

STAFF REPORT

COMMUNITY DEVELOPMENT DEPARTMENT



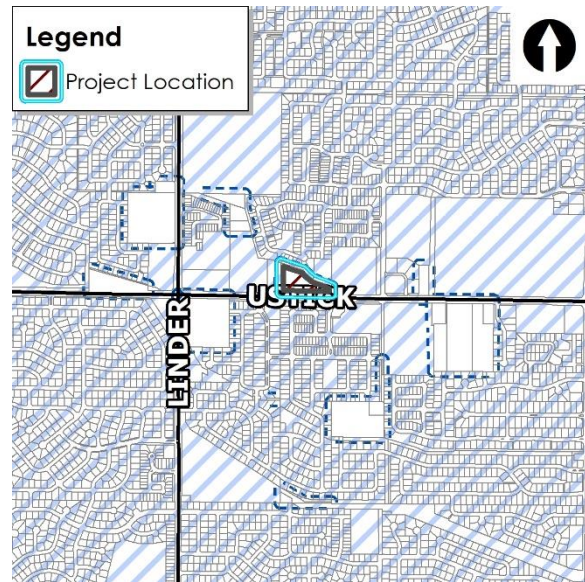
HEARING DATE: 2/1/2022

TO: Mayor & City Council

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

SUBJECT: H-2021-0092
1160 W. Ustick Annexation

LOCATION: The site is located at 1160 W. Ustick Road, on the north side of Ustick between N. Linder Road and N. Venable Avenue, in the SE 1/4 of the SW 1/4 of Section 36, Township 4N, Range 1W.



I. PROJECT DESCRIPTION

Annexation and Zoning of 4.54 acres of land with a request for the R-15 zoning district for the future purpose of constructing an affordable housing, multi-family residential project, by The Housing Company.

II. SUMMARY OF REPORT

A. Project Summary

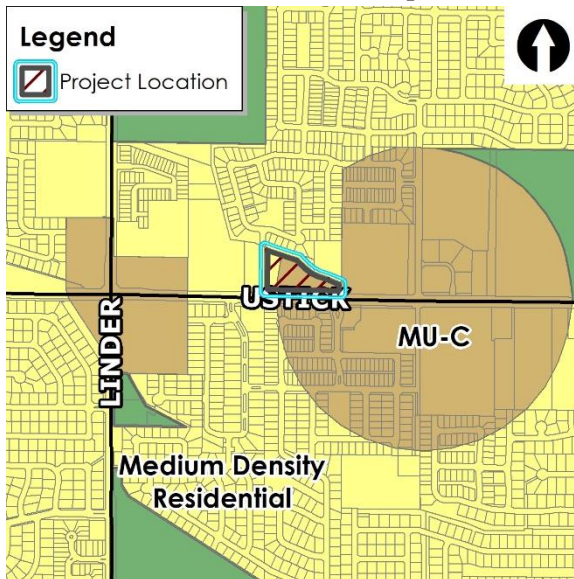
Description	Details	Page
Acreage	AZ – 4.54 acres; Project Site – 3.81 acres	
Future Land Use Designation	Mixed-Use Community (MU-C) and Medium Density Residential (MDR)	
Existing Land Use(s)	Vacant	
Proposed Land Use(s)	Multi-family Residential, rent restricted	
Lots (# and type; bldg./common)	One (1) building lot known at this time.	
Phasing Plan (# of phases)	Proposed as one phase.	
Physical Features (waterways, hazards, flood plain, hillside)	Lemp Canal runs along north boundary and is piped.	
Neighborhood meeting date; # of attendees:	October 26, 2021 – number of attendees unknown by Staff.	
History (previous approvals)	N/A	

B. Community Metrics

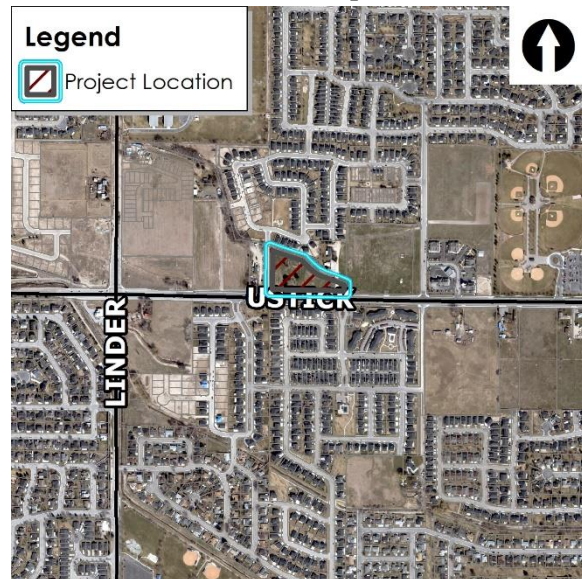
Description	Details	Page
Ada County Highway District		
<ul style="list-style-type: none"> Staff report (yes/no) 	Yes	
<ul style="list-style-type: none"> Requires ACHD Commission Action (yes/no) 	No	
Access (Arterial/Collectors/State Hwy/Local) (Existing and Proposed)	Access is proposed to W. Ustick Road (arterial) via construction of a new local street connection at the very southeast corner of the site in alignment with N. Blairmore Way on the south side of W. Ustick Road.	
Stub Street/Interconnectivity/Cross Access	Applicant is proposing to extend a new local street from Ustick to the north property boundary (length is approximately 100 feet). No other stub streets or are proposed.	
Existing Road Network	Ustick Road is an existing 5-lane arterial street – 4 lanes of travel plus a center turn lane.	
Existing Arterial Sidewalks / Buffers	Ustick Road is constructed with curb, gutter, and 5-foot detached sidewalk.	
Proposed Road Improvements	ACHD staff report notes that no road improvements are required as Ustick Road is currently built to its ultimate configuration adjacent to the site.	
Fire Service		
<ul style="list-style-type: none"> Distance to Fire Station 	1.8 miles to Fire Station #2; 1.9 miles to Fire Station #3.	
<ul style="list-style-type: none"> Fire Response Time 	Project lies within 5-minute response time goal.	
Police Service		
<ul style="list-style-type: none"> Concerns 	None/no comments	
Wastewater		
<ul style="list-style-type: none"> Impacts/Concerns 	<ul style="list-style-type: none"> Provide to-and-through to 3335 N Cooper Ln in a way that meets city requirements. Ensure no permanent structures (trees, bushes, buildings, carports, trash receptacle walls, fences, infiltration trenches, light poles, etc.) are built within the utility easement. Ensure no sewer services cross infiltration trenches 	
Water		
<ul style="list-style-type: none"> Project Consistent with Water Master Plan 	Yes	
<ul style="list-style-type: none"> Impacts/Concerns 	<ul style="list-style-type: none"> There are no changes to the water infrastructure shown in this record. A utility plan will need to be reviewed and approved by PW. There is an existing water stub off of W Ustick Rd that will either need to be used or abandoned. 	

