

EXHIBIT B

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



In the Matter of the Request for Annexation and Zoning, and Preliminary Plat, by Southpoint Estates, LLC.

Case No(s). H-2020-0038

For the City Council Hearing Date of: July 14, 2020 (Findings on July 28, 2020)

A. Findings of Fact

1. Hearing Facts (see attached Staff Report for the hearing date of July 14, 2020, incorporated by reference)
2. Process Facts (see attached Staff Report for the hearing date of July 14, 2020, incorporated by reference)
3. Application and Property Facts (see attached Staff Report for the hearing date of July 14, 2020, incorporated by reference)
4. Required Findings per the Unified Development Code (see attached Staff Report for the hearing date of July 14, 2020, 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 July 14, 2020, 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 July 14, 2020, 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. The Applicant is hereby notified that pursuant to Idaho Code 67-8003, denial of a development application entitles the Owner to request a regulatory taking analysis. Such request must be in writing, and must be filed with the City Clerk not more than twenty-eight (28) days after the final decision concerning the matter at issue. A request for a regulatory takings analysis will toll the time period within which a Petition for Judicial Review may be filed.
2. **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 July 14, 2020

By action of the City Council at its regular meeting held on the 28th day of July, 2020.

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

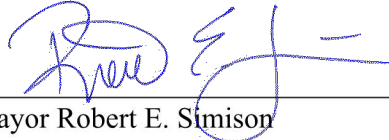
VOTED AYE

COUNCIL MEMBER LIZ STRADER

VOTED AYE

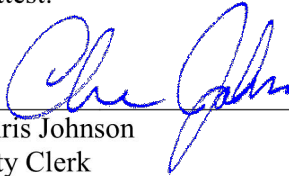
MAYOR ROBERT SIMISON
(TIE BREAKER)

VOTED



Mayor Robert E. Simison

Attest:



Chris Johnson
City Clerk



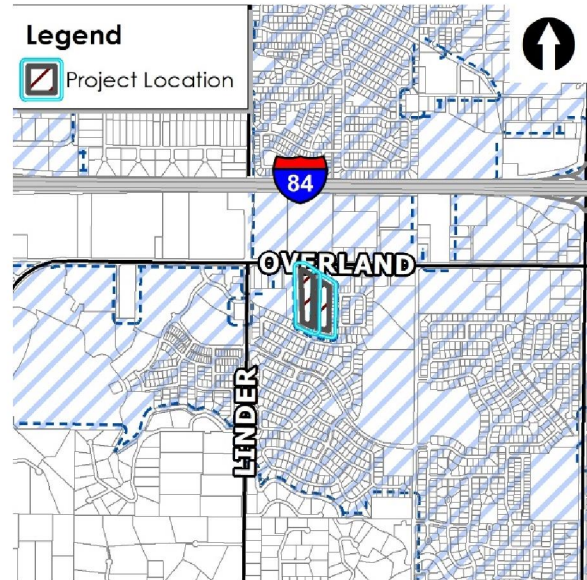
Copy served upon Applicant, Community Development Department, Public Works Department and City Attorney.

By: Charlene Way Dated: 7-28-2020
City Clerk's Office

STAFF REPORT
COMMUNITY DEVELOPMENT DEPARTMENT



HEARING DATE: 7/14/2020
 TO: Mayor & City Council
 FROM: Joe Dodson, Associate Planner
 208-884-5533
 Bruce Freckleton, Development Services Manager
 208-887-2211
 SUBJECT: H-2020-0038
 Sagewood West Subdivision
 LOCATION: The site is located at 1335 W. Overland Road, between S. Linder Road and S. Stoddard Road, in the NW ¼ of the NW ¼ of Section 24, Township 3N., Range 1W.



I. PROJECT DESCRIPTION

Annexation & zoning of 10.41 acres of land with an R-8 zoning district and preliminary plat consisting of 53 building lots and 7 common lots, by Southpoint Estates, LLC.

II. SUMMARY OF REPORT

A. Project Summary

Description	Details	Page
Acreage	10.41 acres	
Future Land Use Designation	Medium Density Residential and Commercial (on northern portion of property)	
Existing Land Use(s)	Residential	
Proposed Land Use(s)	Residential	
Lots (# and type; bldg./common)	60 total lots – 53 single-family residential; and 7 common lots.	
Phasing Plan (# of phases)	Proposed as one (1) phase.	
Number of Residential Units (type of units)	53 single-family units.	
Density (gross & net)	Gross – 5.11 du/ac.; Net – 7.86 du/ac.	
Open Space (acres, total [%]/buffer/qualified)	1.25 acres of qualified open space (approximately 12.04%)	
Amenities	4 amenities – Micro-pathways, public art, tot-lot (climbing boulders), and picnic areas.	

Exhibit A

Description	Details	Page
Physical Features (waterways, hazards, flood plain, hillside)	N/A	
Neighborhood meeting date; # of attendees:	January 28, 2020 – 3 attendees	
History (previous approvals)	N/A	

B. Community Metrics

Description	Details	Page
Ada County Highway District		
• Staff report (yes/no)	Yes	Section VIII.H
• Requires ACHD Commission Action (yes/no)	No	
Access (Arterial/Collectors/State Hwy/Local)(Existing and Proposed)	Existing access is off of E. Overland Rd – this access is proposed to be closed upon development. Access is proposed via extension of existing local streets from the east and south.	
Traffic Level of Service		
Stub Street/Interconnectivity/Cross Access	Applicant is not proposing any additional stub streets as all streets into this property are from existing stub streets. Parcels to the north, east, and west surrounding the subject site are developed and there is no need for additional stub streets at this time. See analysis section below for more information on parcel to the west.	
Existing Road Network	Overland Road, an arterial, is fully improved with two travel lanes in both directions abutting the site.	
Existing Arterial Sidewalks / Buffers	Yes	
Proposed Road Improvements	Applicant is not required to improve Overland Road or dedicate additional right-of-way.	
Distance to nearest City Park (+ size)	Bear Creek Park (18.34 acres) – 1 mile	
Fire Service		
• Distance to Fire Station	.4 miles from Fire Station #6	
• Fire Response Time	Meridian Fire can meet the 5 minute response time goal.	
• Resource Reliability	Reliability is unknown at this time as the station is new.	
• Risk Identification	Risk Factor 1 – Residential	
• Accessibility	Proposed project meets all required access, road widths, and turnarounds.	
Police Service		
	See Agency Comments (Section VIII.D).	
West Ada School District		
• Distance (elem, ms, hs)	No comments submitted at this time.	
• Capacity of Schools		
• # of Students Enrolled		
Wastewater		
• Distance to Sewer Services	N/A	
• Sewer Shed	South Black Cat Trunk Shed	
• Estimated Project Sewer ERU's	See application	
• WRRF Declining Balance	13.92	

Exhibit A

Description	Details	Page
<ul style="list-style-type: none"> Project Consistent with WW Master Plan/Facility Plan 	YES	
Water		
<ul style="list-style-type: none"> Distance to Water Services 	0'	
<ul style="list-style-type: none"> Pressure Zone 	3	
<ul style="list-style-type: none"> Estimated Project Water ERU's 	See application	
<ul style="list-style-type: none"> Water Quality Concerns 	None	
<ul style="list-style-type: none"> Project Consistent with Water Master Plan 	YES	
<ul style="list-style-type: none"> Impacts/Concerns 	Utility easement for possible future water main extension must be provided to property to the west via the common driveway.	
COMPASS		
<ul style="list-style-type: none"> Other nearby services and information 	Bus stop – 1.6 miles (when ValleyConnect 2.0 is operational, the nearest bust stop would be less than ½ mile away) Public School – 0.3 miles (Victory Middle School) Grocery Store – 0.5 miles Jobs to Housing Ratio – 1.1 (ratio of 1-1.5 is ideal).	

