

## DEVELOPMENT AGREEMENT

- PARTIES:**
1. **City of Meridian**
  2. **Charles Rauch and Maria Rauch, Owners**
  3. **Lasher Enterprises, Developer**

THIS DEVELOPMENT AGREEMENT (this Agreement), is made and entered into this 19<sup>th</sup> day of Dec., 2022, by and between **City of Meridian**, a municipal corporation of the State of Idaho, hereafter called CITY, whose address is 33 E. Broadway Avenue, Meridian, Idaho 83642, and **Charles Rauch and Maria Rauch**, whose address is 2707 S. Stoddard Road, Meridian, ID, 83642, hereinafter called OWNERS, and **Lasher Enterprises**, whose address is 3234 N. Maplestone Avenue, Meridian, ID, 83646, hereinafter called DEVELOPER.

1. **RECITALS:**

- 1.1 **WHEREAS**, Owners are the sole owners, in law and/or equity, of certain tract of land in the County of Ada, State of Idaho, described in Exhibit "A", which is attached hereto and by this reference incorporated herein as if set forth in full, herein after referred to as the Property; and
- 1.2 **WHEREAS**, Idaho Code § 67-6511A provides that cities may, by ordinance, require or permit as a condition of zoning that the Owners and/or Developer make a written commitment concerning the use or development of the subject Property; and
- 1.3 **WHEREAS**, City has exercised its statutory authority by the enactment of Section 11-5B-3 of the Unified Development Code ("UDC"), which authorizes development agreements upon the annexation and/or re-zoning of land; and
- 1.4 **WHEREAS**, Owners and/or Developer have submitted an application for annexation and zoning of 5.04 acres of land with a request for the R-8 zoning district on the property as shown in Exhibit "A" under the Unified Development Code, which generally describes how the Property will be developed and what improvements will be made; and
- 1.5 **WHEREAS**, Owners and/or Developer made representations at the public hearings before Planning and Zoning Commission and the Meridian City Council as to how the Property will be developed and what improvements will be made; and

- 1.6 **WHEREAS**, the record of the proceedings for requested annexation and zoning held before Planning and Zoning Commission and the City Council includes responses of government subdivisions providing services within the City of Meridian planning jurisdiction and includes further testimony and comment; and
- 1.7 **WHEREAS**, on the 15<sup>th</sup> day of November, 2022, the Meridian City Council approved certain Findings of Fact and Conclusions of Law and Decision and Order (“Findings”), which have been incorporated into this Agreement and attached as Exhibit “B”; and
- 1.8 **WHEREAS**, the Findings require the Owners and/or Developer to enter into a Development Agreement before the City Council takes final action on final plat; and
- 1.9 **WHEREAS**, Owners and/or Developer deem it to be in its best interest to be able to enter into this Agreement and acknowledges that this Agreement was entered into voluntarily and at its urging and request; and
- 1.10 **WHEREAS**, City requires the Owners and/or Developer to enter into a development agreement for the purpose of ensuring that the Property is developed and the subsequent use of the Property is in accordance with the terms and conditions of this Agreement, herein being established as a result of evidence received by the City in the proceedings for zoning designation from government subdivisions providing services within the planning jurisdiction and from affected property owners and to ensure zoning designation are in accordance with the amended Comprehensive Plan of the City of Meridian on December 19, 2019, Resolution No. 19-2179, and the UDC, Title 11.

**NOW, THEREFORE**, in consideration of the covenants and conditions set forth herein, the parties agree as follows:

2. **INCORPORATION OF RECITALS:** That the above recitals are contractual and binding and are incorporated herein as if set forth in full.

3. **DEFINITIONS:** For all purposes of this Agreement the following words, terms, and phrases herein contained in this section shall be defined and interpreted as herein provided for, unless the clear context of the presentation of the same requires otherwise:

- 3.1 **CITY:** means and refers to the **City of Meridian**, a party to this Agreement, which is a municipal Corporation and government subdivision of the state of Idaho, organized and existing by virtue of law of the State of Idaho, whose address is 33 East Broadway Avenue, Meridian, Idaho 83642.

- 3.2 **OWNERS:** means and refers to **Charles Rauch and Maria Rauch**, whose address is 2707 S. Stoddard Road, Meridian, ID, 83642, hereinafter called OWNERS, the party that owns said Property and shall include any subsequent owner(s) of the Property.
- 3.3 **DEVELOPER:** means and refers to **Lasher Enterprises**, whose address is 3234 N. Maplestone Avenue, Meridian, ID, 83646, hereinafter called DEVELOPER, the party that is developing said Property and shall include any subsequent developer(s) of the Property.
- 3.3 **PROPERTY:** means and refers to that certain parcel(s) of Property located in the County of Ada, City of Meridian as in Exhibit "A" describing a parcel bound by this Development Agreement and attached hereto and by this reference incorporated herein as if set forth at length.

4. **USES PERMITTED BY THIS AGREEMENT:** This Agreement shall vest the right to develop the Property in accordance with the terms and conditions of this Agreement.

- 4.1 The uses allowed pursuant to this Agreement are only those uses allowed under the UDC.
- 4.2 No change in the uses specified in this Agreement shall be allowed without modification of this Agreement.

5. **CONDITIONS GOVERNING DEVELOPMENT OF SUBJECT PROPERTY:**

- 5.1. Owners/Developer shall develop the Property in accordance with the following special conditions:
- a. Future development of this site shall be substantially consistent with the approved plat, landscape plan, phasing plan, and conceptual building elevations included in Section VII and the provisions contained herein.
  - b. The existing outbuilding/stable shall be removed upon phase 2 development, consistent with accessory and primary structure restrictions and the approved phasing plan.
  - c. The existing home shall connect to City water and sewer services with the first phase of development.
  - d. Owners of the existing home shall cease the operation of an in-home daycare at the time of phase 2 development OR construct the common drive (Lot 8) to be a minimum of 25 feet wide.
  - e. The rear and/or sides of homes visible from S. Stoddard Road (Lots

16-19) shall incorporate articulation through changes in two or more of the following: modulation (e.g. projections, recesses, step-backs, pop-outs), bays, banding, porches, balconies, material types, or other integrated architectural elements to break up monotonous wall planes and roof lines that are visible from the subject public street. Single-story structures are exempt from this requirement.

6. **COMPLIANCE PERIOD** This Agreement must be fully executed within six (6) months after the date of the Findings for the annexation and zoning or it is null and void.

7. **DEFAULT/CONSENT TO DE-ANNEXATION AND REVERSAL OF ZONING DESIGNATION:**

- 7.1 **Acts of Default.** In the event Owners and/or Developer, or Owners and/or Developer's heirs, successors, assigns, or subsequent owners of the Property or any other person acquiring an interest in the Property, fail to faithfully comply with all of the terms and conditions included in this Agreement in connection with the Property, this Agreement may be terminated by the City upon compliance with the requirements of the Zoning Ordinance.
- 7.2 **Notice and Cure Period.** In the event of Owners and/or Developer's default of this agreement, Owners and/or Developer shall have thirty (30) days from receipt of written notice from City to initiate commencement of action to correct the breach and cure the default, which action must be prosecuted with diligence and completed within one hundred eighty (180) days; provided, however, that in the case of any such default that cannot with diligence be cured within such one hundred eighty (180) day period, then the time allowed to cure such failure may be extended for such period as may be necessary to complete the curing of the same with diligence and continuity.
- 7.3 **Remedies.** In the event of default by Owners and/or Developer that is not cured after notice from City as described in Section 7.2, City shall, upon satisfaction of the notice and hearing procedures set forth in Idaho Code section 67-6511A, have the right, but not a duty, to de-annex all or a portion of the Property, reverse the zoning designations described herein, and terminate City services to the de-annexed Property, including water service and/or sewer service. Further, City shall have the right to file an action at law or in equity to enforce the provisions of this Agreement. Because the covenants, agreements, conditions, and obligations contained herein are unique to the Property and integral to City's decision to annex and/or re-zone the Property, City and Owners/Developer stipulate that specific performance is an appropriate, but not exclusive, remedy in the event of default. Owners/Developer reserves all rights to contest whether a default has occurred.
- 7.4 **Choice of Law and Venue.** This Agreement and the rights of the parties hereto shall be governed by and construed in accordance with the laws of the State of Idaho, including all matters of construction, validity, performance, and enforcement. Any action brought by any party hereto shall be brought within Ada County, Idaho.

- 7.5 **Delay.** In the event the performance of any covenant to be performed hereunder by either Owners and/or Developer or City is delayed for causes that are beyond the reasonable control of the party responsible for such performance, which shall include, without limitation, acts of civil disobedience, strikes or similar causes, the time for such performance shall be extended by the amount of time of such delay.
- 7.6 **Waiver.** A waiver by City of any default by Owners and/or Developer of any one or more of the covenants or conditions hereof shall apply solely to the default and defaults waived and shall neither bar any other rights or remedies of City nor apply to any subsequent default of any such or other covenants and conditions.
8. **INSPECTION:** Owners and/or Developer shall, immediately upon completion of any portion or the entirety of said development of the Property as required by this Agreement or by City ordinance or policy, notify the City Engineer and request the City Engineer's inspections and written approval of such completed improvements or portion thereof in accordance with the terms and conditions of this Agreement and all other ordinances of the City that apply to said Property.
9. **REQUIREMENT FOR RECORDATION:** City shall record this Agreement, including all of the Exhibits, and submit proof of such recording to Owners and/or Developer, prior to the third reading of the Meridian Zoning Ordinance in connection with the re-zoning of the Property by the City Council. If for any reason after such recordation, the City Council fails to adopt the ordinance in connection with the annexation and zoning of the Property contemplated hereby, the City shall execute and record an appropriate instrument of release of this Agreement.
10. **ZONING:** City shall, following recordation of the duly approved Agreement, enact a valid and binding ordinance zoning the Property as specified herein.
11. **SURETY OF PERFORMANCE:** The City may also require surety bonds, irrevocable letters of credit, cash deposits, certified check or negotiable bonds, as allowed under the UDC, to insure the installation of required improvements, which the Owners/Developer agree to provide, if required by the City.
12. **CERTIFICATE OF OCCUPANCY:** No Certificates of Occupancy shall be issued in any phase in which the improvements have not been installed, completed, and accepted by the City, or sufficient surety of performance is provided by Owners and/or Developer to the City in accordance with Paragraph 11 above.
13. **ABIDE BY ALL CITY ORDINANCES:** That Owners and/or Developer agree to abide by all ordinances of the City of Meridian unless otherwise provided by this Agreement.
14. **NOTICES:** Any notice desired by the parties and/or required by this Agreement shall be deemed delivered if and when personally delivered or three (3) days after deposit in the United States Mail, registered or certified mail, postage prepaid, return receipt requested, addressed as follows:

**CITY:**  
City Clerk  
City of Meridian  
33 E. Broadway Ave.  
Meridian, Idaho 83642

with copy to:  
City Attorney  
City of Meridian  
33 E. Broadway Avenue  
Meridian, Idaho 83642

**OWNERS:**  
**Charles Rauch and Maria Rauch**  
2707 S. Stoddard Road  
Meridian, ID 83642

**DEVELOPER:**  
**Lasher Enterprises**  
3234 N. Maplestone Avenue  
Meridian, ID 83646

14.1 A party shall have the right to change its address by delivering to the other party a written notification thereof in accordance with the requirements of this section.

