The proposed sidewalks and parkway meet UDC 11-3A-17 standards and ACHD standards.

In addition to the internal sidewalks, the Applicant is required to construct a segment of 10-foot wide multi-use pathway along Meridian Road, per the Master Pathways Plan. The Applicant is showing this required pathway segment within a landscaped common lot, per code requirements.

J. Development Along State Highways ([UDC 11-3H](#)):

The proposed project has frontage along Meridian Road/SH 69 which requires noise abatement per UDC 11-3H-4. The Applicant is proposing to construct a 4-foot berm with a 6-foot wall on top of it to total 10' above SH 69 centerline height, as required by code. This proposal matches what was approved in Prevail Subdivision to the south. Due to this segment of the wall being less than 300' in length, code does not require modulation in the wall plane.

Other analysis regarding access standards of this code section are analyzed above in Section F.

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

The required landscaping regulated by code within the proposed development are the following areas: that area within the proposed parkways along the local street extension (UDC 11-3A-17 and UDC 11-3B); the common open space lot, and; the required landscape buffer to Meridian Road. The submitted landscape plans show landscaping in these areas as proposed.

The proposed 8-foot wide parkway is approximately 740' in length on the revised plat requiring at least 21 trees (1 per every 35 linear feet). The submitted landscape plan does not show compliance with this requirement because it is shown with less than 21 trees. In addition, the plat

has been revised since the original application submittal and the submitted landscape plans have not been revised to match the new road layout. Regardless, the Applicant should revise the landscape plans prior to the City Council hearing to ensure they match the revised preliminary plat and show compliance with the landscaping requirements.

In addition, common open space is required to be landscaped with one (1) tree for every 8,000 square feet of open space. The large open space area is shown as 32,709 square feet in the development table on the preliminary plat. However, Staff's area analysis shows a figure closer to 36,500 square feet. Based on Staff's calculation, the minimum number of trees that are required within the open space lot is five (5) trees. The submitted landscape plans show six (6) trees proposed exceeding the minimum UDC requirements.

The landscape buffer along Meridian Road is required to be 35' wide and contain the required multi-use pathway within it. The submitted landscape plans show compliance with UDC requirements for the number of trees, tree spacing/grouping, and additional vegetative ground cover. However, the Applicant is only showing a 25' wide common lot on the preliminary plat for the required street buffer. Therefore, the Applicant should correct both the plat and the landscape plans to depict the required 35' wide buffer.

The Applicant is also proposing a micro-pathway from the western cul-de-sac to the multi-use pathway and does not appear to have the correct landscaping. UDC 11-3B-12 requires that trees be placed on both sides of the pathway; the Applicant has only proposed trees on the south side of the pathway. Staff is not aware of any easements encumbering the north side of the pathway and the landscape strip appears to be the minimum 5-foot width. Therefore, the Applicant should move one of the trees to the other side of the micro-path; Staff recommends the center tree of the three currently shown on the south side of this pathway.

Although there is no code requirement for this change, Staff also recommends removing the shrub bed located in the center of the large open space lot. By removing this planter bed and the shrubs there would be an unobstructed area in the center of the open space lot that is at least 9,000 square feet in size; it is rare for a subdivision to provide an area this large for children to play in without obstruction. If the Applicant desires to still include the same number of shrubs as currently shown, they could disperse them to the planter beds shown further to the west and east on the landscape plan.

L. Qualified Open Space and Amenities (UDC 11-3G):

The subject site is 5.63 acres in size with a plat over 5.25 acres in size requiring at least one (1) amenity and 0.536 acres of qualified open space per UDC 11-3G-3. The Applicant is continuing a segment of multi-use pathway along the Meridian Road frontage which qualifies as the required amenity. Because this plat would be an extension of the already approved Prevail Subdivision, the Applicant has indicated these future residents will be able to use the other amenities and open space in Prevail. The closest amenity to this phase is an open space lot with a playground that is located due south from the Keyport Avenue extension and has a micro-path in direct alignment with that amenity lot. Should Commission/Council find that this distance is too great for the future residents of Prevail North to walk to utilize the playground, Staff recommends they require an additional amenity with the large open space lot proposed on this subject site. To help ensure the amenities and open spaces are shared, Staff is including a DA provision that all of the common areas be owned and maintained by the same homeowner's association.

As discussed previously, the Applicant is proposing open space in excess of the code required 0.536 acres. Overall, the Applicant is proposing the large open space lot along the north property boundary, a micro-path lot, and the landscape buffer to Meridian Road as qualifying open space—cumulatively these areas amount to 49,878 square feet, or 1.15 acres, approximately 22%

of the 5.25 plat area. However, not all of this area is qualifying after receiving the revised landscape plan that fences off a section of the open space lot that is impeded by the irrigation easement for the rerouted Carlson Lateral. After removing this area, the area of qualified open space is 32,120 square feet (0.74 acres) or 14% of the plat area. The proposed qualified open space still exceeds the minimum code requirements by approximately 10,000 square feet. Furthermore, this calculation uses the 25' landscape buffer width along Meridian Road instead of the required 35' width. Therefore, the actual amount of qualified open space should be slightly larger. The Applicant should correct the open space exhibit to reflect both the revised layout and the correct amount of qualified open space.