C. Project Area Maps

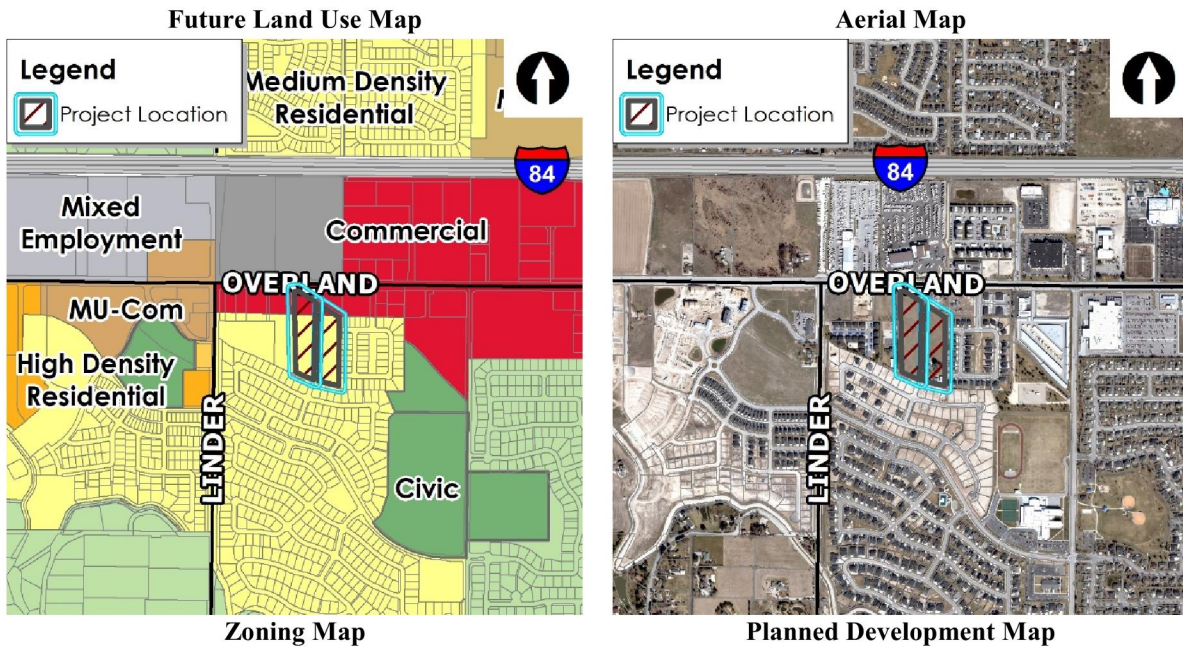
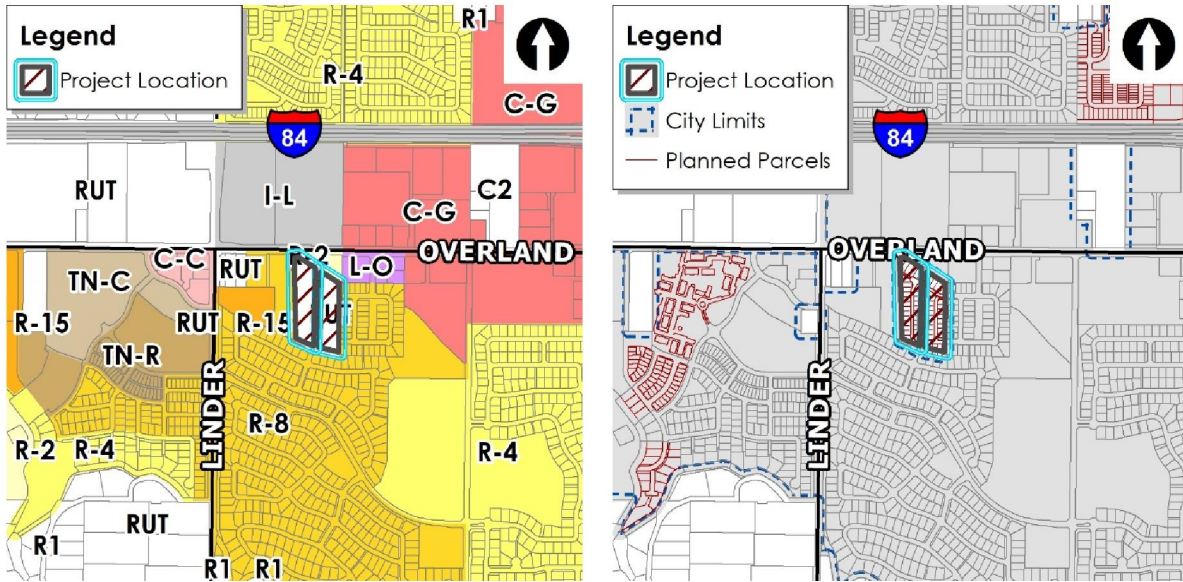


Exhibit A



III. APPLICANT INFORMATION

A. Applicant:

Southpoint Estates LLC – PO Box 6385, Boise, ID 83707

B. Owner:

Corey Barton – 1977 W. Overland Road, Meridian, ID 83642

C. Representative:

Laren Bailey – PO Box 6385, Boise, ID 83707

IV. NOTICING

	Planning & Zoning Posting Date	City Council Posting Date
Newspaper Notification	5/13/2020	6/26/2020
Radius notification mailed to properties within 300 feet	5/12/2020	6/23/2020
Site Posting	5/18/2020	7/2/2020
Nextdoor posting	5/12/2020	6/23/2020

V. STAFF ANALYSIS

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

Medium Density Residential – 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 proposed annexation area is surrounded by existing City of Meridian zoning. The proposed land use of detached single-family residential is consistent with the dwelling types noted in the

Exhibit A

Future Land Use Map (FLUM) designation definitions. Certain densities are required to be met on this property and the proposed project meets the densities listed above. In addition, the proposed zoning and density are consistent with that of the surrounding development. Therefore, Staff finds the density proposed with the preliminary plat and proposed zoning district are consistent with the Future Land Use Map designation of Medium Density Residential.