15. **ATTORNEY FEES:** Should any litigation be commenced between the parties hereto concerning this Agreement, the prevailing party shall be entitled, in addition to any other relief as may be granted, to court costs and reasonable attorney's fees as determined by a Court of competent jurisdiction. This provision shall be deemed to be a separate contract between the parties and shall survive any default, termination or forfeiture of this Agreement.

16. **TIME IS OF THE ESSENCE:** The parties hereto acknowledge and agree that time is strictly of the essence with respect to each and every term, condition and provision hereof, and that the failure to timely perform any of the obligations hereunder shall constitute a breach of and a default under this Agreement by the other party so failing to perform.

17. **BINDING UPON SUCCESSORS:** This Agreement shall be binding upon and inure to the benefit of the parties' respective heirs, successors, assigns and personal representatives, including City's corporate authorities and their successors in office. This Agreement shall be binding on the Owners and/or Developer, each subsequent owners and any other person acquiring an interest in the Property. Nothing herein shall in any way prevent sale or alienation of the Property, or portions thereof, except that any sale or alienation shall be subject to the provisions hereof and any successor owners or ownerss shall be both benefited and bound by the conditions and restrictions herein expressed. City agrees, upon written request of Owners and/or Developer, to execute appropriate and recordable evidence of termination of this Agreement if City, in its sole and reasonable discretion, had determined that Owners and/or Developer have fully performed their obligations under this Agreement.

18. **INVALID PROVISION:** If any provision of this Agreement is held not valid by a court of competent jurisdiction, such provision shall be deemed to be excised from this Agreement and the invalidity thereof shall not affect any of the other provisions contained herein.

19. **DUTY TO ACT REASONABLY:** Unless otherwise expressly provided, each party shall act reasonably in giving any consent, approval, or taking any other action under this Agreement.

20. **COOPERATION OF THE PARTIES:** In the event of any legal or equitable action or other proceeding instituted by any third party (including a governmental entity or official) challenging

the validity of any provision in this Agreement, the parties agree to cooperate in defending such action or proceeding.

21. **FINAL AGREEMENT:** This Agreement sets forth all promises, inducements, agreements, condition and understandings between Owners and/or Developer and City relative to the subject matter hereof, and there are no promises, agreements, conditions or understanding, either oral or written, express or implied, between Owners and/or Developer and City, other than as are stated herein. Except as herein otherwise provided, no subsequent alteration, amendment, change or addition to this Agreement shall be binding upon the parties hereto unless reduced to writing and signed by them or their successors in interest or their assigns, and pursuant, with respect to City, to a duly adopted ordinance or resolution of City.

21.1 No condition governing the uses and/or conditions governing rezoning of the subject Property herein provided for can be modified or amended without the approval of the City Council after the City has conducted public hearing(s) in accordance with the notice provisions provided for a zoning designation and/or amendment in force at the time of the proposed amendment.

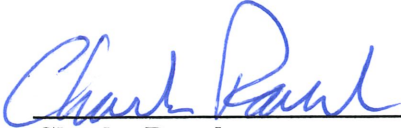
22. **EFFECTIVE DATE OF AGREEMENT:** This Agreement shall be effective on the date the Meridian City Council shall adopt the amendment to the Meridian Zoning Ordinance in connection with the annexation and zoning of the Property and execution of the Mayor and City Clerk.

[end of text; signatures, acknowledgements, and Exhibits A and B follow]

## ACKNOWLEDGMENTS

IN WITNESS WHEREOF, the parties have herein executed this agreement and made it effective as hereinabove provided.

### OWNERSS:

  
\_\_\_\_\_  
Charles Rauch

  
\_\_\_\_\_  
Maria Rauch

### DEVELOPER: Lasher Enterprises

  
\_\_\_\_\_  
By: Braden Lasher  
Its: managing member.

CITY OF MERIDIAN

ATTEST:

By: \_\_\_\_\_  
Mayor Robert E. Simison

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

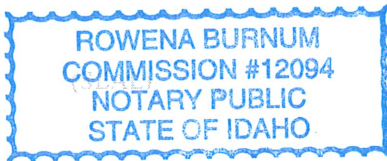
STATE OF IDAHO )

: ss:

County of Ada )

On this 19<sup>th</sup> day of Dec., 2022, before me, the undersigned, a Notary Public in and for said State, personally appeared **Charles Rauch**, known or identified to me to be the person who signed above and acknowledged to me that he executed the same.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my official seal the day and year in this certificate first above written.



[Signature]  
Notary Public

My Commission Expires: 6-20-24

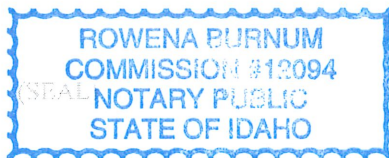
STATE OF IDAHO )

: ss:

County of Ada )

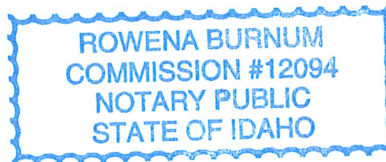
On this 19<sup>th</sup> day of Dec., 2022, before me, the undersigned, a Notary Public in and for said State, personally appeared **Maria Rauch**, known or identified to me to be the person who signed above and acknowledged to me that he executed the same.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my official seal the day and year in this certificate first above written.



[Signature]  
Notary Public

My Commission Expires: 6-20-24



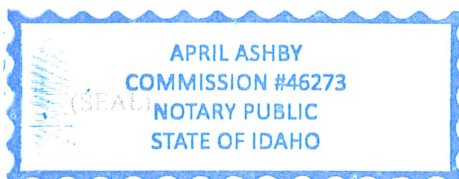
STATE OF IDAHO )

: ss:

County of Ada )

On this 20 day of December, 2022, before me, the undersigned, a Notary Public in and for said State, personally appeared **Braden Lasher**, known or identified to me to be the Managing Member of **Lasher Enterprises**, and the person who signed above and acknowledged to me that they executed the same on behalf of said Company.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my official seal the day and year in this certificate first above written.



[Signature]  
Notary Public

My Commission Expires: 1/24/2024

STATE OF IDAHO        )  
                              : ss  
County of Ada         )

On this \_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_, before me, a Notary Public, personally appeared **Robert E. Simison** and **Chris Johnson**, known or identified to me to be the Mayor and Clerk, respectively, of the **City of Meridian**, who executed the instrument or the person that executed the instrument of behalf of said City, and acknowledged to me that such City executed the same.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my official seal the day and year in this certificate first above written.

(SEAL)

\_\_\_\_\_  
Notary Public

My Commission expires: \_\_\_\_\_

Project No: 210791  
Date: May 26, 2022  
Page 1 of 1

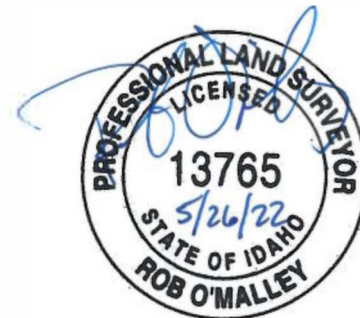
**CITY OF MERIDIAN ANNEXATION  
DESCRIPTION**

A parcel of land located in the NE1/4 of the SW1/4 of Section 24, Township 3 North, Range 1 West, Boise Meridian, City of Meridian, Ada County, Idaho, more particularly described as follows:

**COMMENCING** at an aluminum cap monument marking the South 1/4 corner of said Section 24, from which an aluminum cap monument marking the West 1/16 Corner between Sections 24 and 25 bears N.89°20'37"W., a distance of 1320.23 feet; thence, along the east boundary of said SW1/4,

- A) N.00°51'27"E., 1326.49 feet to the Center South 1/16 Corner of said Section 24 and the **POINT OF BEGINNING**; thence,
- 1) N.89°22'47"W., 661.06 feet; thence,
  - 2) N.00°48'06"E., 331.46 feet; thence,
  - 3) S.89°25'29"E., 661.35 feet to the east boundary of said SW1/4; thence along said boundary,
  - 4) S.00°51'03"W., 331.98 feet to the **POINT OF BEGINNING**.

**CONTAINING:** 5.035 acres, more or less.



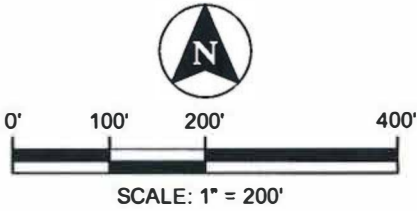
© 2022 T-O ENGINEERS. THIS INSTRUMENT IS THE PROPERTY OF T-O ENGINEERS. ANY REPRODUCTION, REUSE OR MODIFICATION OF THIS INSTRUMENT OR ITS CONTENTS WITHOUT SPECIFIC WRITTEN PERMISSION OF T-O ENGINEERS IS STRICTLY PROHIBITED.