Staff utilized the lot sizes shown on the revised preliminary plat to obtain the above calculations so Staff is comfortable stating the Applicant is proposing qualified open space in vast excess of code requirements.

Staff supports the proposed and revised open space exhibit and believes it offers adequate area for recreation and relaxation.

M. Fencing (UDC [11-3A-6](#), [11-3A-7](#)):

All fencing is required to comply with the standards listed in UDC 11-3A-7. Fencing is proposed as shown on the landscape plan and appears to meet UDC standards as proposed. **Should any fencing locations need to be revised to accommodate any irrigation easement requirements, the Applicant should notify Staff and submit revised drawings at the applicable future application submittals (i.e. final plat and/or final plat signature).**

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

The subject site contains a large section of the Carlson Lateral, an irrigation lateral maintained by Boise Project Board of Control (BPBC). The Applicant is proposing to both reroute and pipe this lateral consistent with the desires of the City Engineer for the purpose of benefiting both this Applicant and the City owned property bordering the subject site on the north boundary. Upon further discussions with BPBC and in coordination with Public Works, the Applicant is proposing to pipe the entire segment of the lateral on both properties from Meridian Road east to nearly the east property boundary, as shown on the submitted preliminary plat in Exhibit VII.B. Piping this lateral will allow for more buildable area of the subject site, fix some of the topography issues for the City owned property, and allow for easier maintenance by BPBC. Staff supports the piping of this irrigation lateral and the proposed plan complies with UDC 11-3A-6.

O. Pressurized Irrigation (UDC [11-3A-15](#)):

The Applicant is required to provide a pressurized irrigation system for the development in accord with 11-3A-15. The Applicant is showing a pressurized irrigation system on the landscape plans commensurate with code requirements. Land Development will review these plans in more detail at a later date when specific irrigation plans are submitted with the Final Plat application.

VI. DECISION

A. Staff:

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

B. The Meridian Planning & Zoning Commission heard these items on May 20, 2021. At the public hearing, the Commission moved to recommend approval of the subject Annexation and Zoning and Preliminary Plat requests.

1. Summary of Commission public hearing:
 - a. In favor: Matt Schultz, Applicant
 - b. In opposition: None
 - c. Commenting: Matt Schultz
 - d. Written testimony: None
 - e. Staff presenting application: Joseph Dodson, Associate Planner
 - f. Other Staff commenting on application: None
 2. Key issue(s) of public testimony:
 - a. None
 3. Key issue(s) of discussion by Commission:
 - a. Purpose of rerouting and piping Carlson Lateral and how does its placement affect any future road extensions on adjacent properties;
 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 June 22, 2021. At the public hearing, the Council moved to approve the subject Annexation and Zoning and Preliminary Plat requests.
1. Summary of the City Council public hearing:
 - a. In favor: Matthew Schultz, Schultz Development
 - b. In opposition: None
 - c. Commenting: Matthew Schultz
 - d. Written testimony: None
 - e. Staff presenting application: Joseph Dodson, Associate Planner
 - f. Other Staff commenting on application: Warren Stewart, City Engineer
 2. Key issue(s) of public testimony:
 - a. None
 3. Key issue(s) of discussion by City Council:
 - a. Necessity of a stub street out of the west cul-de-sac to the City owned property to the north;
 - b. Access into the development for future residents and/or city vehicles should an access be maintained to the City property to the north;
 - c. Repercussions of waiving the requirement to provide a stub street to the north property boundary;
 4. City Council change(s) to Commission recommendation:
 - a. Council approved a Council Waiver to remove the stub street to the north out of the west cul-de-sac.

VII. EXHIBITS

A. Annexation and Zoning Legal Descriptions and Exhibit Maps

EXHIBIT __

DESCRIPTION FOR PREVAIL NORTH SUBDIVISION CITY OF MERIDIAN ANNEXATION AND REZONE

A portion of Government Lot 1 of Section 31, T.3N., R.1E., B.M., Meridian, Ada County, Idaho more particularly described as follows:

Commencing at the NW corner of said Section 31 from which the W1/4 corner of said Section 31 bears South 00°37'56" West, 2641.54 feet;

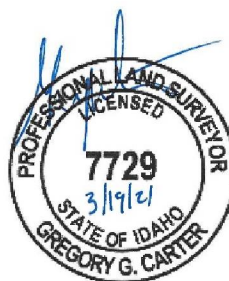
thence along the West boundary line of said Section 31 South 00°37'56" West, 1,113.77 feet to the **REAL POINT OF BEGINNING**;