The subject site also has the Commercial future land use designation that was added when the comprehensive plan was revised in 2019. This applicant is choosing to utilize the residential designation rather than the commercial designation. Pursuant to the comments above, Staff supports the residential use and proposed R-8 zoning district in lieu of a commercial development as this is an extension of the existing Sagewood Subdivision on the east boundary. Further, the Hardin Drain, which runs along the north boundary, provides a natural transition between the proposed residential development and what could be commercial uses in the future along the Overland Road frontage.

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.*

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 R-8 zoning and proposed land use of single-family residential is an extension of what exists near the subject site today. R-8 zoning and detached single-family homes are abundant in the immediate areas to the south and east but within a half mile of the site, there are a multitude of land-uses that include existing lower density residential, civic (school site, park site, and fire station), light-industrial, office, and multi-family residential. Due to the nearby mix of existing and future uses and the size of this site, Staff finds the proposed project to meet the intent of this comprehensive plan policy.*

“With new subdivision plats, require the design and construction of pathways connections, easy pedestrian and bicycle access to parks, safe routes to schools, and the incorporation of usable open space with quality amenities” (2.02.01A). *This new subdivision does not offer additional multi-use pathways but will offer attached sidewalks and micro-pathways that will help connect neighboring subdivisions together and create a more walkable neighborhood. W. Overland Road is labeled as a transportation corridor in the ACHD Master Street Map and additional pedestrian connections to this corridor are welcomed. This additional connection will allow easier pedestrian access for nearby developments that currently do not have said access to Overland Road.*

The open space proposed at the southern end of this development offers some actual usable open space for children but is not centralized. These areas (approximately 19,000 square feet combined) are only separated by a local street at the southern end of the property which helps create an area that will be more inviting to the neighborhood. However, the area in the northern portion of the subdivision, but central to the site, appears to be a token piece of open space to accommodate seepage beds. Staff finds the

Exhibit A

open space to be adequate but not premier. The addition of a tot-lot with climbing boulders and the addition of a picnic area with public art help elevate the open space/amenity package in this development.

“Reduce the number of existing access points onto arterial streets by using methods such as cross-access agreements, access management, and frontage/backage roads, and promoting local and collector street connectivity” (6.01.02B). The proposed street network is an extension of existing local street stub and the Applicant has chosen to close the existing access to W. Overland Road. Staff and ACHD support the internal local street connectivity because it is designed to integrate with the existing street network that was put in place with the developments to the south and east. The proposed access points easily meet the intent of this Comprehensive Plan policy.

The City is currently processing a land use application for a commercial development on the property to the west and interconnectivity is an integral part to both of these applications. Staff has recommended this property owner and the property owner to the west meet and discuss this interconnectivity and possibly work together to create a shared access to Overland Road near the existing curb cut for the property to the west. Staff is unaware if this meeting has occurred. There is no guarantee that the application being processed for the property to the west will be approved as a commercial development and its existing zoning of R-8 could remain. If the property to the west develops as commercial an emergency only access should be provided; if it develops as residential, a full stub street should be provided to their western boundary. Staff has added a condition of approval regarding this in Section VIII.A of this staff report.

“Provide housing options close to employment and shopping centers” (3.07.02D). The proposed Sagewood West development is in close proximity to existing employment and shopping centers. Within a half mile is a Wal-Mart, assisted living facility, water-park, school, and the commercial intersection of Overland and Meridian Rd. These businesses offer both services and employment opportunities within walking distance of this subdivision.

“Preserve, protect, and provide open space for recreation, conservation, and aesthetics” (4.05.01F). As proposed, this development would provide approximately 12% open space for the subdivision. However, Staff has concluded that not all of this area meets UDC requirements as proposed. Staff is recommending conditions of approval to correct this and with that more open space would be available for both this subdivision and its neighbor to the east, Sagewood Subdivision. The open space proposed is provided via common open space lots at both ends of the development, north and south. Within the lots in the southern half of the plat, climbing boulders and a seating area with public art are proposed. In the northern half of the plat, there is a green space lot and a common lot with a micro-pathway proposed. Staff finds that if the common lot with the pathway can meet UDC requirements to count towards linear open space, it would be a great addition of open space and pedestrian connection for this subdivision and adjacent subdivisions.

Staff finds this development to be generally consistent with Comprehensive Plan policies and objectives.

Exhibit A

C. Existing Structures/Site Improvements:

There is an existing home located in the southern portion of the subject site. This residence will be removed from the property prior to development. There is also a private dirt/gravel driveway that comes from the existing access onto Overland Road—as discussed, this access will be closed by the Applicant and the private road will no longer exist. No other site improvements are known at this time.

D. Proposed Use Analysis:

The proposed use is single-family residential; single-family detached dwellings are listed as principally permitted uses in the R-8 zoning district per UDC Table 11-2A-2.

This development is proposed as one (1) phase and all existing access points to Overland Road be closed. There is no requirement for an emergency access as this project is proposed with three (3) access points. According to the submitted preliminary plat, all lots appear to meet the required zoning and use requirements.

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

All proposed lots and public streets appear to meet all UDC dimensional standards per the submitted preliminary plat. This includes property sizes, required street frontages, and road widths.

In addition, all subdivision developments are also required to comply with Subdivision Design and Improvement Standards (UDC 11-6C-3). There is one (1) common driveway proposed and such driveways should be constructed in accord with the standards listed in UDC 11-6C-3D. **An exhibit should be submitted with the final plat application that depicts the setbacks, fencing, building envelope, and orientation of the lots and structures accessed via the common driveway; if a property abuts a common driveway but has the required minimum street frontage and is taking access via the public street, the driveway should be depicted on the opposite side of the shared property line from the common driveway.**

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

Access is proposed via extending existing local street stubs into this development. The subdivision to the east has two stub streets to this site and the subdivision to the south has one stub street to this site. These three accesses are more than adequate to disperse traffic to nearby arterial roadways.

During pre-application meetings with the Applicant, a stub street to the property to their west was requested by staff because they are currently zoned R-8 which would accommodate a residential development. However, the property to the west also has two future land use designations on it, residential and commercial. Because of this, the property owner to the west has recently submitted a Rezone application to change the zoning from R-8 to C-G with a proposed use of self-storage (the proposed use is RV storage but is proposed as a much more specific and encompassing use than traditional self-storage). Staff is recommending a condition of approval that this property provide a full public street stub to the property to the west unless it develops as commercial. This Applicant and the adjacent property owner should work together on the location of this stub. If the adjacent western property is developed as commercial, the public street stub

Exhibit A

may be an emergency only access—both property owners should together with ACHD on the appropriate location for this access.