C. Project Area Maps

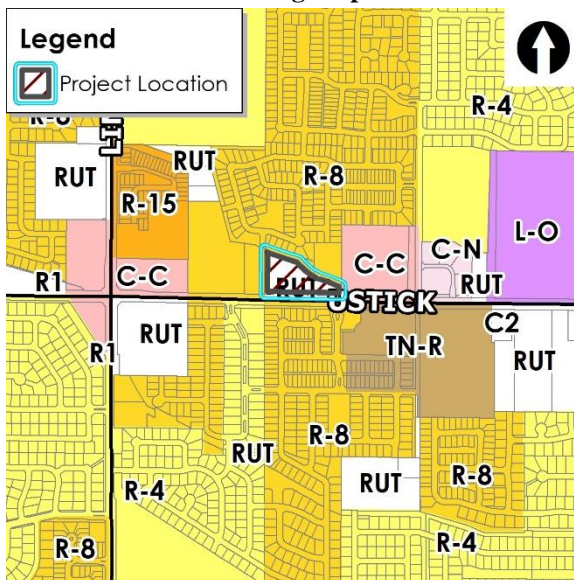
Future Land Use Map



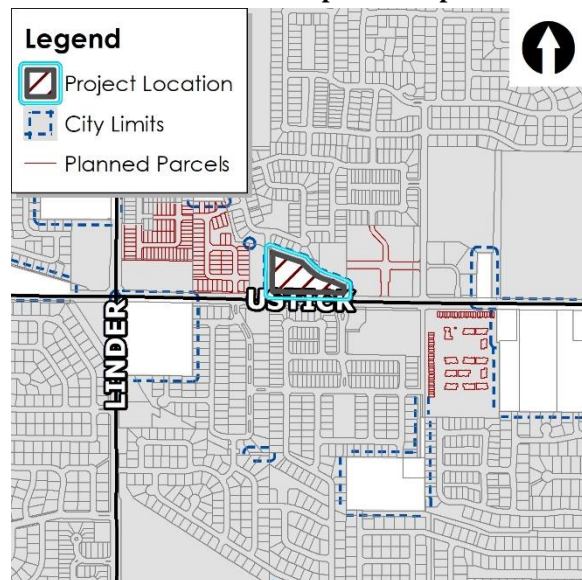
Aerial Map



Zoning Map



Planned Development Map



III. APPLICANT INFORMATION

A. Applicant:

Erin Anderson, The Housing Company – 565 W Myrtle Street, Suite 250, Boise, ID 83707

B. Owner:

The Housing Company – 565 W Myrtle Street, Suite 250, Boise, ID 83707

C. Representative:

Same as Applicant

IV. NOTICING

	Planning & Zoning Posting Date	City Council Posting Date
Newspaper Notification	12/21/2021	1/16/2022
Radius notification mailed to properties within 500 feet	12/15/2021	1/14/2022
Site Posting	12/21/2021	1/21/2022
Nextdoor posting	12/16/2021	1/14/2022

V. STAFF ANALYSIS

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

The subject project site includes two future land use designations: Mixed-use Community is shown on a majority of the site with Medium Density Residential being shown on the west quarter of the site.

Mixed Use Community (MU-C) – The purpose of this designation is to allocate areas where community-serving uses and dwellings are seamlessly integrated into the urban fabric. The intent is to integrate a variety of uses, including residential, and to avoid mainly single-use and strip commercial type buildings. Non-residential buildings in these areas have a tendency to be larger than in Mixed Use Neighborhood (MU-N) areas, but not as large as in Mixed Use Regional (MU-R) areas. Goods and services in these areas tend to be of the variety that people will mainly travel by car to, but also walk or bike to (up to three or four miles). Employment opportunities for those living in and around the neighborhood are encouraged.

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 approximately 3.8 acres in size and abuts W. Ustick Road along its entire southern boundary. The property is widest at the west boundary and smallest at the east boundary, approximately 390 feet versus 90 feet, respectively. There are no public streets abutting the site except for approximately 11 feet of right-of-way at the very northwest corner of the site for NW 11th Avenue. The placement of this stub street is not in an ideal location as its extension now relies on two different parcels to extend it or dedicate additional right-of-way. Unfortunately, the placement of this stub street will likely dictate a majority or all of the public road to be on the property to the west, 1250 W. Ustick Road, to connect to a stub street on its west boundary from Tetherow Crossing Subdivision. In addition, at the northeast corner of the site a relatively large residential lot exists (3335 N. Cooper Lane) that was annexed and zoned as part of the adjacent Woodburn West Subdivision to the north but does not take access through that subdivision. Instead, this property takes access via a private road easement through this subject site to Ustick. Between this parcel and the Woodburn subdivision and running along the entire northern boundary is a common lot owned by the Woodburn HOA which contains the piped Lemp Canal. This common lot does not appear to be fenced off from the subject parcel but the submitted concept plans do not contemplate this area either. Staff assumes this area will be fenced off since there are two different property owners; Staff notes that if fencing is proposed in the future, open vision fencing will be required for crime prevention purposes per the Unified Development Code (UDC). Therefore, the property is a relatively odd-shaped parcel with its own

set of challenges derived from previous planning decisions, its dimensions, and its general location.