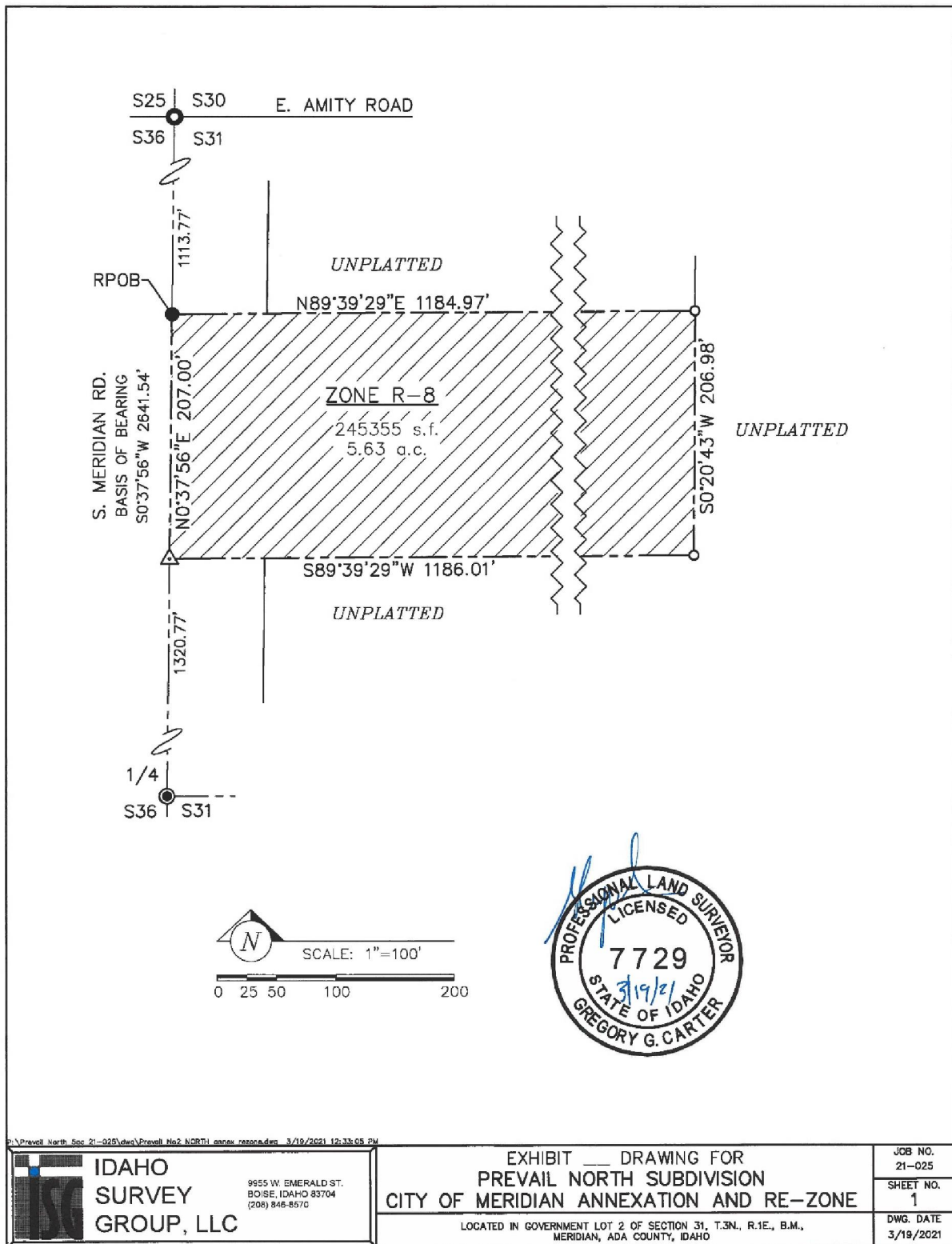
thence leaving said West boundary line North 89°39'29" East, 1,184.97 feet to a point on the East boundary line of said Government Lot 1;