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

Off-street parking is required to be provided in accord with the standards listed in [UDC Table 11-3C-6](#) for single-family detached dwellings based on the number of bedrooms per unit. Future development should comply with these standards. No parking plan was submitted with the application. *The proposed street sections (33-feet wide) shown on the submitted plat accommodate parking on both sides of the street.*

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

No multi-use pathways are proposed or required with this development. However, one of the proposed amenities are micro-pathways that connect the internal public roads to W. Overland Road. These connections will help improve pedestrian and cyclist connectivity along the arterial roadway.

The submitted plat and landscape plan show a portion of the proposed micro-pathway along the Hardin Drain, which is behind the homes along the northern property boundary. The proposed pathway does not show any trees along the pathway as is required by code. This is due to the drain easement not allowing trees within its easement. UDC allows Staff to require an additional five-feet outside of the easement be provided so that trees can be added and therefore meet the landscaping requirements. Providing this additional five-feet will still allow all affected building lots to meet the R-8 dimensional standards with a property depth of no less than 95-feet in length. Therefore, Staff is recommending a condition of approval to provide this additional five-feet and subsequent landscaping along the rear property lines of Lots 4-10, Block 1.

In addition, this section of pathway turns away from the building lots and is proposed to stop at the northeast property line which does not meet UDC requirements of being open at both ends. The Applicant states that this micro-pathway will later connect to a common driveway that abuts the eastern property boundary but will have to go through the adjacent property to the northeast. Staff finds it difficult to fully support this micro-pathway layout because there is no guarantee that the property to the northeast will ever redevelop and add this small section of pathway. Staff recommends a condition of approval to continue the pathway behind Lots 1-3, Block 1, within a 20-foot wide common lot (UDC 11-3G-3 standards for qualifying linear open space) that connects to the existing common driveway that lays at the eastern property boundary in the adjacent Sagewood Subdivision. Again, this adjustment would still allow Lots 1-3, Block 1 to meet the required UDC dimensional standards for the R-8 zoning district.

NOTE: In discussions with the applicant, it is their desire to negotiate an easement with the adjacent property owner to the northeast (parcel # S1224223106) to use a portion of the property to extend the pathway as shown on the attached open space exhibit. Although an easement may allow for the construction of the pathway, there is no guarantee this area will be landscaped and maintained like a typical common lot owned by an HOA. As an option, the applicant could try to purchase that portion of the property (SEC) so it can be incorporated into the proposed plat. Incorporating the property into this plat would require the applicant to obtain approval of a property

boundary adjustment application, amend the boundary of the proposed plat and submit a concurrent rezone application. Due to the complexity and timing needed to resolve this issue, staff believes the extension of the common lot along the north boundary of Lots 1-3, Block 1 is the most feasible solution.

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

Five-foot attached sidewalks are proposed along all internal local streets. *There is existing 5-foot wide attached sidewalks along W. Overland Road. Staff is not recommending that the existing sidewalk is removed.*

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

A 25-foot wide street buffer is required adjacent to W. Overland Rd., an arterial roadway, landscaped per the standards listed in [UDC 11-3B-7C](#). A common lot that is at least 25-foot wide at this section and contains the proposed micro-pathways is depicted on the plat and the correct number of trees appear to be shown on the submitted landscape plans (see Section VII.D).

Common open space is required to be landscaped in accord with the standards listed in [UDC 11-3G-3E](#). *The total square footage of common open space are included in the Landscape Calculations/Requirements table along with the required number of trees to demonstrate compliance with UDC standards.*

Pathways are required to be landscaped in accord with the standards listed in UDC 11-3B-12. *See further analysis above (section VII.H) on proposed pathways landscaping conditions. The total linear footage of pathways and the required number of trees is not included on the submitted Landscape Calculations table. The landscape plan should be corrected to depict these calculations and the required number of trees (1 tree for every 100 linear feet of pathway).*

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

A minimum of 10% ***qualified*** open space meeting the standards listed in UDC 11-3G-3B is required. Based on the proposed plat of 10.41 acres, a minimum of 1.04 acres of qualified common open space should be provided.

The applicant is proposing 1.25 acres of open space (or 12.04%) consisting of common lots with open space, located on larger lots on the end caps of blocks. In addition, the Applicant is proposing micro-pathways along the northern property boundary that connect to W. Overland Road.

Both of the common lots proposed at the end caps of the central block are more than 10,000 square feet in area, meeting the minimum UDC requirements to count towards qualified open space. The additional end cap lot in the southwest of site also meets these dimensional standards and is proposed with a qualifying site amenity (picnic area with public art). The other proposed open space is that area with the micro-pathway contained within it in the north area of the development. The proposed pathway connects to the common driveway and heads north to connect to Overland Rd. The pathway also turns east and heads behind the building lots and runs along the northeast boundary, as discussed previously. As proposed, this linear open space with the pathway does not meet UDC standards for qualified open space as it is not open on both ends as required by

Exhibit A

UDC 11-3G-3B. Staff has calculated that if this area is not qualifying open space, the amount of qualified open space should be reduced by approximately 15,000 square feet. Without this area, the amount of qualified open space is reduced to about 0.9 acres which is below the required minimum 10% qualified open space.

If the Applicant were to make the adjustments to the plat and open space per the conditions in this report and continue the pathway lot all the way along the northeast property boundary, this area and more could be added back into the qualified open space calculations. If this condition cannot be met, Staff recommends that at least one building lot be converted from a buildable lot to a common open space lot and additional open space be provided in order to meet the minimum 10% requirement.

The adjacent subdivision to the east (Sagewood Subdivision) is operated by the same HOA that will operate this proposed development. Because of this, the Applicant does have the option of counting some of their excess open space with this development so long as both projects would then meet the minimum 10% open space. Sagewood Subdivision provided a park that is over an acre in size in addition to other qualifying open space. Staff finds that some of this area can count towards the qualifying open space within this development because of its proximity, two local street connections with attached sidewalks, and the existence of the same HOA governance.

In the very southwest corner of the subject site there is a small sliver of open space located at the rear of Lot 26, Block 1 that does not have adequate visibility for emergency and police services. The Applicant is currently incorporating this odd sliver of land into their plat in order to help the City fix a surveying mistake from the past. In discussions with the Applicant, Staff has requested this property owner work with the property owner to the west to transfer this area to them. If this sliver is incorporated into the property to the west, the area will no longer be tucked away in a corner and would be usable space by that property owner. In doing so, the Applicant will have to adjust the boundary of the plat; Staff has included a condition of approval for this request in section VIII.A of this staff report.

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

Based on the area of the proposed plat (10.41 acres), a minimum of one (1) qualified site amenity is required to be provided per the standards listed in [UDC 11-3G-3C](#).

The applicant has proposed three (3) qualified amenities: a seating area with public art; a boulder play area; and micro-pathways.