## EXHIBIT SKETCH - CITY OF MERIDIAN ANNEXATION

LOCATED IN A PORTION OF THE NE1/4 OF THE SW1/4, SECTION 24,  
TOWNSHIP 3 NORTH, RANGE 1 WEST, BOISE MERIDIAN, CITY OF MERIDIAN, ADA COUNTY, IDAHO  
2022

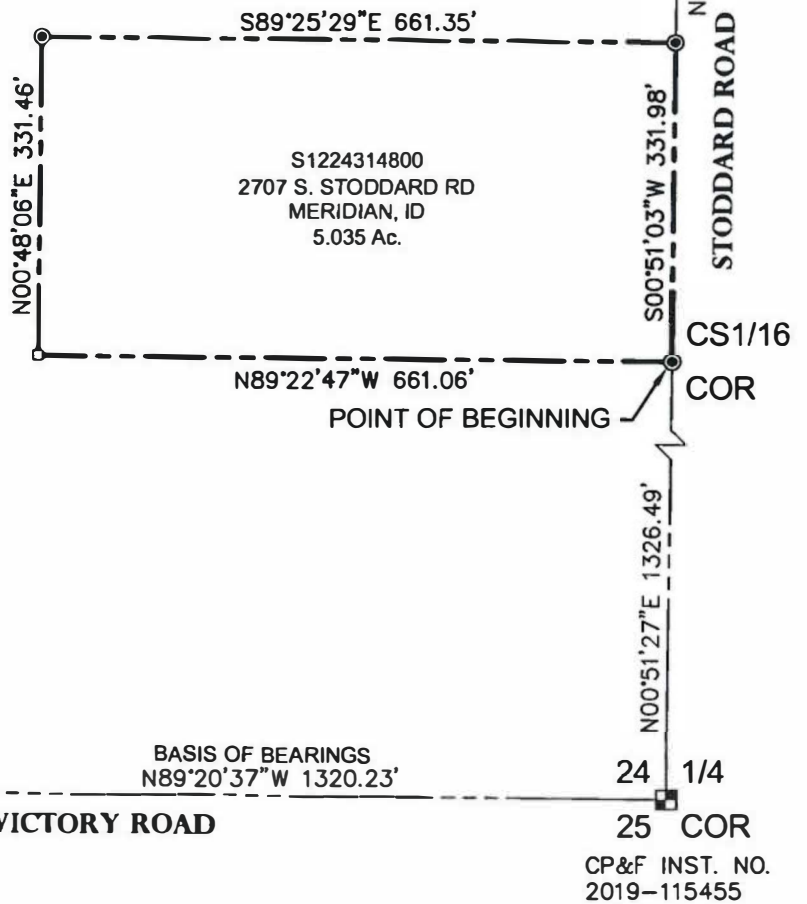
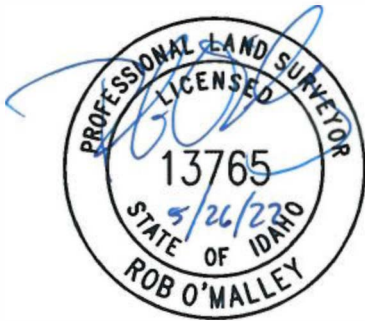
CP&F INST. NO.  
110049426

C1/4 COR  
SEC 24



### NOTES

1. ALL BEARINGS SHOWN ARE IDAHO STATE PLANE WEST ZONE (1103) GRID BEARINGS. ALL DISTANCES ARE GROUND DISTANCES IN US SURVEY FEET.



### LEGEND

|     |                         |
|-----|-------------------------|
| --- | ANNEXATION BOUNDARY     |
| --- | SECTION LINE            |
| ⊕   | FOUND BRASS CAP MON.    |
| ⊞   | FOUND ALUMINUM CAP MON. |
| ⊙   | FOUND 5/8" REBAR        |
| □   | CALCULATED POINT        |



**T-O ENGINEERS**

332 N. BROADMORE WAY  
NAMPA, IDAHO 83687

PHONE: (208) 442-6300

WWW.TO-ENGINEERS.COM

E-FILE: 210791-V-XB-Meridian Annexation.dwg

DATE: 5/25/22

JOB: 210791

## EXHIBIT B

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



**In the Matter of the Request for Annexation and Zoning of 5.04 acres of land with the R-8 zoning district and a preliminary plat consisting of 15 single-family building lots and 4 common lots on 4.85 acres in the requested R-8 zoning district, by T-O Engineers.**

**Case No(s). H-2022-0039**

**For the City Council Hearing Date of: November 1, 2022 (Findings on November 15, 2022)**

**A. Findings of Fact**

1. Hearing Facts (see attached Staff Report for the hearing date of November 1, 2022, incorporated by reference)
2. Process Facts (see attached Staff Report for the hearing date of November 1, 2022, incorporated by reference)
3. Application and Property Facts (see attached Staff Report for the hearing date of November 1, 2022, incorporated by reference)
4. Required Findings per the Unified Development Code (see attached Staff Report for the hearing date of November 1, 2022, incorporated by reference)

**B. Conclusions of Law**

1. The City of Meridian shall exercise the powers conferred upon it by the "Local Land Use Planning Act of 1975," codified at Chapter 65, Title 67, Idaho Code (I.C. §67-6503).
2. The Meridian City Council takes judicial notice of its Unified Development Code codified as Title 11 Meridian City Code, and all current zoning maps thereof. The City of Meridian has, by ordinance, established the Impact Area and the Comprehensive Plan of the City of Meridian, which was adopted December 17, 2019, Resolution No. 19-2179 and Maps.
3. The conditions shall be reviewable by the City Council pursuant to Meridian City Code § 11-5A.
4. Due consideration has been given to the comment(s) received from the governmental subdivisions providing services in the City of Meridian planning jurisdiction.
5. It is found public facilities and services required by the proposed development will not impose expense upon the public if the attached conditions of approval are imposed.
6. That the City has granted an order of approval in accordance with this Decision, which shall be signed by the Mayor and City Clerk and then a copy served by the Clerk upon the applicant, the Community Development Department, the Public Works Department and any affected party requesting notice.

7. That this approval is subject to the Conditions of Approval all in the attached Staff Report for the hearing date of November 1, 2022, incorporated by reference. The conditions are concluded to be reasonable and the applicant shall meet such requirements as a condition of approval of the application.

#### C. Decision and Order

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

1. The applicant's request for Annexation and Zoning and Preliminary Plat is hereby approved per the conditions of approval in the Staff Report for the hearing date of November 1, 2022, attached as Exhibit A.

#### D. Notice of Applicable Time Limits

##### Notice of Preliminary Plat Duration

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

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

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

##### Notice of 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. Judicial Review

Pursuant to Idaho Code § 67-6521(1)(d), if this final decision concerns a matter enumerated in Idaho Code § 67-6521(1)(a), an affected person aggrieved by this final decision may, within twenty-eight (28) days after all remedies have been exhausted, including requesting reconsideration of this final decision as provided by Meridian City Code § 1-7-10, seek judicial review of this final decision as provided by chapter 52, title 67, Idaho Code. This notice is provided as a courtesy; the City of Meridian does not admit by this notice that this decision is subject to judicial review under LLUPA.

#### F. Notice of Right to Regulatory Takings Analysis

Pursuant to Idaho Code §§ 67-6521(1)(d) and 67-8003, an owner of private property that is the subject of a final decision may submit a written request with the Meridian City Clerk for a regulatory takings analysis.

#### G. Attached: Staff Report for the hearing date of November 1, 2022.

By action of the City Council at its regular meeting held on the 15th day of November, 2022.

COUNCIL PRESIDENT BRAD HOAGLUN VOTED AYE

COUNCIL VICE PRESIDENT JOE BORTON VOTED AYE

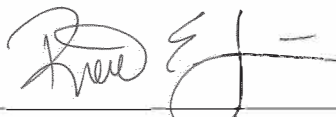
COUNCIL MEMBER JESSICA PERREAULT VOTED AYE

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

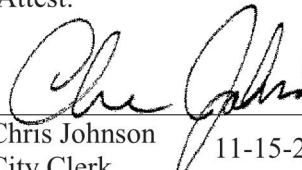
COUNCIL MEMBER TREG BERNT VOTED \_\_\_\_\_

COUNCIL MEMBER LIZ STRADER VOTED AYE

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

  
\_\_\_\_\_  
Mayor Robert E. Simison 11-15-2022

Attest:

  
Chris Johnson  
City Clerk 11-15-2022



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

By:  Dated: 11-15-2022  
City Clerk's Office

# STAFF REPORT

## COMMUNITY DEVELOPMENT DEPARTMENT



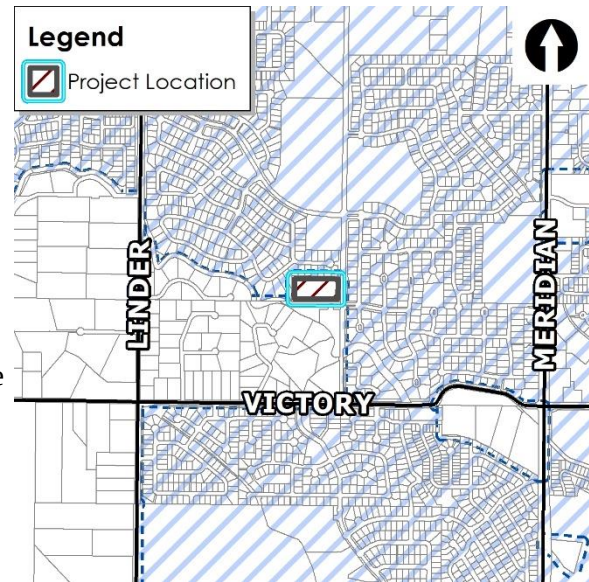
HEARING DATE: 11/1/2022

TO: Mayor & City Council

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

SUBJECT: H-2022-0039  
Slatestone Subdivision

LOCATION: Located at 2707 S. Stoddard Road, in the NE 1/4 of the SW 1/4 of Section 24, Township 3N, Range 1W.