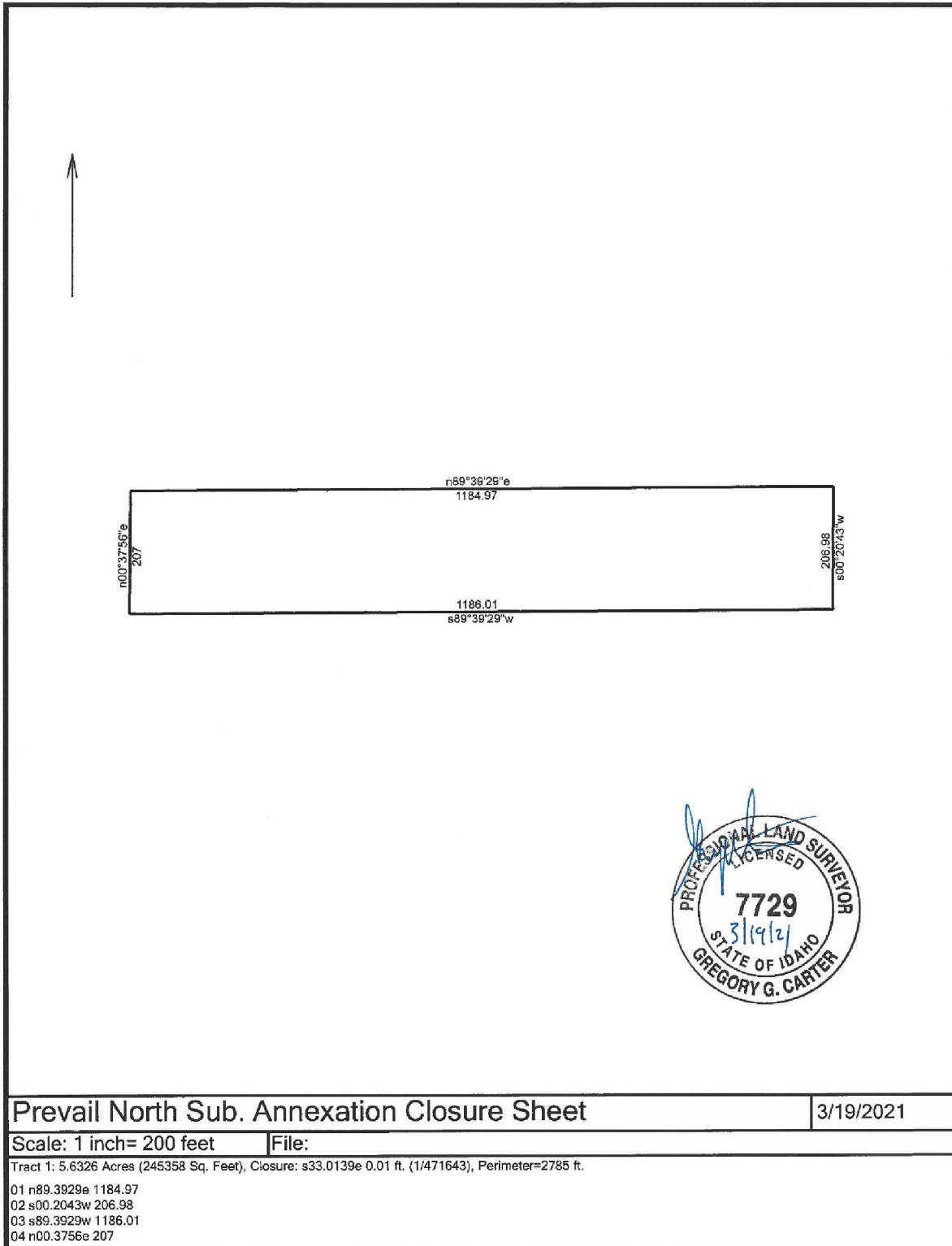
thence along the East boundary line of said Government Lot 1 South 00°20'43" West, 206.98 feet to the SE corner of said Government Lot 1;

thence along the South boundary line of said Government Lot 1 South 89°39'29" West, 1,186.01 feet to the SW corner of said Government Lot 1;

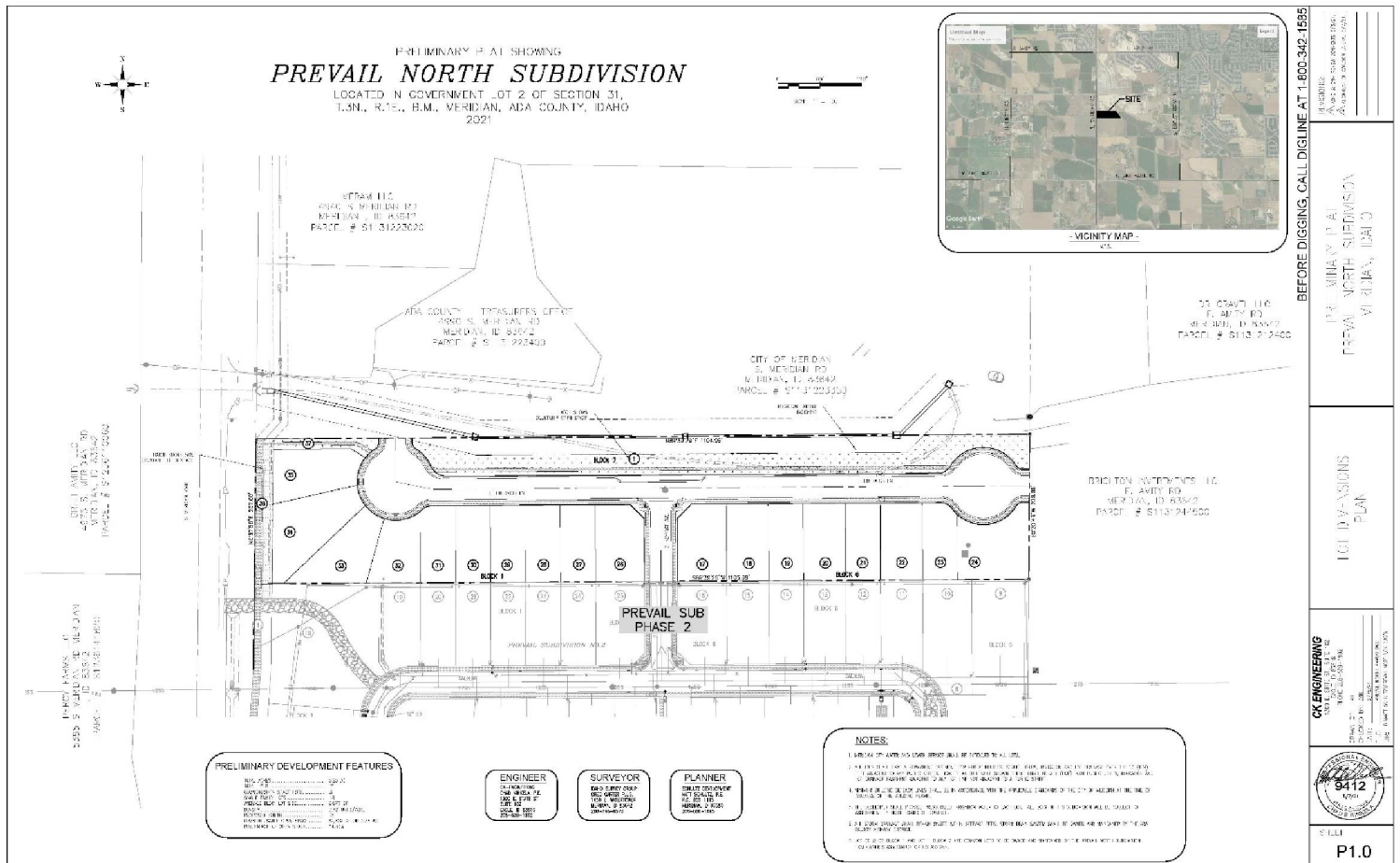
thence along the West boundary line of said Section 31 North 00°37'56" East, 207.00 feet to the **REAL POINT OF BEGINNING**. Containing 5.63 acres, more or less.