As briefly discussed, the majority of adjacent parcels are single-family residential with the exception of the C-C property to the east that shares approximately 90 feet of property boundary. This property, Settlers Square, recently received Development Agreement modification to include multi-family townhomes on the north half of their site. More importantly, that Applicant is required to provide cross-access between their property and this one. In anticipation of this, the submitted concept plan for this site should also depict an area of cross-access in reciprocation.

The proposed use for the subject site is multi-family residential which is a conditional use in the requested R-15 zoning district and is subject to specific use standards (UDC 11-4-3-27). However, the Applicant is proposing this project with a couple notable differences to traditional multi-family residential seen elsewhere in the City of Meridian. First, the submitted concept plan and conceptual elevations show 6-plexes and 8-plexes, no more than two-story in height, that are accessed from one side of the building and look similar to a townhome instead of a garden style apartment. Secondly, the Applicant proposes this multi-family project to be affordable housing in the form of deed restricted rents for the entire site. Staff finds the specific use of affordable housing, no matter the type, is greatly needed within the City and is essentially its own residential use. Staff has worked with the City Attorney's office to propose adequate Development Agreement (DA) provisions to ensure the proposed use of deed restricted housing units is maintained.

As noted above, the subject site contains two future land use designations, Mixed Use Community (MU-C) and Medium Density Residential (MDR). Staff finds the proposed use to be in alignment with the anticipated uses in both designations. Furthermore, future land use designations are not always parcel specific when more than one exists on the same project area. In short, the City has allowed Applicants to utilize one or both of the designations for their project site. However, in order for the proposed 52 affordable multi-family units to meet the gross density requirements, the project must be analyzed against the MU-C designation which allows dwellings at a gross density of 6-15 du/ac. Staff notes that a future Conditional Use Permit (CUP) will be required and the number of units will be more thoroughly analyzed with that application. The subject MU-C area is located around a mid-mile corridor and has minimal commercial uses currently developed. Previous applications in the area have allowed a reduction in commercial areas due to the viability of commercial being lower in these mid-mile locations than on the arterial intersections. However, Staff anticipates most of the remaining unannexed land to the east that is part of this MU-C bubble will be commercial because they directly abut Ustick Road which drastically increases the visibility of future businesses. In addition, as seen on the future land use map, the area to the north of subject parcel was specifically carved out of the MU-C area to allow for more traditional residential uses. This choice, coupled with the existing stub street locations and large annexed outparcels adjacent to the site, has created a site that cannot viably meet the fundamental goals and policies outlined in the comprehensive plan for the previously envisioned mixed use future land use. Minimal opportunities exist for shared spaces with other MU-C parcels to the east and even cross-access to the C-C parcel to the east is only attainable through 90 feet of shared property line. Because of these constraints to the site and nearby area, Staff does not find it feasible for the Applicant to meet all of the mixed-use policies, provide additional commercial area, and should instead be an affordable multi-family housing development.

Outside of the proposed use, the concept plan should also be analyzed against the Comprehensive Plan. The submitted concept plan depicts six (6) 6-plex building and two (2) 8-plex buildings, all two-story in height and the 8-plex buildings only proposed along Ustick. The proposed 6-plex buildings are only two-story in the center of the building with the outer units being shown with an elevated roofline and apparent bonus room or vaulted ceilings; no more than four (4) units are

on the first floor of each building. The site is shown with a looping drive aisle due to the odd shape of the parcel that has parking on both sides and the clubhouse and playground area in the center of the project. Because of the existing common lot between this parcel and the Woodburn Subdivision to the north, the two-story buildings are proposed with a relatively large physical separation. In addition, at least three of the homes closest to the subject site are two-story in height. The Applicant is also showing open space adjacent to the single-family home to the northeast taking access via a private drive. Along the west boundary, the Applicant is showing a 15-foot buffer that would be adjacent to a future road extension (NW 11th Avenue) for a majority of this shared property line—the existing single-family home on this adjacent property is located on the west side of its lot, approximately 100 feet from the shared property line. Therefore, Staff finds the Applicant has provided appropriate building massing, open space locations and buffer widths, and appropriate transition of residential use and density to adjacent residential uses.

Because of this analysis, Staff finds the proposed project and use of affordable multi-family residential 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 and phasing plan, 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.*

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

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

“Consider providing incentives to developers that produce affordable housing units as defined by federal and state agencies.” (2.01.01I). Although the City does not provide economic or dimensional relief to Applicants for affordable housing, Staff finds it appropriate to analyze this project outside of the mixed-use future land use vacuum. In addition, because the use of affordable housing units is in great need within the City of Meridian, Staff has proposed DA provisions to ensure the proposed use is maintained for many years to come.

“Establish and maintain levels of service for public facilities and services, including water, sewer, police, transportation, schools, fire, and parks” (3.02.01G). All City services are available for the subject site. West Ada School District (WASD) has submitted a letter noting that approximately 24 school aged children could be housed in the future development and all schools in the applicable attendance areas currently have capacity to accommodate additional children. ACHD has provided a staff report that analyzed the proposed project and has approved the submitted conceptual plan, use, and transportation element.

“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). As noted above, the proposed use of affordable multi-family housing can be considered a separate residential use and Staff has chosen to view it in this way. Traditional multi-family residential exists to the southeast of the site on the south side of Ustick and townhome style multi-family is proposed on a portion of the C-C property directly to the east; detached single-family residential exists to the south, west, and north of the subject site and are all zoned R-8. The multi-family component of the use would be a new use on the north side of Ustick in this area; the affordable housing component of the use would be a use the City of Meridian has not seen in many years in any place in the City. Staff supports the proposed use.