### I. PROJECT DESCRIPTION

Request for Annexation and Zoning of 5.04 acres of land with the R-8 zoning district and a preliminary plat consisting of 15 single-family building lots and 4 common lots on 4.85 acres in the requested R-8 zoning district, by T-O Engineers.

### II. SUMMARY OF REPORT

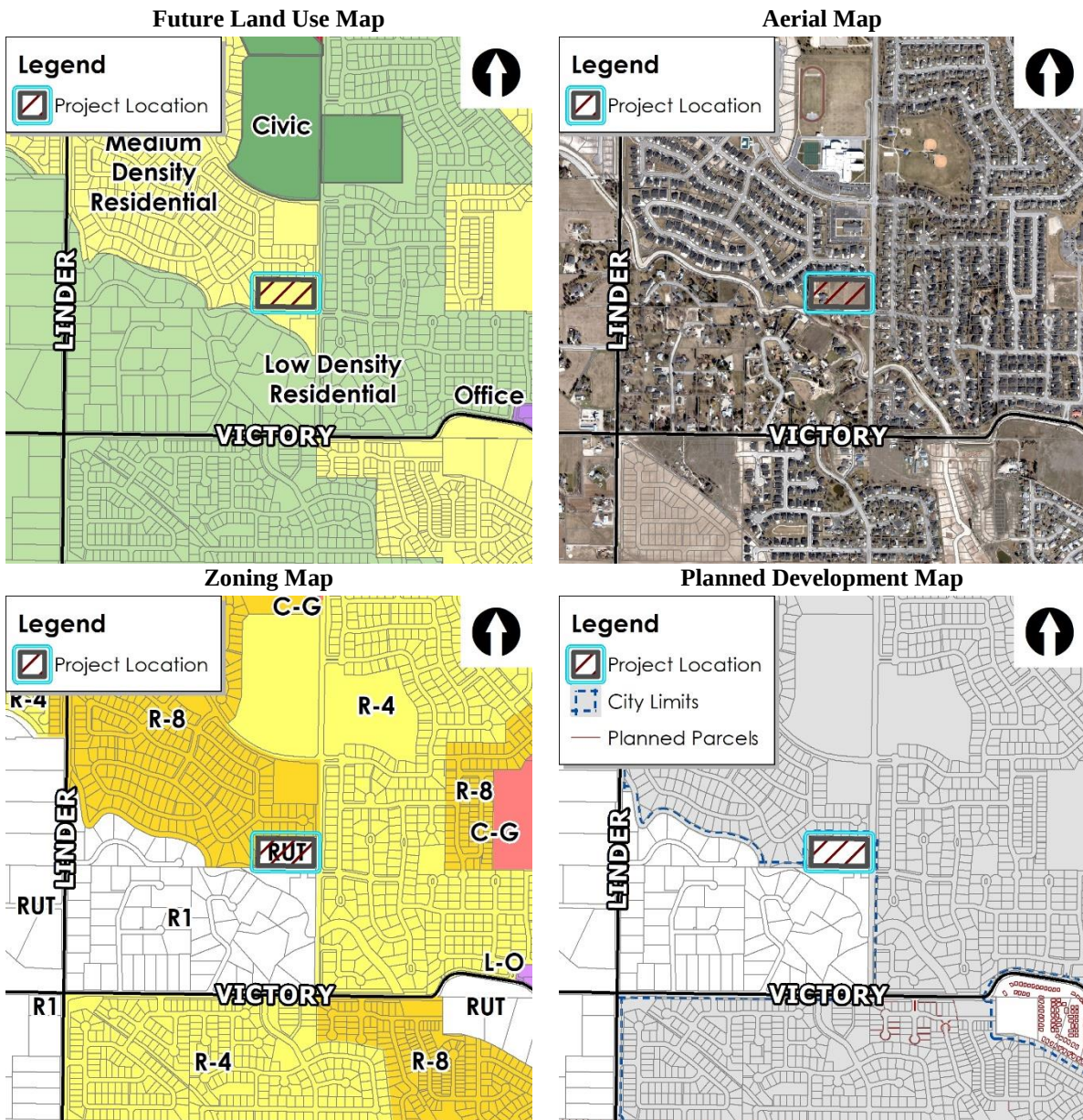
#### A. Project Summary

| Description                                    | Details                                                               | Page |
|------------------------------------------------|-----------------------------------------------------------------------|------|
| Acreage                                        | AZ – 5.04 acres; PP – 4.85 acres                                      |      |
| Future Land Use Designation                    | Medium Density Residential (MDR, 3-8 du/ac)                           |      |
| Existing Land Use(s)                           | County residence which will remain on one of the proposed lots        |      |
| Proposed Land Use(s)                           | Detached Single-family Residential                                    |      |
| Lots (# and type; bldg./common)                | 19 total lots – 15 residential building lots and 4 common lots        |      |
| Phasing Plan (# of phases)                     | 2 phases                                                              |      |
| Number of Residential Units                    | 15 single-family units                                                |      |
| Density                                        | Gross – 3.09 du/ac.; Net – 4.31 du/ac.                                |      |
| Open Space (acres, total [%]/buffer/qualified) | Approximately 0.53 acres of open space proposed (approximately 10.9%) |      |
| Amenities                                      | Two (2) benches are proposed – not a qualifying site amenity.         |      |
| Neighborhood meeting date                      | March 10, 2022                                                        |      |
| History (previous approvals)                   | No application history with the City                                  |      |

## B. Community Metrics

| Description                                                                                | Details                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                  | Page |
|--------------------------------------------------------------------------------------------|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|------|
| Ada County Highway District                                                                |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                          |      |
| <ul style="list-style-type: none"> <li>Staff report (yes/no)</li> </ul>                    | Yes                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                      |      |
| <ul style="list-style-type: none"> <li>Requires ACHD Commission Action (yes/no)</li> </ul> | No                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                       |      |
| Access (Arterial/Collectors/State Hwy/Local) (Existing and Proposed)                       | Access is proposed via a new local street connection to S. Stoddard Road, an existing collector street along the east property boundary. Access to all proposed homes is shown from this new local street that ends in a cul-de-sac and includes two common drives.                                                                                                                                                                                                                                                                                                                                                                                      |      |
| Stub Street/Interconnectivity/Cross Access                                                 | No existing stub streets; no stub streets proposed.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                      |      |
| Existing Road Network                                                                      | No, except S. Stoddard, the collector street.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                            |      |
| Proposed Road Improvements                                                                 | The Applicant is required to dedicate additional right-of-way for S. Stoddard Road to total 35 feet from centerline and construct curb, gutter, and sidewalk.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                            |      |
| Capital Improvements Plan/Integrated Five Year Work Plan                                   | <p>Stoddard Road is scheduled in the IFYWP to be widened to 3-lanes from Victory Road to Overland Road to be designed in 2022 and constructed in a future year.</p> <p>The intersection of Stoddard Road is scheduled to receive an enhanced pedestrian crossing to be designed in 2022 and constructed in a future year.</p> <p>Bridge #2085 is scheduled in the IFYWP to be replaced as part of the Stoddard Road widening to be designed in 2022 and constructed in a future year.</p> <p>Victory Road is listed in the IFYWP to be widened to 3-lanes from Linder Road to Meridian Road to be designed in 2026 and constructed in a future year.</p> |      |
| Fire Service                                                                               |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                          |      |
| <ul style="list-style-type: none"> <li>Distance to Fire Station</li> </ul>                 | 1.1 miles from Fire Station #6.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                          |      |
| <ul style="list-style-type: none"> <li>Fire Response Time</li> </ul>                       | The project lies wholly <i>inside</i> of the Meridian Fire response time goal of 5 minutes.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                              |      |
| <ul style="list-style-type: none"> <li>Resource Reliability</li> </ul>                     | Fire Station #6 reliability is 83% (above the goal of 80%)                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                               |      |
| <ul style="list-style-type: none"> <li>Accessibility</li> </ul>                            | Proposed project meets all required road widths, and turnaround dimensions.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                              |      |
| Water & Wastewater                                                                         |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                          |      |
| <ul style="list-style-type: none"> <li>Impacts/Concerns</li> </ul>                         | See Public Works Site Specific Conditions in Section VIII.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                               |      |

### C. Project Area Maps



### III. APPLICANT INFORMATION

#### A. Applicant:

Alec Egurrola, T-O Engineers – 332 N. Broadmore Way, Nampa, ID 83687

#### B. Property Owner:

Charles Rausch – 2707 S. Stoddard Road, Meridian, ID 83642

#### C. Representative:

Same as Applicant

#### IV. NOTICING

|                                                             | Planning & Zoning<br>Posting Date | City Council<br>Posting Date |
|-------------------------------------------------------------|-----------------------------------|------------------------------|
| Newspaper Notification                                      | 7/5/2022                          | 10/15/2022                   |
| Radius notification mailed to<br>properties within 500 feet | 6/30/2022                         | 10/13/2022                   |
| Site Posting                                                | 9/22/2022                         | 10/21/2022                   |
| Nextdoor posting                                            | 6/30/2022                         | 10/13/2022                   |

#### V. STAFF ANALYSIS

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

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

*The subject 4.9 acres currently contains a large home and what appears to be a horse stable and pasture. The subject site is abutted by a public road to the east, Stoddard Road, where the new local street access is proposed. Abutting to the north and west property lines is an existing R-8 development, Fall Creek Subdivision; to the south is County residential not yet annexed into the City of Meridian. The subject property is designated as Medium Density Residential on the future land use map consistent with existing development to the west and north. Due to the existing street along the east boundary and no other existing stub streets to the property, the Applicant is proposing to take access from Stoddard in the approximate location of the existing driveway at the northeast corner of the property. No other access to Stoddard is proposed, consistent with City code.*