The proposed amenities exceed the minimum UDC requirements and Staff finds them appropriate for the development.

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; fencing shown next to the proposed open space and pathway lot located behind the future building lots needs to be corrected per the conditions of approval in this staff report (see Section VIII.A3) to show open-vision or semi-private fencing.

Exhibit A

N. Building Elevations (*UDC 11-3A-19* | *Architectural Standards Manual*):

The Applicant has submitted sample elevations of the single-family homes for this project (see Section VII.E).

The single-family homes are depicted as both single and two-story structures with two-car garages and a variety of finish material combinations. The homes are also shown with optional enhancements, i.e. larger garages or a different master bathroom layout. The submitted sample elevations appear to meet design requirements for single-family homes.

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 with the conditions noted in Section VIII.A per the findings in Section IX of this staff report.

B. Commission:

The Meridian Planning & Zoning Commission heard these items on May 28, 2020. At the public hearing, the Commission moved to recommend approval of the subject Annexation and Preliminary Plat requests.

1. Summary of Commission public hearing:

- a. In favor: Hethe Clark, Applicant Representative
- b. In opposition: None
- c. Commenting: Hethe Clark
- d. Written testimony: None
- e. Staff presenting application: Joseph Dodson
- 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. Location/layout of open space and amenities within the subject site and in relation to the adjacent subdivision to the east, Sagewood Subdivision.
- b. Applicant's request to modify Staff's conditions regarding changing the lot depths and adding landscaping to the northernmost common lot, Lot 11, Block 1.
- c. Location of the proposed common drive and its purpose also serving as an emergency access for the parcel to the west.

4. Commission change(s) to Staff recommendation:

- a. Modify condition 2-B to add "if NMID does not allow for landscaping within their easement."
- b. Modify condition 3-C to add "if NMID does not allow for landscaping within their easement."
- c. Delete condition 2-C since that condition has been satisfied with a revised plat.

5. Outstanding issue(s) for City Council:

- a. Condition 2-E has not been satisfied by the Applicant; Applicant was conditioned to convey Lot 27, Block 1 to the property owner to the west prior to City Council but has not yet done this. The Applicant intends to comply with this condition but ran out of time.

C. The Meridian City Council heard these items on July 14, 2020. 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:

Exhibit A

- a. In favor: Hethe Clark, Applicant Representative
- b. In opposition: None
- c. Commenting: Hethe Clark
- d. Written testimony: None
- e. Staff presenting application: Joseph Dodson
- f. Other Staff commenting on application: None
2. Key issue(s) of public testimony:
 - a. None
3. Key issue(s) of discussion by City Council:
 - a. Lack of comments from West Ada School District;
 - b. Location of open space and type of amenities;
 - c. Question of whether the subject development will be an extension of the subdivision to the east.
4. City Council change(s) to Commission recommendation:
 - a. None

VII. EXHIBITS

A. Annexation Legal Description and Exhibit Map



SAWTOOTH
Land Surveying, LLC

Sawtooth Land Surveying, LLC

2030 S. Washington Ave.
Emmett, ID 83617
P: (208) 398-8104
F: (208) 398-8105

Sagewood West Subdivision Annexation Description

BASIS OF BEARING for this description is South 89°34'42" East, between a brass carp marking the northwest corner of Section 24 and a brass cap marking the N1/4 of Section 24, both in T. 3 N., R. 1 W., B.M., City of Meridian, Ada County, Idaho.

A parcel of land being a portion of the NW1/4 of the NW1/4 of Section 24, T. 3 N., R. 1 W., B.M., City of Meridian Ada County, Idaho, more particularly described as follows:

COMMENCING at the northwest corner of said Section 24;

Thence South 89°34'42" East, coincident with the centerline of W. Overland Road, 800.09 feet to the **POINT OF BEGINNING**;

Thence continuing, South 89°34'42" East coincident with said centerline of W. Overland Road, a distance of 77.38 feet;

Thence leaving said centerline of W. Overland Road, South 0°25'18" West, 48.00 feet to a 5/8" rebar with no cap;

Thence South 57°46'04" East, 532.56 feet to a 5/8" rebar with no cap on the west boundary of Sagewood Subdivision, as shown in Book 110 of Plats, Pages 15846-15847, Ada County Records;

Thence South 0°26'18" West, coincident with said west boundary of Sagewood Subdivision, 759.66 feet to a 5/8" rebar with no cap marking the southwest corner of said Sagewood Subdivision and an angle point in the northerly boundary of Fall Creek Meadows Subdivision No. 2, as shown in Book 115 of Plats, Pages 17180-17188, Ada County Records;

Thence South 0°19'18" West, coincident with said northerly boundary of Fall Creek Meadows Subdivision No. 2, a distance of 29.74 feet to a 5/8" rebar/cap PLS 11334;

Thence North 77°45'27" West, coincident with the northerly boundary of said Fall Creek Meadows Subdivision No. 2 and Fall Creek Meadows Subdivision No. 1, as shown in Book 114 of Plats, Pages 17036-17046, Ada County Records, 313.88 feet;

Thence North 61°03'23" West, coincident with said northerly boundary of Fall Creek Meadows Subdivision No. 1, a distance of 351.87 feet to a 5/8" rebar/cap PLS 11334;

P:\2020\1 EMT\120017-1335 W OVERLAND SUB-CG\Survey\Drawings\Descriptions\120017-Sagewood West Annexation Description.docx
Page | 1

Exhibit A


Thence South 66°01'34" East, 134.28 feet to a 1/2" rebar/cap PLS 7323;
Thence North 2°25'32" West, 396.59 feet to a 1/2" rebar/cap PLS 7323;
Thence North 2°01'52" West, 178.11 feet to a 1/2" rebar/cap PLS 7323;
Thence North 1°48'29" West, 147.07 feet to a 1/2" rebar/cap PLS 7323;
Thence North 0°35'25" West, 167.48 feet to a 5/8" rebar/cap PLS 5082;
Thence North 0°07'23" W., 51.00 feet to the **POINT OF BEGINNING**.

The above described parcel contains 10.41 acres, more or less.