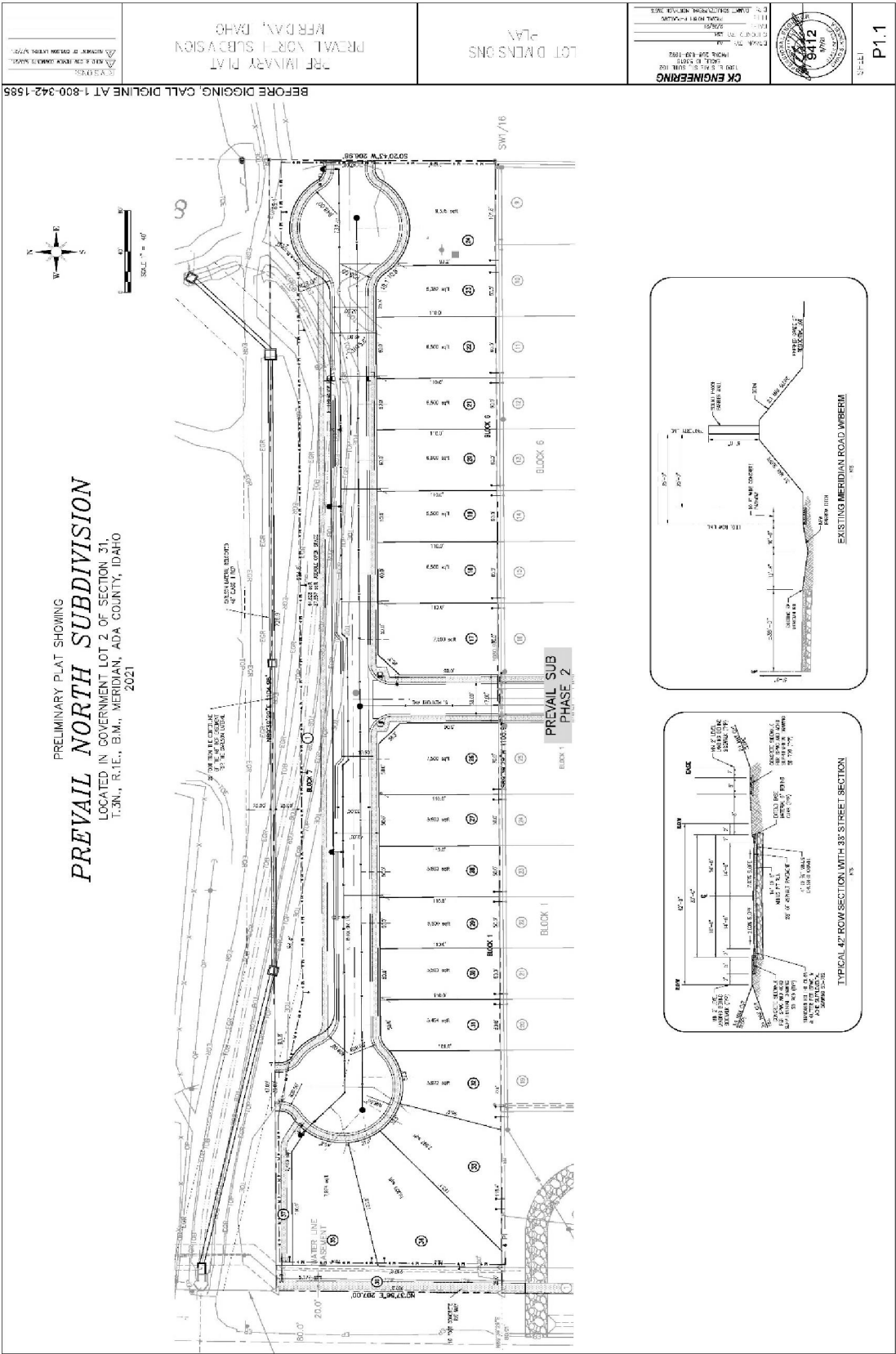






B. Preliminary Plat (dated: 5/7/2021)

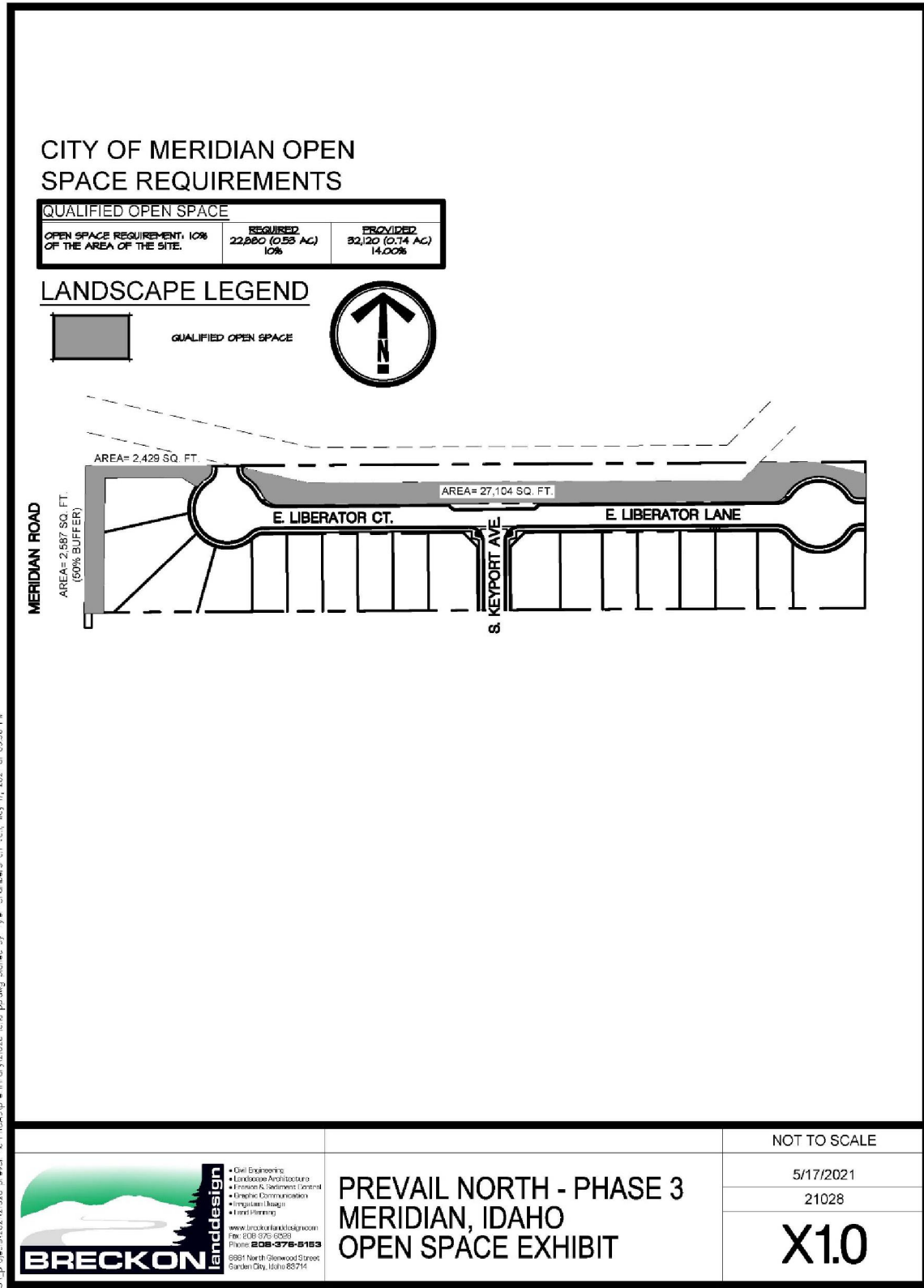




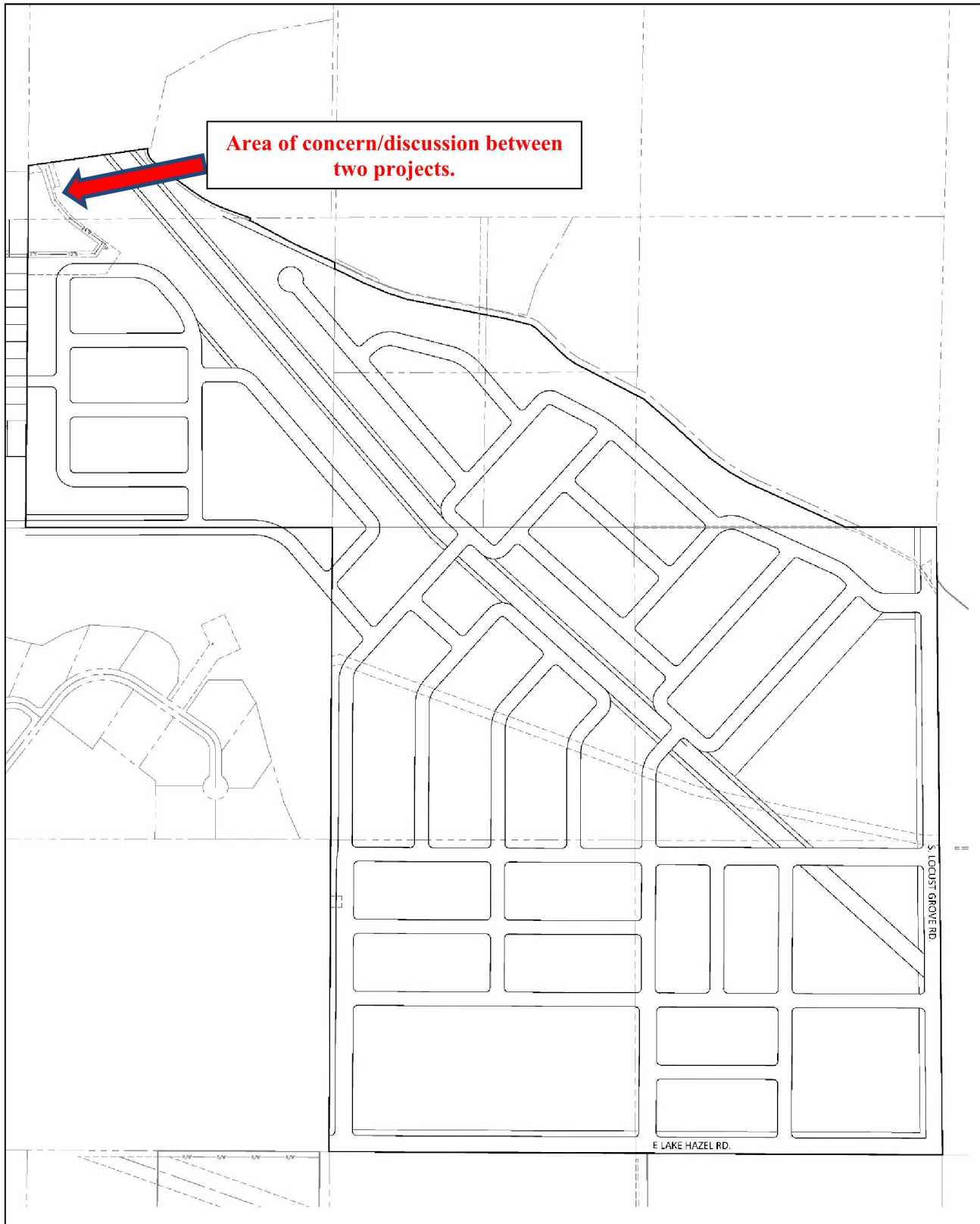
D. Color Landscape Plan – Prevail Subdivision Overall



E. Open Space Exhibit —NOT APPROVED dated: 5/17/2021



F. Concept Plan – Brighton Parcel (S1131244500)



G. Conceptual Building Elevations

Sample Elevations



— Traditional —



— Traditional —



— Traditional —



— Craftsman —



— Farmhouse —



— Craftsman —



— Contemporary —



— Contemporary —



— Contemporary —

Sample Elevations



— Traditional —



— Traditional —



— Traditional —



— Farmhouse —



— Craftsman —



— Craftsman —



— Contemporary —



— Contemporary —



— Contemporary —

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, the property owner(s) at the time of annexation ordinance adoption, and the developer.

Currently, a fee of \$303.00 shall be paid by the Applicant to the Planning Division prior to commencement of the DA. The DA shall be signed by the property owner and returned to the Planning Division within six (6) months of the City Council granting the annexation. The DA shall, at minimum, incorporate the following provisions:

- a. Future development of this site shall be generally consistent with the approved plat, landscape plan, and conceptual building elevations included in Section VII and the provisions contained herein, including a Council Waiver to remove the stub street to the north property boundary.
 - b. The rear and/or sides of 2-story structures that face S. Meridian Rd., an entryway corridor, 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.
 - c. All amenities and common open space within Prevail Subdivision (aka Percy Subdivision) and Prevail North Subdivision shall be owned and maintained by the same homeowner's association to ensure shared use in perpetuity.
2. The preliminary plat included in Section VII.B, dated May 7, 2021, shall be revised as follows prior to submitting for Final Plat approval:
 - a. Revise the plat to show the landscape buffer common lot along Meridian Road to be at least 35 feet wide consistent with the required dimensional standards along an entryway corridor or apply for Alternative Compliance, per UDC 11-5B-5.
 - b. Add a plat note stating that direct lot access to S. Meridian Road/SH 69 is prohibited.
 - c. Revise the plat to remove the stub street from the west cul-de-sac to the north property boundary, per the approved City Council waiver.
 3. ~~Revise the landscape plans, open space exhibit, and all other relevant plans to reflect the revised preliminary plat layout and provide revised plans to staff **at least fifteen (15) days prior to the City Council hearing.**~~
 4. The landscape plan included in Section VII.C, dated ~~March~~ May 17, 2021, shall be revised as follows prior to submitting for Final Plat approval:
 - a. Revise the plan to show the required landscape buffer along Meridian Road to be 35' instead of 25' or apply for Alternative Compliance, per UDC 11-5B-5.
 - b. ~~Move one of the trees located on the south side of the micro-pathway in the northwest corner of the site to the north side of the pathway consistent with UDC 11-3B-12.~~