*The Applicant is proposing 15 building lots on 4.85 acres of land which constitutes a gross density of 3.09 units per acre, nearly the minimum density allowed within the MDR designation. The Applicant is proposing to reserve the existing home on nearly an acre sized lot and one additional large lot along the west boundary for the existing property owners. The minimum building lot size proposed throughout the rest of this project is approximately 6,150 square feet which exceeds the 4,000 square foot minimum lot size for the requested R-8 zoning district. The adjacent developments are of similar density but have building lots that are larger in size directly abutting the site than what are proposed with this project, however, no more than 2 building lots are proposed adjacent to any single existing lot along the north boundary. The same is true of the County parcels to the south that directly abut the Ridenbaugh Canal on their south boundary; the existing home lot and the proposed common lot along the south boundary should offer an adequate buffer to the existing residences to the south.*

***Because the proposed development is consistent with the existing development to the west and north and no access to an arterial street is proposed, Staff believes annexing this land into the City is in the best interest of the City and is a logical expansion of City zoning and development so long as the Applicant adheres to Staff's recommended DA provisions and conditions of approval.***

***However, the size of the property is just below the 5 acre minimum that would require 15% qualified open space within the requested R-8 zoning district. Staff does not find it prudent to require a minimum 15% qualified open space when Bear Creek park is a quarter mile to the north off of Stoddard. However, Staff voiced concerns with the originally proposed open space for this development and a desire to create an area where people can congregate and/or kids***

*can play within this development. In response, the Applicant has proposed additional linear open space along a portion of the north boundary with a micro-pathway that essentially creates a pedestrian loop within the subdivision between the two linear open space lots along the north and south boundaries. The Applicant has also included two park benches along the widest portion of the new linear open space between building Lots 3 & 4 when no amenity was proposed previously. Staff finds the latest revision creates more active open space as the walking paths are repeatedly noted as a used amenity/open space within subdivisions. However, much of this area would not qualify as linear open space per the open space code section because it is not at least 20 feet wide and is instead 15 feet or less in some areas. Therefore, Staff recommends all of the proposed linear open space be at least 20 feet wide to comply with open space standards (UDC 11-3G-3) and comply with the intent of open space code.*

*An alternative presented by Staff was to replace one of the lots within the subdivision and add a common open space lot for more active recreation and use. Should Commission or Council prefer a larger common open space lot over the proposed linear open space, Staff recommends a centralized location for the development (i.e. Lot 2, 4, or 10) and an amenity be located within it. Staff prefers this option over the proposed micro-paths but is not specifically recommending it at this time.*

*With Staff's recommended revision, Staff finds the proposed project to be generally consistent with the Comprehensive Plan, as discussed above. Specific Comprehensive Plan policies are discussed and analyzed below.*

The City may require a development agreement (DA) in conjunction with an annexation and rezone pursuant to Idaho Code section 67-6511A. *In order to ensure the site develops as proposed with this application, Staff recommends a DA that encompasses the land proposed to be annexed and zoned 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 rezone and annexation approval. A final plat will not be accepted until the DA is executed and the AZ ordinance is approved by City Council.*

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

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

*“Encourage a variety of housing types that meet the needs, preferences, and financial capabilities of Meridian's present and future residents.” (2.01.02D). The current property owner of the subject site intends to remain in their home while also reserving an additional lot or two for future use for their children. Staff finds this forethought and the subsequent design to develop their remaining acreage with approximate 6-8,000 square foot building lots allows for a variety of housing options based on the needs, preferences, and financial capabilities of the existing resident and future residents.*

*“Establish and maintain levels of service for public facilities and services, including water, sewer, police, transportation, schools, fire, and parks” (3.02.01G). All public utilities are available for this project site due to the utilities being available in Stoddard Road. Applicant is required to dedicate additional right-of-way for future Stoddard Road improvements (upgraded from two to three lanes in the future). The newest Fire Station (station #6) is approximately 1 mile away and so the project is wholly within the response time goal of the City. West Ada School District has not sent a letter regarding this application but with a relative low number of homes (15) a large number of school aged children is not anticipated to be generated by this development. In addition, Victory Middle School is within walking distance of the subject site so any children in that age group would be able to get to school safely and efficiently.*

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

*“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). The proposed project will construct detached sidewalk along Stoddard Road and extend needed sidewalk along the west side of this street for safer access to Victory Middle School, approximately ¼ mile to the north. Further, the Applicant has proposed a looping micro-pathway network for the project that easily connects to the required sidewalk along Stoddard adding to the overall pedestrian connectivity and access to the nearby school and park.*

*“Ensure that new development within existing residential neighborhoods is cohesive and complementary in design and construction.” (2.02.02F). As discussed, the Applicant is proposing the subject project with density at the low end of the allowed density (approximately 3.1 units/acre), similar to the density within the adjacent subdivision to the west and north. Further, the Applicant is proposing a 1 acre lot in the southwest corner for the existing home and linear open space common lots between the subject site and the existing County residential properties to the south and a few of the properties to the north along the north boundary.*

*“Require new development to establish street connections to existing local roads and collectors as well as to underdeveloped adjacent properties.” (6.01.02C). The Applicant is proposing to construct a new local street within the development that has sole access to the adjacent collector street, Stoddard Road. The Applicant is not proposing to stub a street to the south boundary as both ACHD and the Applicant believe the redevelopment potential of the two lots to the south is minimal due to their existing shapes and the existence of the Ridenbaugh Canal and Stoddard abutting two of their three sides. Therefore, Staff does not find it necessary to provide a stub street to the south and finds the proposed street layout is sufficient in its design for the proposed plat.*

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

**C. Existing Structures/Site Improvements:**

According to GIS imagery, there is an existing home that is to remain at the southwest corner of the property and an outbuilding that appears to be a horse stable and pasture; these structures and pasture are proposed to remain as part of Phase 2 for the project, per the submitted phasing plan (see below). Furthermore, the existing access for this site is via a driveway connection to W. Stoddard Road that will be converted to a public street. Staff has included a DA provision that the existing outbuilding/stable must be removed upon phase 2 development, consistent with accessory and primary structure restrictions.

**D. Proposed Use Analysis:**

The proposed use is detached single-family residential with a minimum lot size of approximately 6,000 square feet, based on the submitted plat (Exhibit VII.B). This use is a permitted use in the requested R-8 zoning district per UDC Table 11-2A-2 and all lots are shown to meet the minimum lot size requirement of 4,000 square feet and the minimum street frontage requirement of 40 feet. In fact, the majority of lots within the subdivision are proposed with at least 60 feet of frontage, more consistent with the R-4 district. The Applicant has noted the development is expected to develop in two phases with an intent to keep the existing home and outbuilding and some pasture within phase 2. Phase 1 is proposed with 12 lots and both common driveways and Phase 2 is proposed with the remaining three (3) building lots.

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

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

*The Applicant is proposing two (2) common drives within the project; one in the southeast corner of the project for access to Lots 16 & 17 and an additional common drive near the northwest corner for access to four lots (Lots 5-7 and Lot 9). Lot 8 common drive appears to comply with all standards outlined in UDC 11-6C-3D. However, the construction of the Lot 14 common drive does not appear to comply as it creates a sidewalk gap on the public street and does not extend 20 feet past the property line for Lot 16. ACHD does not call this out in their staff report but Staff finds that Lot 14 should match Lot 8 in its design and not be a part of the public road network as depicted on the submitted plans. The Applicant should continue the curb, gutter, and 5-foot sidewalk between Lots 13 & 18 consistent with the curve of the public street and mirror the design of the Lot 8 common drive. In addition, the Applicant should extend the common drive 6 feet further to the south to ensure at least 20 feet of frontage for Lot 16. The Applicant should make these revisions with the first final plat submittal.*

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

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

*The submitted elevations depict a number of different architectural designs of the modern style home with shed roof designs as well as dormers. In addition, all homes are shown with 3-car garages (some RV garage bays) and a variety of window designs. The field materials shown appear to be of high quality siding and stucco with stone accents and varying garage door materials. Overall, Staff finds the submitted elevations to show high quality and attractive single-family homes.*

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

Access is proposed via a new local street (shown as W. Scoria Court) connection to S. Stoddard Road approximately 345 feet north of the Grizzly Drive on the east side Stoddard Road. There are no existing stub streets adjacent to the site and Stoddard runs along the entire east boundary which is why the Applicant is proposing an access point to this collector street and proposing W. Scoria to end as a cul-de-sac within the site, as shown on the submitted preliminary plat. Further, according to the proposed plat, W. Scoria is proposed as 33-foot wide local street with 5-foot attached sidewalks and Stoddard is shown to be improved with curb, gutter, and detached sidewalk outside of the additional right-of-way dedication required with this development. The proposed street design complies with all UDC standards and ACHD conditions of approval, according to the ACHD staff report.

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

Off-street parking is required to be provided in accord with the standards listed in [UDC Table 11-3C-6](#) for single-family dwellings based on the number of bedrooms per unit. Staff will confirm compliance with these standards at the time of building permit submittal for each residence. Note that there is opportunity for on-street parking where there are no driveways because W. Scoria is proposed as a 33-foot wide street section.

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

5-foot wide attached sidewalks are proposed along the new proposed local street. W. Scoria and 5-foot detached sidewalks along the west side of S. Stoddard Road, consistent with UDC and

ACHD requirements. The proposed sidewalk dimensions also meet UDC 11-3A-17 and ACHD standards. However, the Stoddard frontage is shown as an alternative multi-use pathway segment and the Parks Department has requested that 10-foot sidewalk be added along Stoddard in lieu of the 5-foot sidewalk currently shown. Consistent with the Master Pathways Plan, Staff is recommending this revision.