Exhibit A



PROJECT: SAGEWOOD WEST SUBDIVISION ANNEXATION EXHIBIT MERIDIAN, IDAHO	OWNER/DEVELOPER: CONGER GROUP	 2030 S. WASHINGTON AVE. EMMETT, ID 83617 P: (208) 398-8104 F: (208) 398-8105 WWW.SAWTOOTHLS.COM	DWG # 120017-EX
	DATE: 3/2020		PROJECT# 120017

B. Preliminary Plat (date: 4/22/2020) (date: 5/27/2020)

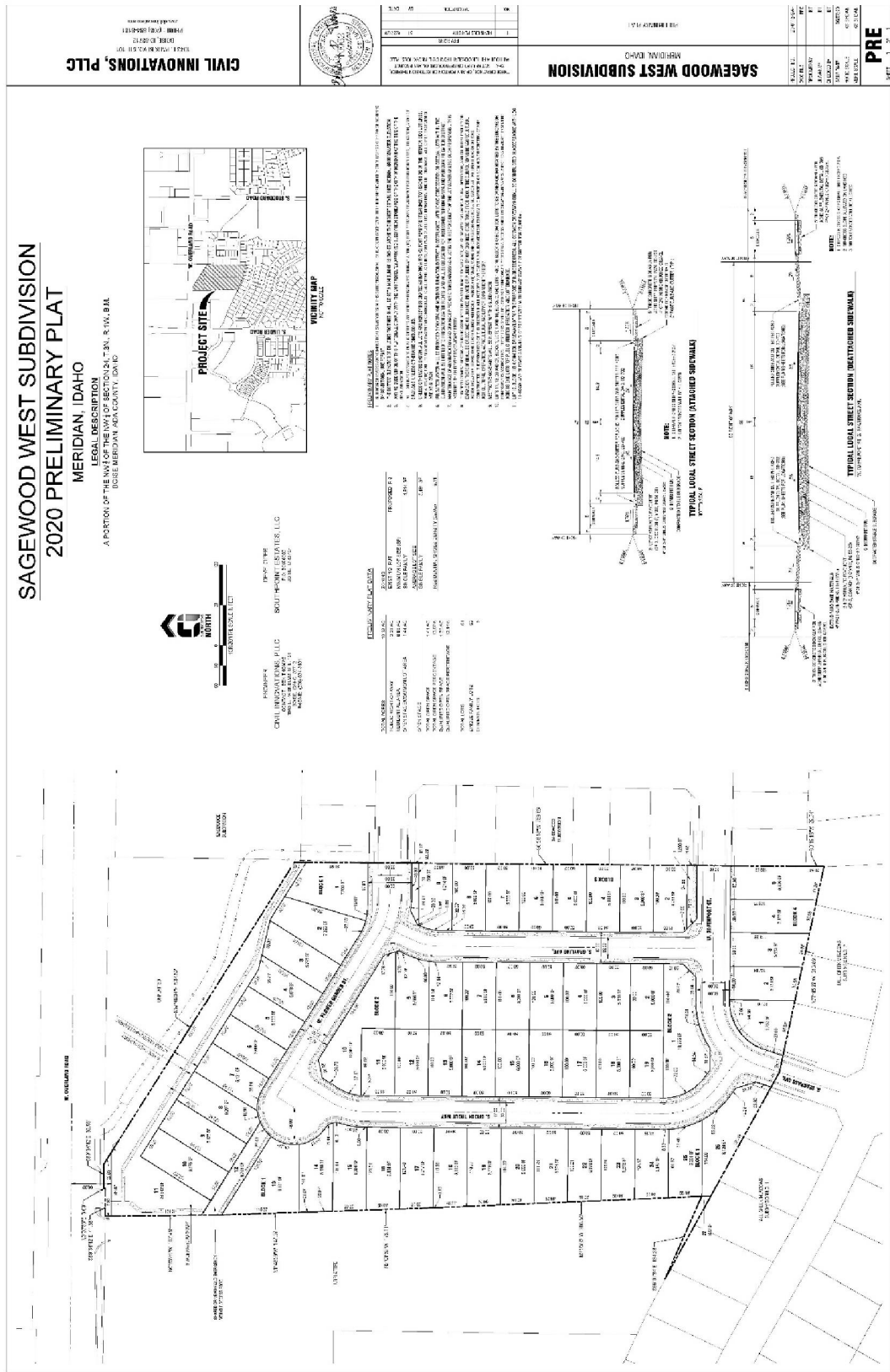


Exhibit A

C. Open Space Exhibit (date: 3/27/2020)



D. Landscape Plan (date: 4/3/2020)