“Require pedestrian access in all new development to link subdivisions together and promote neighborhood connectivity.” (2.02.01D). *Despite the project being on an odd shaped parcel with many constraints, the submitted concept plan depicts robust pedestrian facilities throughout the site and to adjacent parcels. The Applicant is showing multiple connections to the existing arterial sidewalk as well as a pedestrian connection to the east property line and at the very northwest corner of the site for future connectivity. Due to the requirements of the project to the east, it is anticipated the pedestrian facilities will be continued within the commercial component of that project. In addition, the connection at the northwest corner would connect to the attached sidewalk along the future extension of NW 11th Avenue. Additional pedestrian connectivity may be required with the future CUP application.*

“Encourage a variety of housing types that meet the needs, preferences, and financial capabilities of Meridian's present and future residents.” (2.01.02D). *Proposed use of affordable multi-family housing units is encouraged to assist in meeting the needs of present and future residents based on their financial capabilities.*

In addition to general comprehensive plan policies, Staff finds the following mixed-use policies are also met with the proposed development:

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

C. Existing Structures/Site Improvements:

There is one existing structure on the property that appears to be a large concrete structure. This structure will be removed upon project development. In addition, there is existing 5-foot wide detached sidewalk along Ustick Road that will be protected and maintained during construction.

D. Proposed Use Analysis:

The proposed use of Multi-Family Residential is a conditional use in the requested R-15 zoning district. Staff has included analysis on the proposed use in relation to adjacent properties and the underlying future land use in the Comprehensive Plan section above. All required specific use standards for the proposed use will be analyzed with the future CUP applications.

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

The Applicant is proposing to annex the subject property into the City with the R-15 zoning district. As noted above, the proposed use is multi-family so the use is proposed on one lot and will therefore meet the minimum lot size requirement of 2,500 square feet. In addition, multi-family residential specific use standards require at least 10 feet of separation between buildings and to any property line. According to the submitted concept plan, the Applicant is in compliance with this dimensional standard.

The R-15 zoning district has a minimum landscape buffer requirement of 25 feet to any adjacent arterial street. The submitted concept plan shows this 25-foot landscape buffer to W. Ustick compliant with the required dimensional standards.

The R-15 zoning district has a maximum height limit of 40 feet. The submitted conceptual elevations do not depict measurements but all buildings are proposed as two-story in height so Staff is not concerned with the Applicant meeting this standard. With a future CUP application, Staff will confirm conformance with the required dimensional standards of the R-15 zone and the multi-family residential project specific use standards (11-4-3-27).

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

The Applicant has submitted conceptual elevations of the future multi-family 6-plex buildings but not of the noted 8-plex buildings. Multi-family residential projects require Administrative Design Review (DES) approval with future applications so Staff will perform a thorough analysis at that time. The Applicant has the option to submit concurrently for design review with their future CUP application.

Initial review of the conceptual elevations depicts a 6-plex building with varying roof profiles and materials including stone, fiber-cement lap siding, and board & batten in different layouts. The elevations also depict the tallest portion of the buildings to face in towards the site which appears to minimize the building massing facing adjacent properties.

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

Access is proposed to W. Ustick Road (arterial) via construction of a new local street connection at the very southeast corner of the site in alignment with N. Blairmore Way on the south side of W. Ustick Road. The submitted plans show this new road to extend from Ustick and then terminate at the north property boundary to be a total of approximately 100 feet in length. Access to the multi-family residential buildings is proposed off of this new local street segment in the form of a driveway connection on its west side. All parking and access to the proposed units are off of this drive aisle that loops through the site.

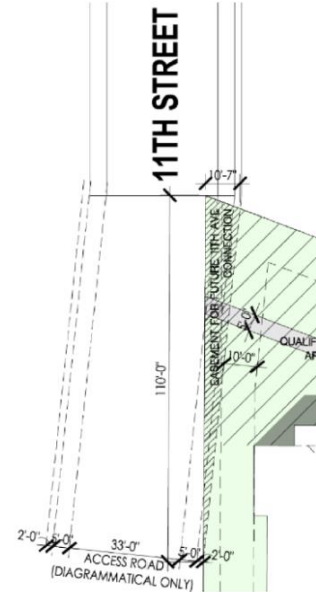
There is an existing home at the northeast corner of the subject property that currently takes access to Ustick Road via a private lane easement, N. Cooper Lane. According to the Applicant, the existing location of this private lane and curb cut are not in the correct position per the recorded easement. In fact, the Applicant has stated the easement is located further east and in alignment with the proposed local street extension. Therefore, the Applicant does not have to relocate the easement so long as access is still being provided as proposed. In addition, the Applicant is proposing to construct a new segment of private driveway for this homeowner to have access to the new local street. ACHD has offered their support of the proposed access and driveway connections for the project.

Local street access is not currently available to serve this site. Further, the applicant should provide cross access to the eastern parcel to allow access to the planned commercial uses and reciprocate access as was required with the adjacent eastern property. The executed cross access agreement should be submitted with the future CZC application.

As noted above, there is a small area of existing right-of-way for NW 11th Avenue abutting the subject site at the very northwest corner. It is anticipated this public road would be extended wholly on the property to the west except for the sliver of right-of-way aforementioned (see

exhibit to the right). The property to the west has an additional public street stub to their west boundary from Tetherow Crossing Subdivision currently under development. Therefore, the property to the west would be responsible for two public street extensions within the MDR designation. Code calls for cross-access between parcels but because of the proposed development and site constraints, Staff does not find it necessary to require a stub to the west boundary for future connectivity. Further, Staff finds if a connection were to be required, it would promote cross-access through parking drive aisles meant to serve the future residents of this site; this would create more of a thoroughfare for residential traffic through this drive aisle that is intended for parking and access to the multi-family units. Commission and Council should determine if cross-access to the west is needed for this property in spite of these factors.

In general, Staff supports the proposed transportation element of the subject project and site.