*According to the submitted plat and landscape plan, the proposed detached sidewalk along Stoddard is shown within ACHD right-of-way but at least 6 feet from the new curbing and added pavement proposed with this project, consistent with the UDC. With the requirement of the multi-use pathway along Stoddard, the Applicant may be required to submit a public access easement; the Applicant should continue working with ACHD to determine who will maintain the pathway based on its location within the ROW.*

*Staff does have concerns with the proposed micro-paths and sidewalk connection near the common drive at the southeast corner of the site, Lot 14. According to the submitted plans, the micro-path connects to the common drive and utilizes it as a pedestrian pathway. The City does not desire this type of design for pedestrian and vehicles to share the same surface if it can be avoided. Therefore, Staff is recommending 5-foot wide sidewalk be added to the common drive on either side of the common drive for added pedestrian safety. This recommendation will require the 5 feet to be taken from the adjacent lot to the west (Lot 13) or the lots to the east (lots 16-18).*

J. Landscaping (UDC 11-3B):

A 20-foot wide street buffer is required along S. Stoddard Road, a collector street, landscaped per the standards in UDC Table 11-3B-7C. All landscape areas should be landscaped per UDC 11-3B-5, general landscaping standards. Lastly, according to the submitted plans, the Applicant is proposing micro-paths which should be landscaped in accord with UDC 11-3B-12 standards.

*The Applicant is showing a common lot along S. Stoddard that is at least 20-feet in width and located wholly outside of the additional right-of-way dedication required by ACHD consistent with code requirements. The Stoddard landscape buffer is depicted with 9 trees, sod, and landscape beds with shrubs, consistent with UDC 11-3B-7. The Applicant is also showing landscape beds on both sides of the new local street connection to Stoddard with two trees on the south side of this entrance adjacent Lot 19. All street landscaping complies with UDC requirements.*

*As discussed, the Applicant has proposed linear open space and micro-paths around and through the development. These areas should be landscaped in accord with UDC 11-3B-12 with trees at least every 100 linear feet and include other vegetative ground cover. According to the submitted landscape plans, the Applicant is proposing trees in excess of code requirements with landscape beds, shrubs, and sod throughout. Staff finds the proposed landscaping meets or exceeds code requirements. Staff notes that with the recommended revisions to widen some areas to at least 20 feet in width, additional trees and vegetative ground cover should also be added to remain compliant with UDC 11-3B-12 OR lose one of the aforementioned buildable lots in order to provide more usable open space for the development.*

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

All fencing is required to comply with the standards listed in UDC 11-3A-7.

*According to the revised landscape plans, the Applicant is proposing to keep the existing 6-foot vinyl privacy fencing along the perimeter of the property compliant with code. The Applicant is also showing 6-foot vinyl privacy fencing along the sides and rear boundaries of the building lots adjacent to the proposed micro-paths. This fencing is not code compliant as these linear open space areas are set behind building lots and are not visible from end-to-end. **Therefore, the***

***Applicant should revise the landscape plans to depict open vision fencing or semi-private open vision fencing consistent with UDC 11-3A-7 adjacent to Lots 2, 3, 10-13, & 16.***

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

The Applicant is proposing and is required to extend necessary public utilities for the proposed detached single-family dwellings within the Slatestone Subdivision. Public Works has reviewed the subject applications for compliance with their standards and finds them to be in general compliance except for specific conditions outlined in Section VIII.B of this report. Staff notes that the Applicant is proposing to place sewer within a common lot and the common drive at the southeast corner of the property.

*Because the Applicant is placing a sewer main within a common lot, it must have a drivable surface over top for City access. This is shown on the submitted plans but also depicts a hammerhead type turnaround that is not required by the City. Because it is not required, Staff recommends removing the western piece of this turnaround to square up the southeast corner of Lot 13 and provide more area that can be landscaped behind Lot 13 up to the required 20-foot wide sewer main easement.*

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

According to satellite imagery, the subject site contains an irrigation ditch along the southern boundary. The submitted plat depicts this irrigation ditch but does not show it on the subject property. In accord with UDC 11-3A-6B.3, if the irrigation ditch is on the subject property, the Applicant is required to pipe the ditch.

***Prior to the Commission hearing, the Applicant should verify the location of the irrigation ditch and if said ditch is proven to be on the subject property, the Applicant should revise any relevant plans to depict this ditch as being piped prior to the City Council hearing, in accord with UDC 11-3A-6B.***

## VI. DECISION

A. Staff:

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

**B. The Meridian Planning & Zoning Commission heard these items on October 6, 2022. At the public hearing, the Commission moved to recommend approval of the subject Annexation and Zoning and Preliminary Plat requests.**

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

- a. In favor: Becky Yzaguirre, Applicant Representative;**
- b. In opposition: Leona Raines, Neighbor;**
- c. Commenting: Becky Yzaguirre; Grant Brookover, Project Engineer; Leona Raines;**
- d. Written testimony: None**
- e. Staff presenting application: Joseph Dodson, Associate Planner**
- f. Other Staff commenting on application: Kurt Starman, Deputy City Attorney.**

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

- a. Concern over proposed development being adjacent to two county parcels to the south;**
- b. Desire for homes along south boundary to be limited to 1-story homes;**

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

- a. Proposed linear open space versus singular large common open space area as discussed in staff report;**
- b.**

- Recommendation to widen sidewalk along Stoddard to 10 feet to reflect a multi-use pathway—ACHD plans to widen road and include 10-foot sidewalk on each side;
      - Purpose of proposed phasing and timing of development by the Applicant;
      - Common driveway design and potential trash collection and parking issues;
    - 4. Commission change(s) to Staff recommendation:
      - a. None
    - 5. Outstanding issue(s) for City Council:
      - a. None
- C. The Meridian City Council heard these items on November 1, 2022. At the public hearing, the Council moved to approve the subject Annexation and Zoning and Preliminary Plat requests.
  - 1. Summary of the City Council public hearing:
    - a. In favor: Becky Yzaguirre, Applicant Representative; The Rausch's, the Property Owners
    - b. In opposition: None
    - c. Commenting: Becky Yzaguirre; Maria Rausch, property owner.
    - d. Written testimony: None
    - e. Staff presenting application: Joseph Dodson, Associate Planner
    - f. Other Staff commenting on application: Bill Nary, City Attorney; Steve Siddoway, Parks and Recreation Department Director.
  - 2. Key issue(s) of public testimony:
    - a. None
  - 3. Key issue(s) of discussion by City Council:
    - a. Proposal to keep existing County approved daycare operating with home taking future access from a common drive—concern with potential internal traffic issues on the common drive when 3 other lots are also shown taking access from said common drive.
    - b. Can City prohibit a homeowner from stopping a lawful use (in-home daycare)?
    - c. Approval process for in-home daycares (administrative versus conditional/hearing level);
    - d. 10-foot pathway or 5-foot sidewalk along Stoddard and the level of design for Stoddard by ACHD at this time;
  - 4. City Council change(s) to Commission recommendation:
    - a. Add a new DA provision that requires the existing daycare use to cease operation at the time of phase 2 development OR widen the common drive to 25 feet in width.
    - b. Maintain Staff conditions regarding pathway along Stoddard.

## VII. EXHIBITS

### A. Annexation and Zoning Legal Description and Exhibit Map



Project No: 210791  
Date: May 26, 2022  
Page 1 of 1

#### CITY OF MERIDIAN ANNEXATION DESCRIPTION

A parcel of land located in the NE1/4 of the SW1/4 of Section 24, Township 3 North, Range 1 West, Boise Meridian, City of Meridian, Ada County, Idaho, more particularly described as follows:

**COMMENCING** at an aluminum cap monument marking the South 1/4 corner of said Section 24, from which an aluminum cap monument marking the West 1/16 Corner between Sections 24 and 25 bears N.89°20'37"W., a distance of 1320.23 feet; thence, along the east boundary of said SW1/4,

- A) N.00°51'27"E., 1326.49 feet to the Center South 1/16 Corner of said Section 24 and the **POINT OF BEGINNING**; thence,
- 1) N.89°22'47"W., 661.06 feet; thence,
  - 2) N.00°48'06"E., 331.46 feet; thence,
  - 3) S.89°25'29"E., 661.35 feet to the east boundary of said SW1/4; thence along said boundary,
  - 4) S.00°51'03"W., 331.98 feet to the **POINT OF BEGINNING**.

**CONTAINING:** 5.035 acres, more or less.



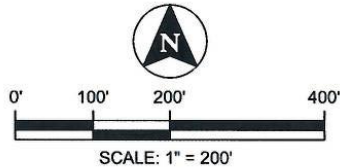
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## EXHIBIT SKETCH - CITY OF MERIDIAN ANNEXATION

LOCATED IN A PORTION OF THE NE1/4 OF THE SW1/4, SECTION 24,  
TOWNSHIP 3 NORTH, RANGE 1 WEST, BOISE MERIDIAN, CITY OF MERIDIAN, ADA COUNTY, IDAHO  
2022

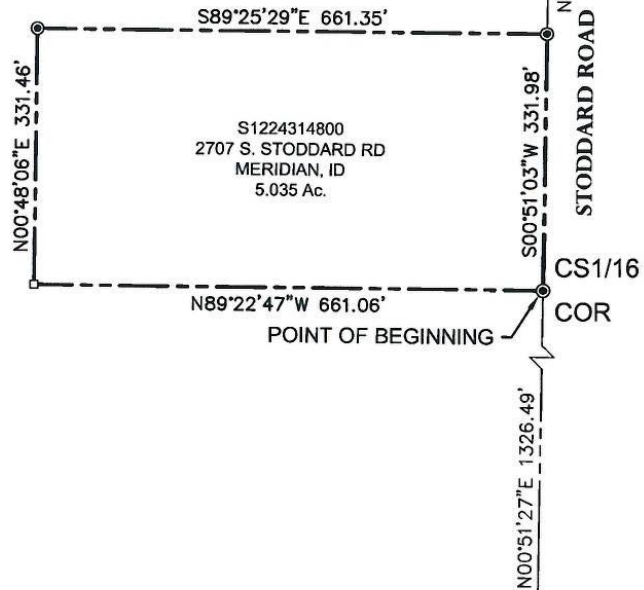
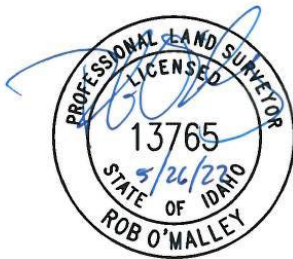
CP&F INST. NO.  
110049426

C1/4 COR  
SEC 24



### NOTES

1. ALL BEARINGS SHOWN ARE IDAHO STATE PLANE WEST ZONE (1103) GRID BEARINGS. ALL DISTANCES ARE GROUND DISTANCES IN US SURVEY FEET.