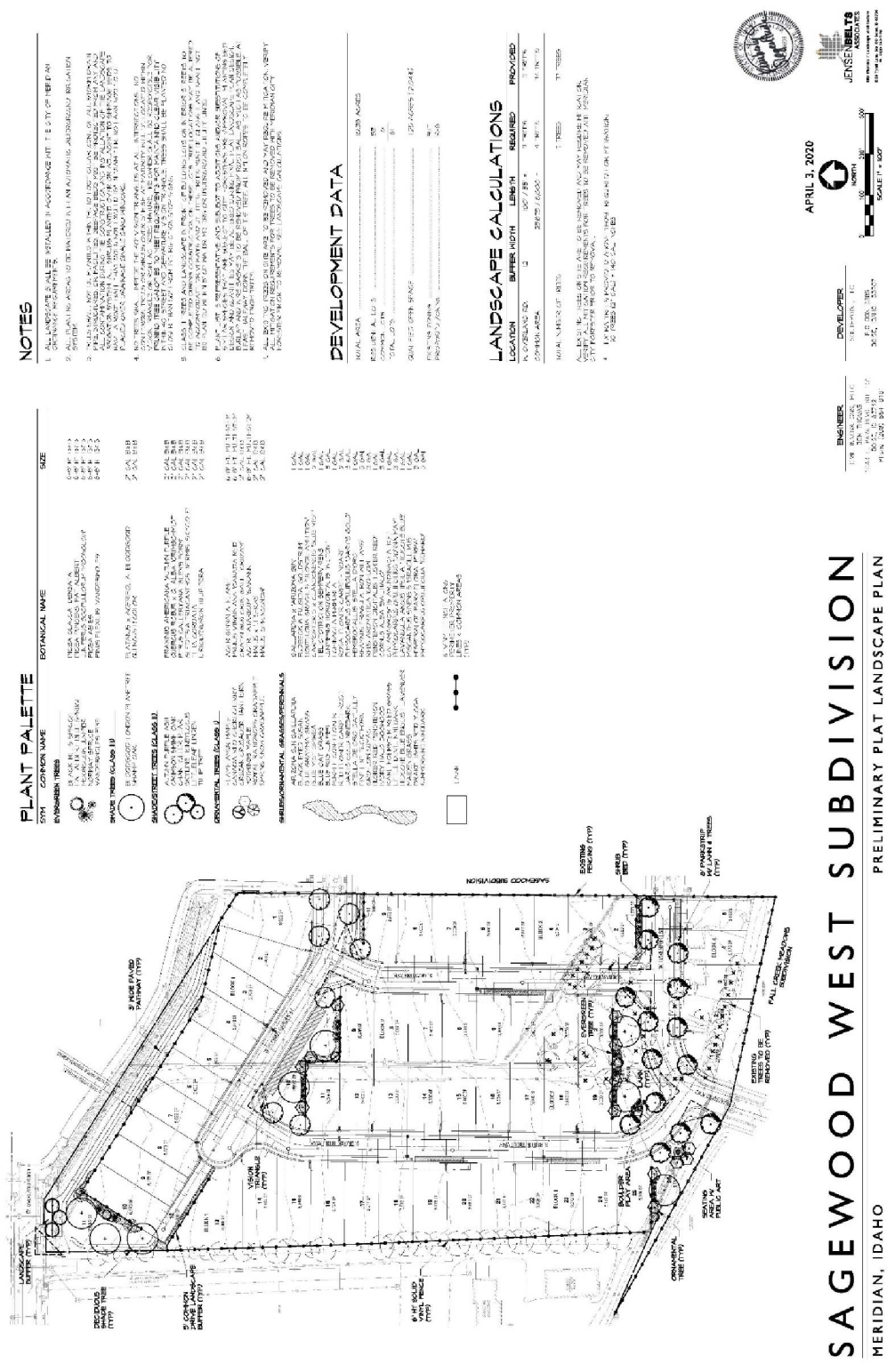


Exhibit A

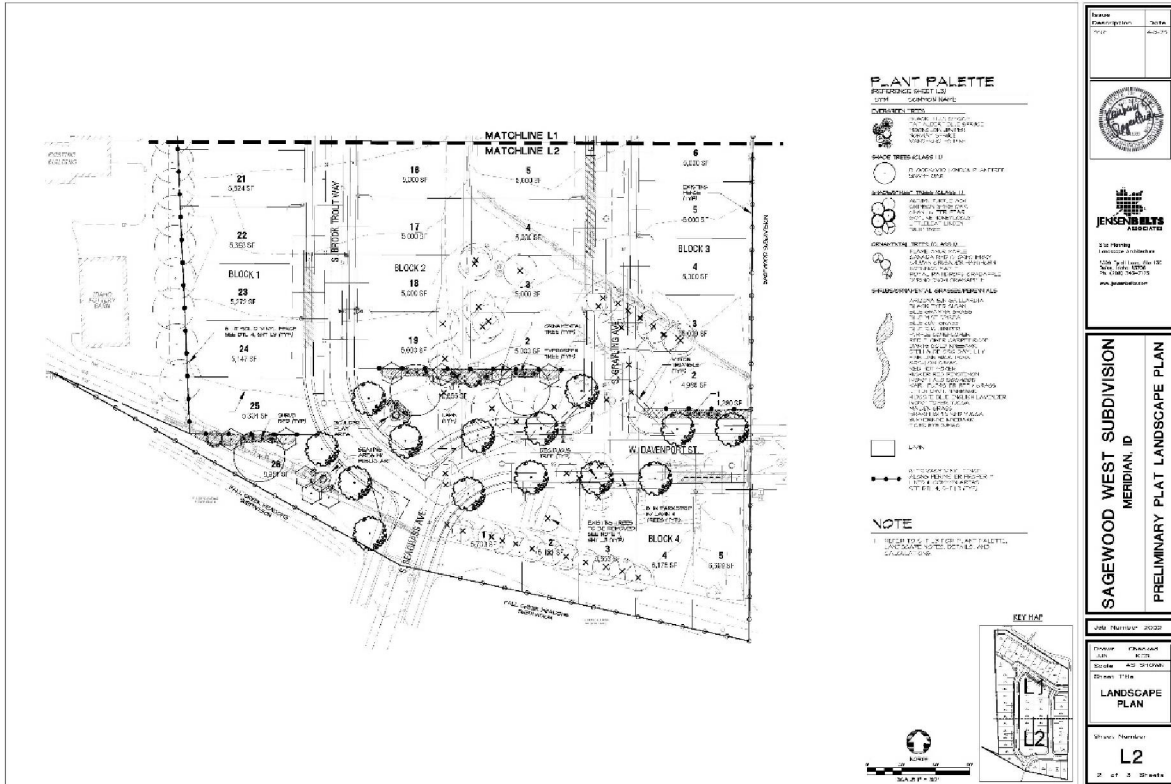
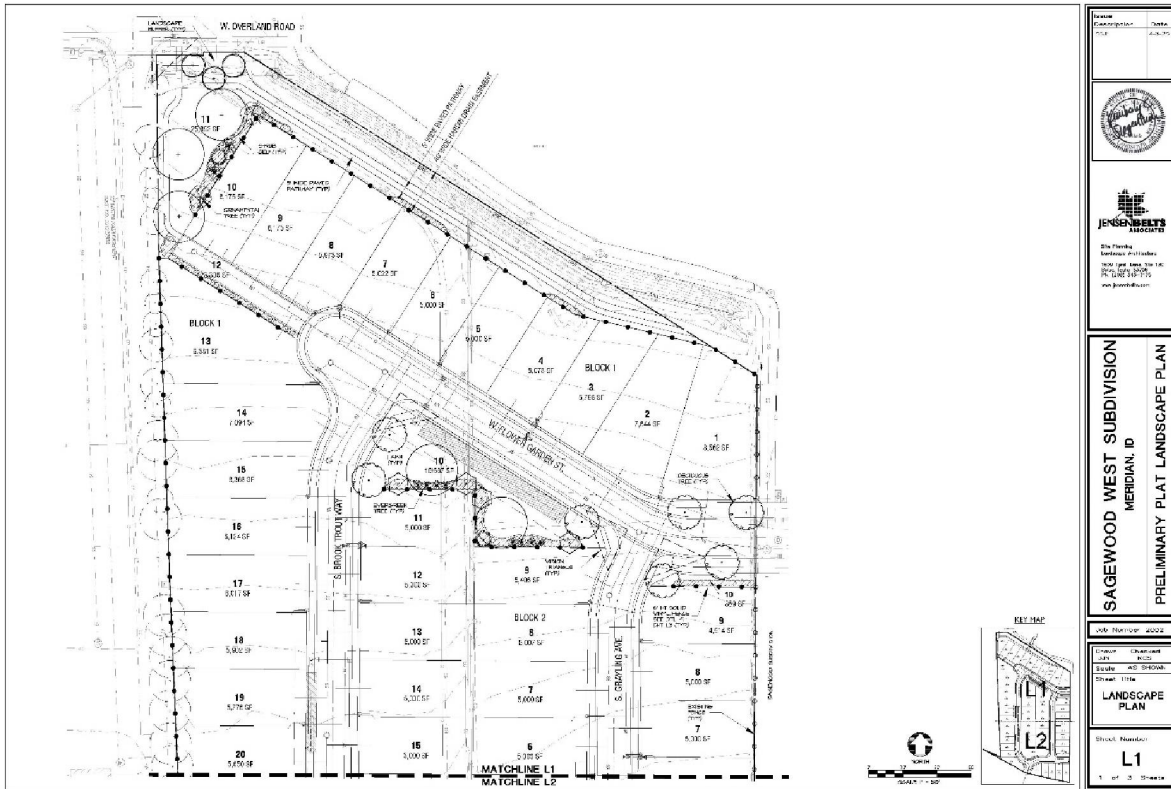


Exhibit A

E. Conceptual Building Elevations

The proposed homes are one and a half story homes ranging in size from approximately 1,800 square feet to 2,200 square feet. We are proposing 53 detached single-family homes. The proposed homes are comparable in terms of architectural design and square footage to homes in the immediate vicinity.