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

Off-street parking is required to be provided in accord with the standards listed in [UDC Table 11-3C-6B](#) for residential uses based on the number of bedrooms per unit and should include guest spaces based on the ratio of one (1) space for every 10 dwelling units. Because this application does not directly analyze unit count, Staff will confirm compliance with these standards with the future CUP submittal for the proposed use. In anticipation of this review, the Applicant did provide conceptual bedroom and parking counts on the conceptual site plan. According to these numbers, a minimum of 105 parking spaces (at least 52 covered spaces) would be required for the conceptual 52 units and includes the required five (5) guest spaces. The conceptual site plan shows a total of 115 parking spaces, of which 52 are proposed to be covered.

Initial review of the concept plan does not give Staff concern over the amount of parking due to the anticipated number of spaces being above the requirement and Staff sees a few areas on the site plan to include a few additional spaces.

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

A 5-foot wide detached sidewalk is existing along W. Ustick Road. The Applicant is also proposing attached sidewalks and other micro-paths throughout the entire site. The proposed sidewalks and micro-paths will be analyzed against UDC dimensional requirements with the future CUP application.

In addition to the proposed sidewalks and micro-paths shown on the concept plan, Staff is recommending an additional pathway along the north boundary to help activate the approved open space from the Woodburn Subdivision that is the area of the piped Lemp Canal directly behind six (6) existing homes. Staff believes a gravel pathway suitable for at least walking should meander through this area of the site, behind a few of the proposed buildings, so this open space area is not walled off any more than it has been by the Woodburn Subdivision. Despite this area not being a part of this project or property, this Applicant could work with the Woodburn Subdivision to better utilize and access this space for a public benefit. Staff is not recommending the Lemp Canal area be further improved but is recommending better access is provided from within this project to this area so it could be utilized by both project areas. Staff is recommending a DA provision in line with this discussion.

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

The Lemp Canal abuts the subject site along the north property boundary and is already piped. As noted, this area is owned and maintained by the adjacent Woodburn Subdivision HOA but does not appear to be fenced off from this subject site. Should this Applicant decide to fence this area off, Staff will analyze any proposed fencing to ensure compliance with UDC standards for fencing adjacent to irrigation common lots.

K. 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. No irrigation plans have been submitted for this use at this time but Staff anticipates this will be handled with future development applications, most likely with the future Certificate of Zoning Compliance that is required prior to building permit submittal. Land Development will review these plans in more detail at a later date when specific irrigation plans are submitted.

VI. DECISION

A. Staff:

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

B. The Meridian Planning & Zoning Commission heard these items on January 6, 2022. At the public hearing, the Commission moved to recommend approval of the subject Annexation request.

1. Summary of Commission public hearing:

- a. In favor: Erin Anderson, The Housing Company (Applicant)
- b. In opposition: None
- c. Commenting: Erin Anderson
- 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. How the project will be managed on-site, specifically if it will be managed 24-hours;
- b. Is the project meant to be an age-restricted development – No, per the Applicant;
- c. The reasoning behind Staff's recommended additional gravel pathway along the north boundary;
- d. Parameters of project that are more and less important due to the proposed land use being for affordable housing in lieu of market-rate units;
- e. How does Staff envision Cooper Lane and NW 11th being extended in the future;

4. Commission change(s) to Staff recommendation:

- a. Modify recommended DA Provision A.1i to include the Applicant work with the adjacent HOA of the Woodburn Subdivision to try and share the recommended gravel pathway within their open space lot that contains the piped irrigation facility.

5. Outstanding issue(s) for City Council:

- a. Staff has not received information regarding the Applicant and the Woodburn HOA working together to share the recommended gravel pathway. Staff is not overly concerned with this as Parks and Recreation have noted the internal sidewalks are adequate enough for pedestrian circulation and any future shared pathway could be

handled by the City and the HOA working together should the City determine it is a needed pathway segment in the future.

C. The Meridian City Council heard these items on February 1, 2022. At the public hearing, the Council moved to approve the subject Annexation and Zoning request.

1. Summary of the City Council public hearing:
 - a. In favor: Erin Anderson, Applicant
 - b. In opposition: None
 - c. Commenting: Erin Anderson; Eric Pugmire, neighbor.
 - d. Written testimony: Morgan Keating – neighbor who supports project and concept of affordable housing in Meridian.
 - e. Staff presenting application: Joseph Dodson, Associate Planner
 - f. Other Staff commenting on application: Bill Nary, City Attorney
2. Key issue(s) of public testimony:
 - a. In favor of development but warns against requiring shared pathway/open space with Woodburn Subdivision and a preference for a fence to be constructed along the perimeter of property.
3. Key issue(s) of discussion by City Council:
 - a. Assessment values of affordable housing projects versus non-restricted projects and overall salability of a property/buildings if they are deed restricted;
 - b. Difference of discussed funding sources and potential of project moving forward without the funding—furthermore, the timeline of obtaining funding for the project and whether City timelines will align and accommodate required timeline;
 - c. What is the need for a DA provision restricting the project to affordable if future funding will do this and the property will be deed restricted;
 - d. If property is annexed but funding is not obtained, will property be resold—Applicant stated project would continually request funding for affordable and not resell property;
 - e. Need for the additional pathway along north boundary;
 - f. Anticipated extension of adjacent NW 11th Avenue into site to the west and whether this road extension would render that property less valuable due to need for relatively large areas of road dedication;
4. City Council change(s) to Commission recommendation:
 - a. Revise the affordability DA provision with the Applicant in order to allow for up to 6 market rate units, per the Applicant;
 - b. Strike provision regarding gravel pathway along north boundary.