W1/16 24  
COR 25

CP&F INST. NO.  
2019-115456

BASIS OF BEARINGS  
N89°20'37"W 1320.23'  
VICTORY ROAD

24 1/4  
COR 25

CP&F INST. NO.  
2019-115455

### LEGEND

|     |                         |
|-----|-------------------------|
| --- | ANNEXATION BOUNDARY     |
| --- | SECTION LINE            |
| ●   | FOUND BRASS CAP MON.    |
| ■   | FOUND ALUMINUM CAP MON. |
| ⊙   | FOUND 5/8" REBAR        |
| □   | CALCULATED POINT        |



**T-O ENGINEERS**

332 N. BROADMORE WAY  
NAMPA, IDAHO 83687

PHONE: (208) 442-6300

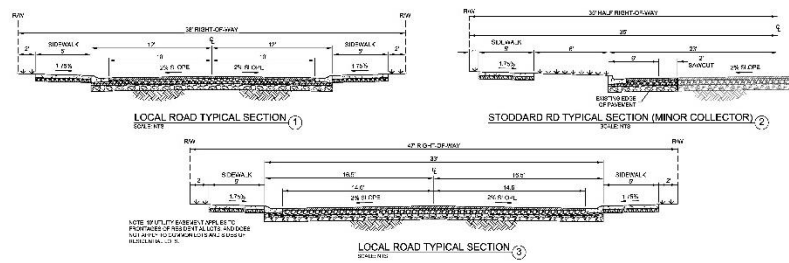
WWW.TO-ENGINEERS.COM

E-FILE: 210791-V-XB-Meridian Annexation.dwg

DATE: 5/25/22

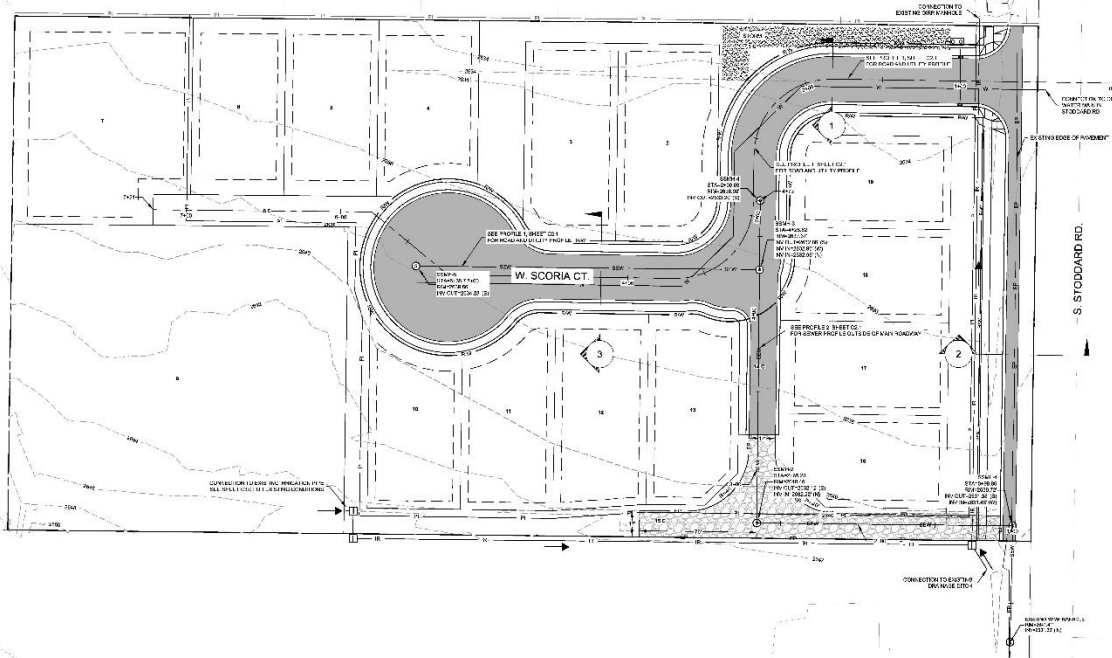
JOB: 210791

### B. Preliminary Plat (dated: 9/21/2022)



SEWER AND WATER NOTES

- [illegible]



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| NO. | DATE | ISSUED TO    | ISSUED BY |
|     |      | 1. DIRECTOR  |           |
|     |      | 2. ASSISTANT |           |
|     |      | 3. CHIEF     |           |
|     |      | 4. CLERK     |           |
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**T.O ENGINEERS**  
CONSULTING ENGINEERS, ARCHITECTS & PLANNERS  
337 N. DECAWATER WAY  
NAPLES, FL 34102  
239-442-6100 | WWW.TO-ENGINEERS.COM  
BOISE • COLE • CRYSTAL • COLUMBIA VALLEY  
DENVER CITY • MIDLAND • NAPA • SPOKANE

PRELIMINARY PLAT FOR:  
SLATESTONE SUBDIVISION  
SITEPLAN

ATTENTION  
0 12  
IN THIS DRAWING, DIMENSIONS ARE SHOWN ON 1" OR 2" SCALES. SHEET 012 OF 02. CO. 1. SET BY: [REDACTED], FROM DRAWING: 0. NOT TO SCALE.