The following elevations and floor plans are meant to be examples of what could be built in the development and are subject to change.



MAIN LEVEL

Exhibit A



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 preliminary plat, landscape plan and conceptual building elevations for the single-family dwellings included in Section VII and the provisions contained herein.
 - b. The Applicant shall comply with the ordinances in effect at the time of application submittal.
 - c. Direct lot access to W. Overland Road shall be prohibited.
2. Ten (10) days prior to the City Council hearing, the preliminary plat included in Section VII.C, dated 04/22/2020, shall be revised as follows:
 - a. Add a note prohibiting direct lot access via W. Overland Road.
 - b. If Nampa Meridian Irrigation District does not allow for landscaping within their easement On Lot 11, Block 1, add five feet of width shall be added on the proposed common lot along the rear of Lots 4-10, Block 1 to accommodate the required landscaping for linear open space.
 - c. ~~The proposed pathway and common lot (Lot 11, Block 1) shall be extended along the north boundary of Lots 1-3, Block 1 in a 20-foot wide common lot and connect to the common driveway within the Sagewood Subdivision to the east.~~
 - d. The applicant shall provide a stub street at the west boundary (Parcel # S1224223270). Location of the stub street shall be coordinated between ACHD, the applicant and the adjacent property owner. If the property develops with a non-residential use, an emergency access shall be provided in lieu of the stub street.
 - e. Coordinate with the property owner to the west on the conveyance of the sliver of land located at the rear of Lot 26, Block 1 of the proposed plat. The Applicant shall adjust the boundary of the plat to reflect this change.
 3. The landscape plan included in Section VII.E, dated 04/03/2020, shall be revised as follows prior to submittal of the final plat application:
 - a. Revise landscape plan to show open vision or semiprivate fencing along the common open space and pathway located on Lot 11, Block 1; all fencing shall comply with the standards listed in UDC 11-3A-7.
 - b. Revise landscape plan calculations table to include the linear feet of pathway and the required number of trees per the standards in UDC 11-3B-12.

Exhibit A

- c. ~~Prior to the City Council hearing,~~ The Applicant shall revise the landscape plan to show an additional five feet of width with landscaping on the proposed common lot (Lot 11, Block 1) along the rear of Lots 4-10, Block 1 to accommodate the required landscaping per the standards in UDC 11-3B-12 if Nampa Meridian Irrigation District does not allow for landscaping within their easement.
4. Future development shall be consistent with the minimum dimensional standards listed in [UDC Table 11-2A-6](#) for all buildable lots.
5. Off-street parking is required to be provided in accord with the standards listed in [UDC Table 11-3C-6](#) for single-family detached dwellings based on the number of bedrooms per unit.
6. An exhibit shall be submitted with the final plat application that depicts the setbacks, fencing, building envelope, and orientation of the lots and structures accessed via the common driveway; if a property abuts a common driveway but has the required minimum street frontage and is taking access via the public street, the driveway shall be depicted on the opposite side of the shared property line from the common driveway as set forth in [UDC 11-6C-3D](#).
7. For any common driveway that serves a dual purpose (i.e. driveway/emergency access/pathway), signage shall be provided to notify residents that the common driveway is a no parking zone.
8. Prior to submittal of final plat application, the Applicant shall provide the city arborist with a tree mitigation plan and receive approval of said mitigation plan.

B. PUBLIC WORKS

1. Site Specific Conditions of Approval

- 1.1 A street light plan will need to be included in the final plat application. Street light plan requirements are listed in section 6-7 of the City's Design Standards.
- 1.2 Applicant shall adjust their sanitary sewer design to remove the mainline out of the common driveway. In this case, service lines shall be extended to the common drive lots from the mainline located in the public right-of-way.
- 1.3 Utility easement for possible future water main extension must be provided to property to the west via the common driveway.

2. General Conditions of Approval

- 2.1 Applicant shall coordinate water and sewer main size and routing with the Public Works Department, and execute standard forms of easements for any mains that are required to provide service outside of a public right-of-way. Minimum cover over sewer mains is three feet, if cover from top of pipe to sub-grade is less than three feet than alternate materials shall be used in conformance of City of Meridian Public Works Departments Standard Specifications.
- 2.2 Per Meridian City Code (MCC), the applicant shall be responsible to install sewer and water mains to and through this development. Applicant may be eligible for a reimbursement agreement for infrastructure enhancement per MCC 8-6-5.
- 2.3 The applicant shall provide easement(s) for all public water/sewer mains outside of public right of way (include all water services and hydrants). The easement widths shall be 20-foot wide for a single utility, or 30-foot 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

Exhibit A

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 existing domestic well system within this project shall be removed from domestic service per City Ordinance Section 9-1-4 and 9 4 8 contact the City of Meridian Engineering Department at (208)898-5500 for inspections of disconnection of services. Wells may be used for non-domestic purposes such as landscape irrigation if approved by Idaho Department of Water Resources Contact Robert B. Whitney at (208)334-2190.
- 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.

Exhibit A

- 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 (MFD)

<https://weblink.meridiancity.org/WebLink/DocView.aspx?id=186859&dbid=0&repo=MeridianCity&cr=1>

D. POLICE DEPARTMENT (MPD)

<https://weblink.meridiancity.org/WebLink/DocView.aspx?id=186743&dbid=0&repo=MeridianCity>

E. NAMPA & MERIDIAN IRRIGATION DISTRICT (NMID)

<https://weblink.meridiancity.org/WebLink/DocView.aspx?id=187169&dbid=0&repo=MeridianCity>

F. DEPARTMENT OF ENVIRONMENTAL QUALITY (DEQ)

<https://weblink.meridiancity.org/WebLink/DocView.aspx?id=187164&dbid=0&repo=MeridianCity>

G. CENTRAL DISTRICT HEALTH DEPARTMENT (CDH)

<https://weblink.meridiancity.org/WebLink/DocView.aspx?id=187428&dbid=0&repo=MeridianCity>

H. ADA COUNTY HIGHWAY DISTRICT (ACHD)

<https://weblink.meridiancity.org/WebLink/DocView.aspx?id=187579&dbid=0&repo=MeridianCity>

I. COMPASS (COMMUNITY PLANNING ASSOCIATION)

<https://weblink.meridiancity.org/WebLink/DocView.aspx?id=188455&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 R-8 and subsequent development is consistent with the Comprehensive Plan, if all provisions of the Development Agreement are complied with.

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

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

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.

Exhibit A

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 proposed annexation is in the best interest of the City per the Analysis in Section V.

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 approves of the project.

- 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.