VII. EXHIBITS

A. Annexation and Zoning Legal Description and Exhibit Map

ANNEXATION

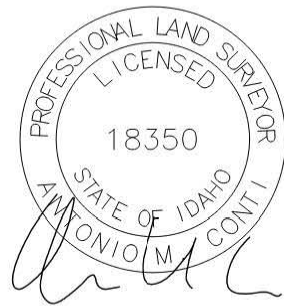
EXHIBIT A

LEGAL DESCRIPTION

Being a portion of the SW1/4 of the SE1/4 of the SW1/4 of Section 36, T 4N, R 1W, Boise Meridian, City of Meridian, Ada County, Idaho, more particularly described as follows:

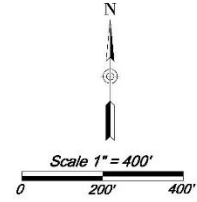
Commencing at the southwest corner of said Section 36 which bears N88°42'44"W a distance of 2,662.13 feet from the south quarter corner of said Section 36; thence on the south line of said Section 36 S88°42'44"E a distance of 1,331.05 feet to the west sixteenth corner of said Section 36 also being the Point of Beginning; thence continuing on said South line of Section 36 S88°42'44"E a distance of 665.55 feet; thence N00°23'45"E a distance of 141.63 feet; thence N67°09'18"W a distance of 129.84 feet; thence N71°02'01"W a distance of 75.67 feet; thence N66°36'48"W a distance of 55.79 feet; thence N51°23'44"W a distance of 66.02 feet; thence N47°26'23"W a distance of 78.17 feet; thence N38°28'47"W a distance of 31.20 feet; thence N72°42'37"W a distance of 123.96 feet; thence N71°13'56"W a distance of 117.61 feet; thence N69°15'27"W a distance of 67.37 feet to a point on said sixteenth line of Section 36; thence on said sixteenth line of Section 36 S00°20'32"W a distance of 440.85 feet to the Point of Beginning.

Containing 4.54 Acres more or less

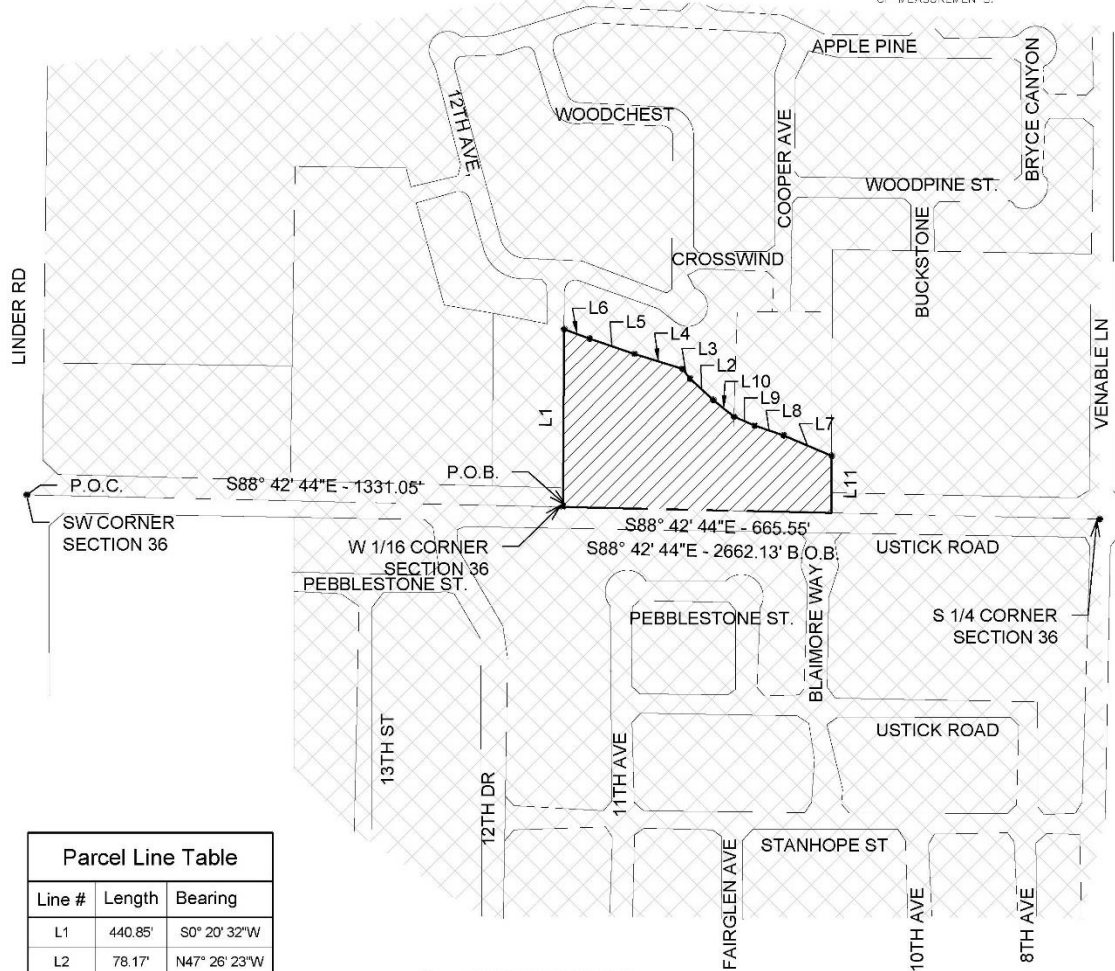


ANNEXATION EXHIBIT B

PORTION OF SW 1/4 OF THE SE 1/4
OF THE SW 1/4 OF SECTION 36,
T.14N., R.1.W., BOISE MERIDIAN, CITY
OF MERIDIAN, ADA COUNTY, IDAHO.



BEARINGS AND DISTANCES MAY VARY FROM
PREVIOUS PLATS DUE TO DIFFERENT METHODS
OF MEASUREMENT'S.