- ~~e. Remove the center planter bed within the large open space lot, shown as Lot 1, Block 7.~~
 - ~~d. Plant the proposed 8-foot wide parkway along the north side of Liberator Street with at least one (1) tree per 35 linear feet consistent with UDC 11-3B-7C.~~
 - e. Any landscaping within the ITD right-of-way shall be landscaped in accord with UDC 11-3B-7C.5.
5. Future development shall be consistent with the minimum dimensional standards listed in UDC Table 11-2A-6 for the R-8 zoning district.
 6. Off-street parking is required to be provided in accord with the standards listed in UDC Table 11-3C-6 for single-family dwellings based on the number of bedrooms per unit.
 7. The Applicant shall comply with all ACHD conditions of approval.
 8. Provide a pressurized irrigation system consistent with the standards as set forth in UDC 11-3A-15, UDC 11-3B-6 and MCC 9-1-28.
 9. Prior to issuance of Certificate of Occupancy on any building, the applicant shall submit a public access easement for the multi-use pathway segment along Meridian Road to the Planning Division for approval by City Council and subsequent recordation. The easement shall be a minimum of 14' in width (10' pathway and 2' shoulder on each side).
 10. Upon completion of the landscape installation, a written Certificate of Completion shall be submitted to the Planning Division verifying all landscape improvements are in substantial compliance with the approved landscape plan as set forth in UDC 11-3B-14.
 11. The preliminary plat approval shall become null and void if the applicant fails to either: 1) obtain the City Engineer signature on a final plat within two years of the date of the approved findings; or 2) obtain approval of a time extension as set forth in UDC 11-6B-7.

B. PUBLIC WORKS

1. Site Specific Conditions of Approval

- 1.1 Services must tie into sewer mains at a 90-degree angle from the main. Lot 33, Block 1 either needs to be modified to a 90-degree angle into the main, or should be connected to SSMH 2.
- 1.2 Install water main in S Keyport Ave to connect to the existing water stub from Prevail Subdivision No. 2.
- 1.3 Contact Public Works Engineering to discuss the water stub to the City of Meridian property to the North.
- 1.4 A streetlight plan is required to be submitted with the Final Plat application.
- 1.5 A future streetlight installation agreement is required for the streetlights on Meridian Road.

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 then 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 12-13-8.3). 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 All grading of the site shall be performed in conformance with MCC 11-12-3H.
- 2.17 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.
- 2.18 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.
- 2.19 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.
- 2.20 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.
- 2.21 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.
- 2.22 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.

- 2.23 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=226061&dbid=0&repo=MeridianCity>

D. BOISE PROJECT BOARD OF CONTROL (BPBC)

<https://weblink.meridiancity.org/WebLink/DocView.aspx?id=226128&dbid=0&repo=MeridianCity>

E. PARKS DEPARTMENT – PATHWAYS

<https://weblink.meridiancity.org/WebLink/DocView.aspx?id=227571&dbid=0&repo=MeridianCity>

F. ADA COUNTY DEVELOPMENT SERVICES

<https://weblink.meridiancity.org/WebLink/DocView.aspx?id=226096&dbid=0&repo=MeridianCity>

G. CENTRAL DISTRICT HEALTH DEPARTMENT (CDH)

<https://weblink.meridiancity.org/WebLink/DocView.aspx?id=226020&dbid=0&repo=MeridianCity>

H. DEPARTMENT OF ENVIRONMENTAL QUALITY (DEQ)

<https://weblink.meridiancity.org/WebLink/DocView.aspx?id=226474&dbid=0&repo=MeridianCity>

I. ADA COUNTY HIGHWAY DISTRICT (ACHD)

<https://weblink.meridiancity.org/WebLink/DocView.aspx?id=228248&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;

Council finds the proposed zoning map amendment to annex the property into the City of Meridian with the R-8 zoning district with the proposed preliminary plat and site design is consistent with the Comprehensive Plan, if all conditions of approval are met.

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

Council finds the proposed zoning map amendment and the request for the development complies with the regulations outlined in the requested R-8 zoning district and is consistent with the purpose statement of the requested zone.

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

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**

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.**

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

B. Preliminary Plat Findings:

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

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

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

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

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

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

Because City water and sewer and any other utilities will be provided by the development at their own cost, 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;**

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 VII for more information.)

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

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 and has offered their support of the proposed development with the proposed road layout in mind.

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

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