Parcel Line Table		
Line #	Length	Bearing
L1	440.85'	S0° 20' 32"W
L2	78.17'	N47° 26' 23"W
L3	31.20'	N38° 28' 47"W
L4	123.96'	N72° 42' 37"W
L5	117.61'	N71° 13' 56"W
L6	67.37'	N69° 15' 27"W
L7	129.84'	N67° 09' 18"W
L8	75.67'	N71° 02' 01"W
L9	55.79'	N66° 36' 48"W
L10	66.02'	N51° 23' 44"W
L11	141.63'	N0° 23' 45"E

● FOUND MONUMENT
B.O.B. BASIS OF BEARING
P.O.B. POINT OF BEGINNING
P.O.C. POINT OF COMMENCEMENT

□ CITY OF MERIDIAN
▨ AREA TO BE ANNEXED

JOB No: R21189

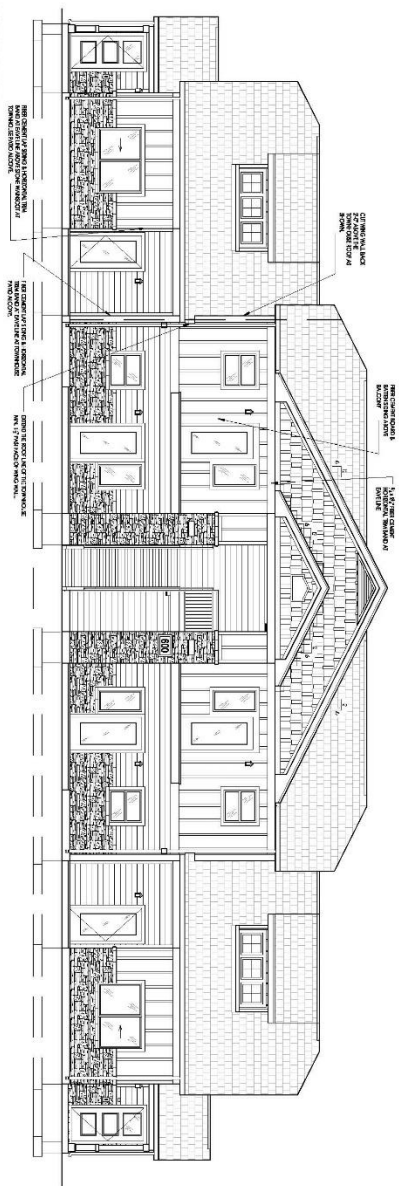
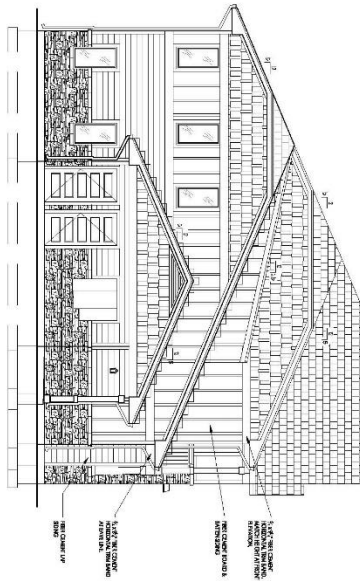
**ACKERMAN
ESTVOLD**

7661 West Riverside Drive, Ste. 102 • Garden City, ID 83714
208.853.6470 • www.ackerman-estvold.com
Minot, ND | Fargo, ND | Williston, ND | Boise, ID

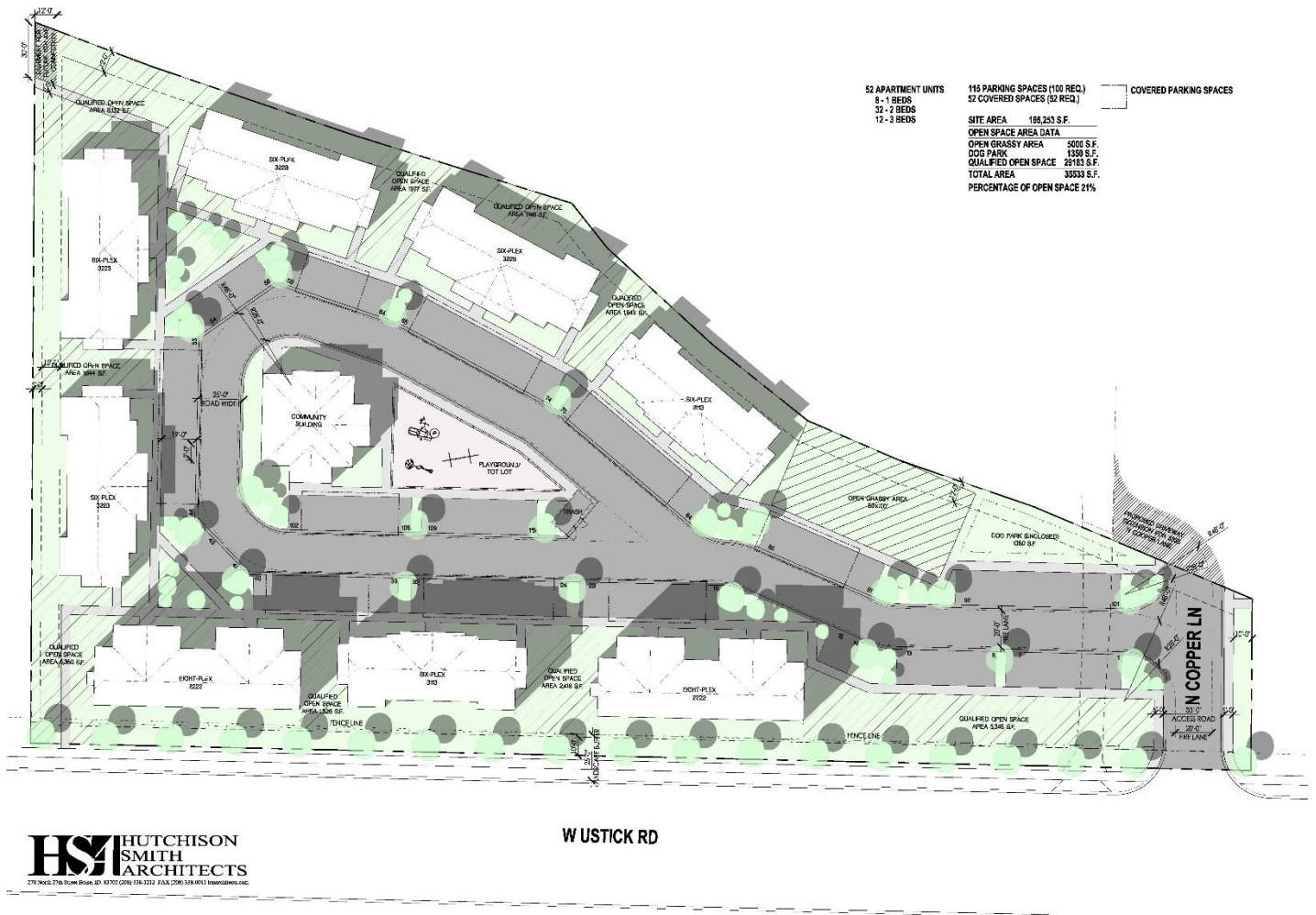
B. Proposed Concept Plan



**HUTCHISON
SMITH
ARCHITECTS**
270 North 7th Street, Suite 400 • St. Petersburg, FL 33701 • 727.424.7777 • www.hutsmith.com



D. Preliminary Open Space Exhibit



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. Future development of this site shall be generally consistent with the approved concept plans and conceptual elevations included in Section VII and the provisions contained herein.
- b. Before the multi-family units are placed in service (release of the first Certificate of Occupancy), Owner and/or Developer shall record a low-income housing tax credit regulatory agreement with the Ada County Recorder's Office to restrict the rental rates on the units for a minimum of thirty (30) years to ensure the units are affordable to individuals and families earning averaged within the entire project, no more than sixty percent (60%) of the area median income and provide said agreement prior to issuance of any building permit for the proposed use; except that up to six (6) of the proposed units may be market rate units to allow for flexibility in the funding source for this project. ~~City shall be deemed to be a third party beneficiary of said regulatory agreement.~~
- c. With the first phase of development, any existing structures on the property shall be removed and all existing driveway curb-cuts to Ustick Road shall be closed.
- d. Future structures proposed along the Ustick Road frontage shall provide modulation in building placement as well as architectural elements.
- e. With the future Conditional Use Permit application, the submitted site plan shall depict the location of cross-access along the east property boundary to ensure cross-access with Parcel S0436347150.
- f. The Applicant shall record a cross-access agreement to the property to the east (Parcel S0436347150) for easier access to and from the future commercial uses along W. Ustick Road; the recorded agreement shall be submitted with the future Certificate of Zoning Compliance application.
- g. The Applicant shall deed the required right-of-way for N. Cooper Avenue to ACHD prior to submitting for Certificate of Zoning Compliance approval.
- h. Prior to submitting for Certificate of Zoning Compliance approval, the Applicant shall deed the required future right-of-way to ACHD for the extension of NW 11th Avenue in the northwest corner of the property.
- i. ~~With the future Conditional Use Permit application, the Applicant shall work with the adjacent homeowners association (Woodburn Subdivision HOA) to add an additional 5-foot wide pathway shall be depicted along the north boundary of the site with connections to the Woodburn Subdivision open space lot and to the internal sidewalks of this project.~~

~~Said pathway shall be made of materials that can easily accommodate safe pedestrian activities (i.e. asphalt, gravel, etc.).~~

- j. Prior to commencement of the multi-family use on the property, the applicant shall obtain approval of a conditional use permit and meet the specific use standards set forth in UDC 11-4-3-27.

B. PUBLIC WORKS

1. Site Specific Conditions of Approval

- 1.1 There are no changes to Public Works infrastructure shown with this application. A utility plan must be submitted and reviewed by Public Works Engineering.
- 1.2 There is an existing water stub off West Ustick Road that must be utilized or abandoned, per City Design Standards.
- 1.3 No permanent structures can be built within a City utility easement including but not limited to trees, shrubs, buildings, carports, trash enclosures, fences, infiltration trenches, light poles, etc.
- 1.4 No sewer services shall cross infiltration trenches.
- 1.5 A geotechnical report will be required to be submitted with the first building permit application; any recommendations therein should be followed.

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. 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.
- 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 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 All improvements related to public life, safety and health shall be completed prior to occupancy of the structures.
- 2.10 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.
- 2.11 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.
- 2.12 Applicant shall be responsible for application and compliance with any Section 404 Permitting that may be required by the Army Corps of Engineers.
- 2.13 Developer shall coordinate mailbox locations with the Meridian Post Office.
- 2.14 Compaction test results shall be submitted to the Meridian Building Department for all building pads receiving engineered backfill, where footing would sit atop fill material.
- 2.15 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.
- 2.16 The applicants design engineer shall be responsible for inspection of all irrigation and/or drainage facility within this project that do not fall under the jurisdiction of an irrigation district or ACHD. The design engineer shall provide certification that the facilities have been installed in accordance with the approved design plans. This certification will be required before a certificate of occupancy is issued for any structures within the project.
- 2.17 At the completion of the project, the applicant shall be responsible to submit record drawings per the City of Meridian AutoCAD standards. These record drawings must be received and approved prior to the issuance of a certification of occupancy for any structures within the project.
- 2.18 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.
- 2.19 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. NAMPA MERIDIAN IRRIGATION DISTRICT (NMID)

<https://weblink.meridiancity.org/WebLink/DocView.aspx?id=248514&dbid=0&repo=MeridianCity>

D. WEST ADA SCHOOL DISTRICT (WASD)

<https://weblink.meridiancity.org/WebLink/DocView.aspx?id=248414&dbid=0&repo=MeridianCity>

E. ADA COUNTY HIGHWAY DISTRICT (ACHD)

<https://weblink.meridiancity.org/WebLink/DocView.aspx?id=248753&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-15 zoning district with the proposed affordable multi-family residential use 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 requested development complies with the regulations outlined in the requested R-15 zoning district and is consistent with the purpose statement of the requested zone.

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

Council finds the proposed zoning map amendment should not be detrimental to the public health, safety and welfare, especially if all conditions of approval are met.

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, if the applicant enters into a development agreement with the City and agrees to develop the property as an affordable housing project as proposed.