1411 September 25, 2002  
PROJECT: 200204  
SHEET: 012 OF 02



LEGNED

ROAD RIGHT OF WAY

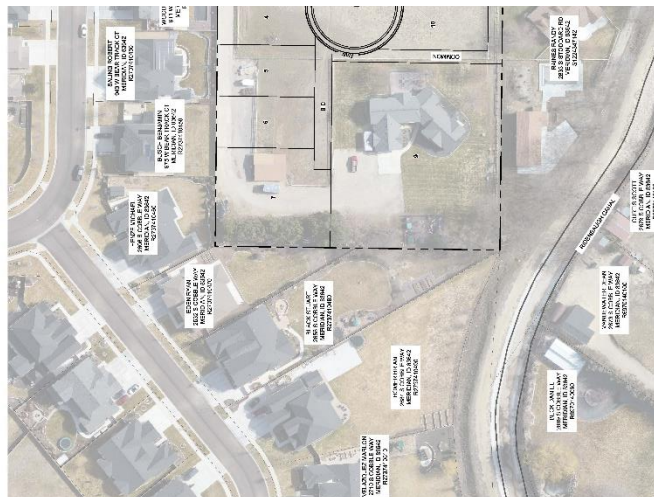
BEET ON LINE

POSS CENTERLINE

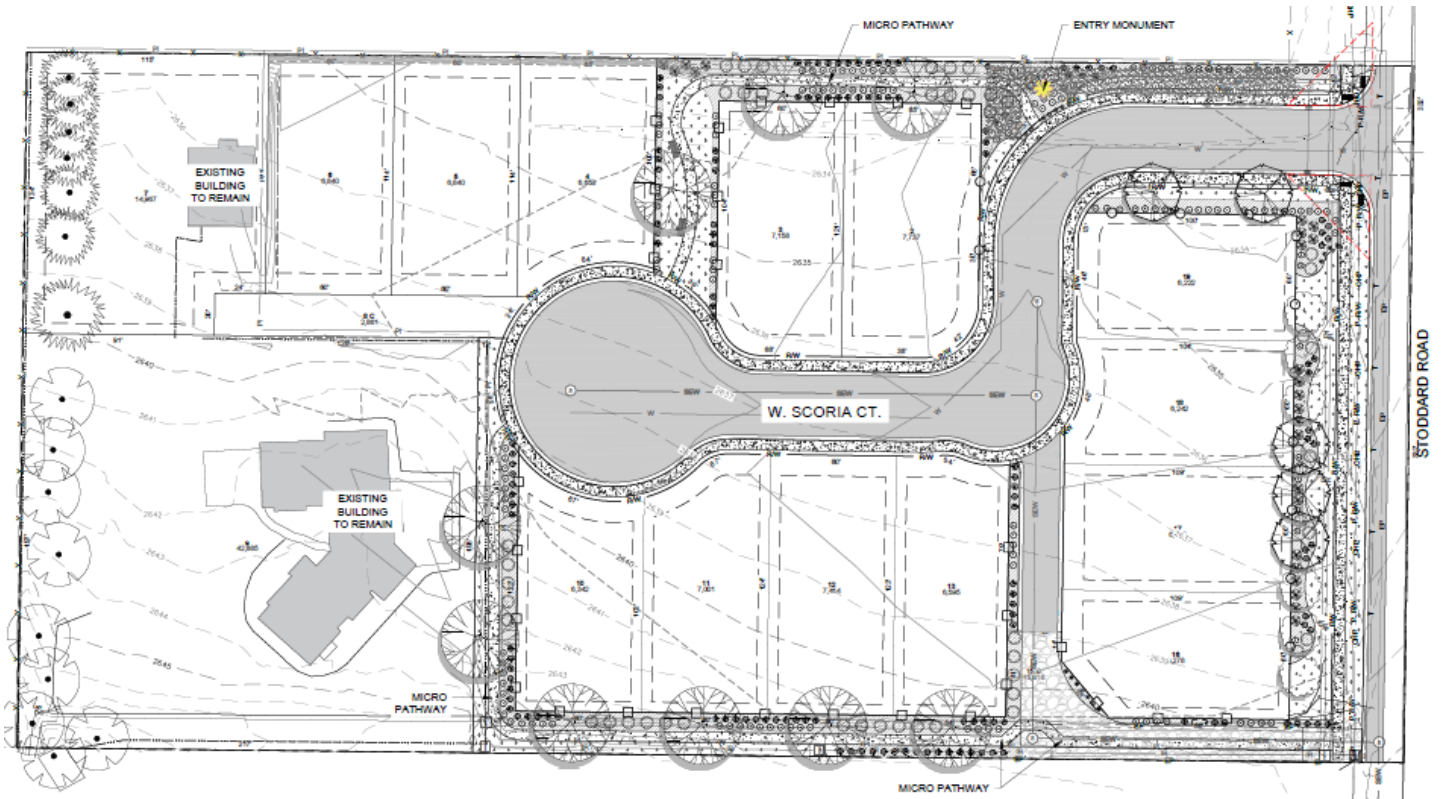
100% ALUMINUM CAN

LOT NUMBER

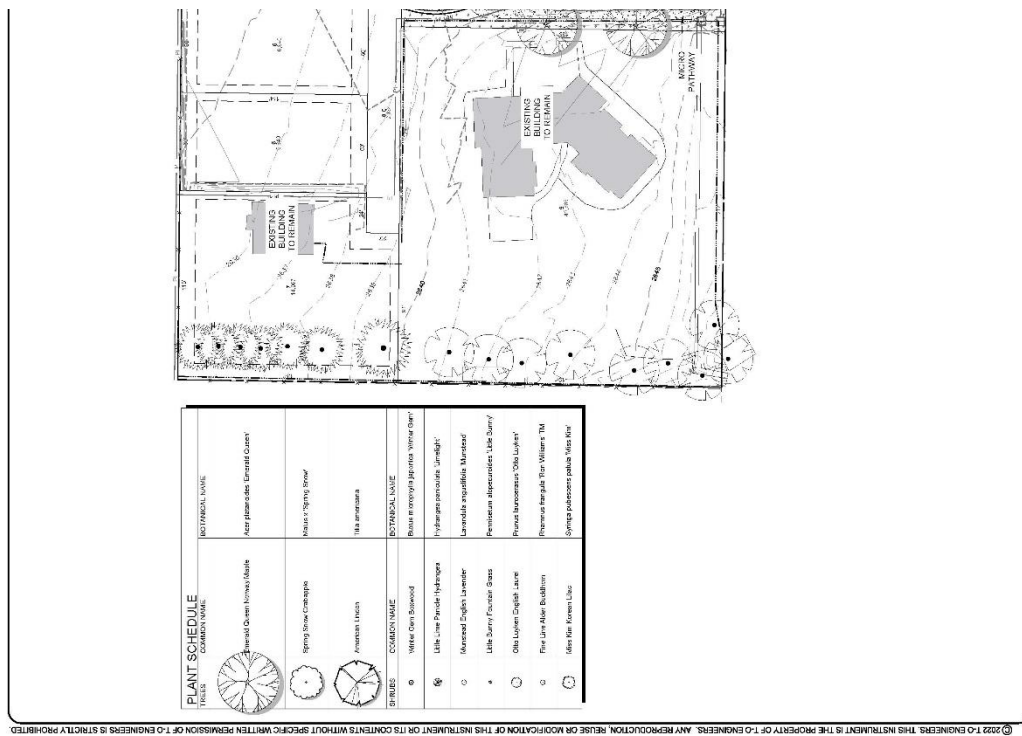
CONTROL NUMBER



C. Landscape Plans (date: ~~9/22/2022~~ 10/4/2022)

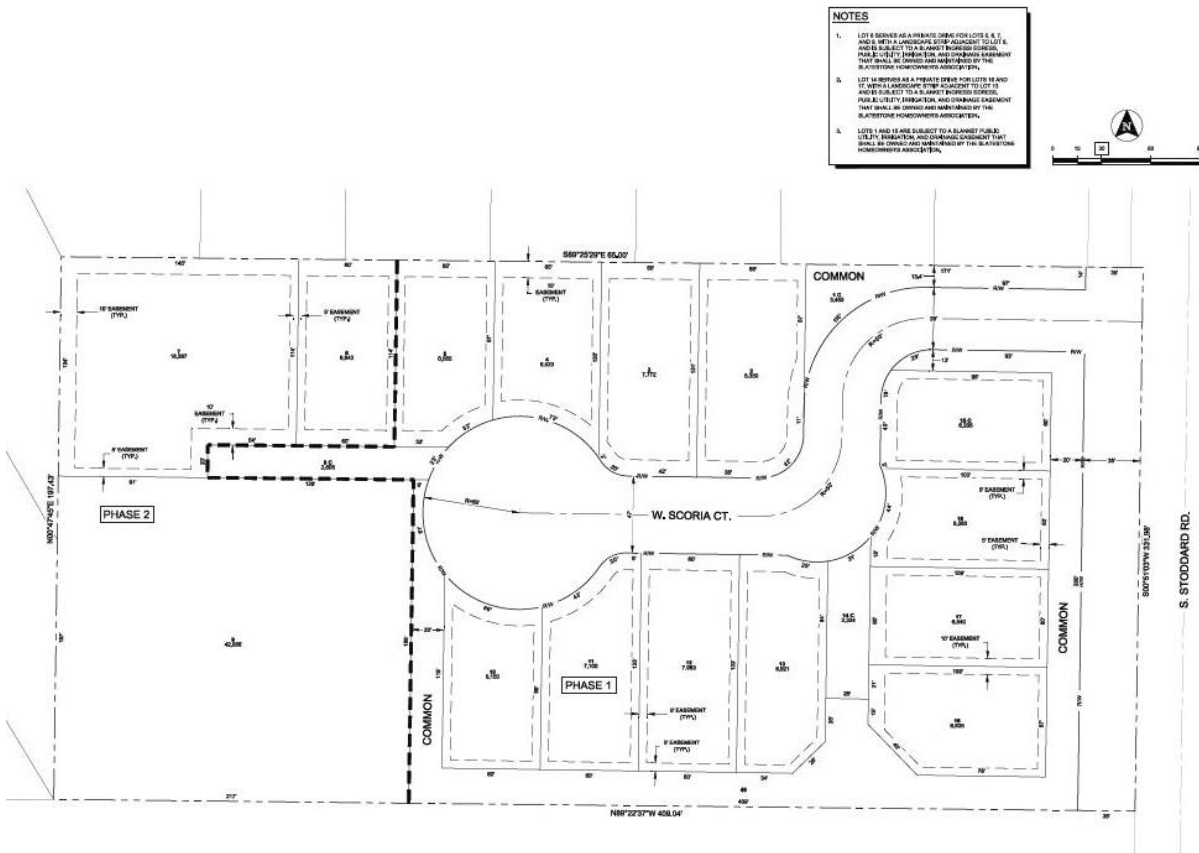


**PLANTING PLAN**





#### D. Phasing Plan:

[illegible]

E. Conceptual Building Elevations









## 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)/developer at the time of annexation ordinance adoption, and the developer. **A final plat will not be accepted until the DA is executed and the Annexation and Zoning ordinance is approved by City Council.**

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 substantially consistent with the approved plat, landscape plan, phasing plan, and conceptual building elevations included in Section VII and the provisions contained herein.
- b. The existing outbuilding/stable shall be removed upon phase 2 development, consistent with accessory and primary structure restrictions and the approved phasing plan.
- c. The existing home shall connect to City water and sewer services with the first phase of development.
- d. Owner of the existing home shall cease the operation of an in-home daycare at the time of phase 2 development OR construct the common drive (Lot 8) to be a minimum of 25 feet wide.
- e. The rear and/or sides of homes visible from S. Stoddard Road (Lots 16-19) shall incorporate articulation through changes in two or more of the following: modulation (e.g. projections, recesses, step-backs, pop-outs), bays, banding, porches, balconies, material types, or other integrated architectural elements to break up monotonous wall planes and roof lines that are visible from the subject public street. *Single-story structures are exempt from this requirement.*

#### **Preliminary Plat Conditions:**

2. The preliminary plat included in Section VII.B, dated September 21, 2022, shall be revised as follows prior to submitting for Final Plat approval:
  - a. Make necessary revisions to the plat to match the revisions made to the landscape plan in Exhibit VII.C above.
  - b. Show all linear open space to be at least 20 feet wide consistent with UDC 11-3G-3 standards or lose one of the buildable lots in lieu of a larger and centralized open space lot with a commensurate amenity that is code compliant.
  - c. Direct lot access to S. Stoddard Road is prohibited in accord with UDC 11-3A-3.
  - d. Correct the plat to show curb, gutter, and 5-foot attached sidewalk between Lots 13 & 18 consistent with the curve of the public street
  - e. Show the common drive on Lot 14 to be six (6) feet further to the south to ensure at least 20 feet of frontage for Lot 16.
  - f. ~~Add a 5 foot wide sidewalk to either side of the Lot 14 common drive to connect it to the local street sidewalk and proposed micro path in Lot 15 common lot.~~

- g. Remove the western piece of the turnaround up to the required 20-foot wide sewer main easement shown in Lot 15 to square up the southeast corner of Lot 13 and provide more area that can be landscaped behind Lot 13.
  - h. Depict the required 10-foot wide multi-use pathway along S. Stoddard Road and place it at least four (4) feet outside of the ultimate curb and gutter location to allow for landscaping on both sides of the pathway. Prior to the City Engineer's signature on the final plat for Phase 1, a 14-foot wide public pedestrian easement shall be submitted to the Planning Division and recorded for the multi-use pathway as required by the Park's Department, unless ACHD requires ones.
  - i. Existing home will get a new address upon development of the first phase of this project consistent with the development of the new local street access.
3. The landscape plan included in Section VII.C, dated ~~September 22~~ October 4, 2022, is approved as submitted. ~~shall be revised as follows prior to submitting for Final Plat approval:~~
    - ~~a. Show all linear open space to be at least 20 feet wide consistent with UDC 11-3G-3 standards or lose one of the buildable lots in lieu of a larger and centralized open space lot with a commensurate amenity that is code compliant.~~
    - ~~b. Make the necessary revisions to the landscape plans to match the plat revisions noted above in VIII.A2.~~
    - ~~c. Add additional trees along micro path north of Lots 2 & 3 to remain consistent with UDC 11-3B-12 following the widening of this area to 20 feet.~~
    - ~~d. Depict open vision fencing or semi-private open vision fencing consistent with UDC 11-3A-7 adjacent to Lots 2, 3, 10-13, & 16 (refer to Figure 1 in UDC 11-3A-7 for depictions of fencing types).~~
  4. ~~Prior to the Commission hearing, the Applicant shall verify the location of the irrigation ditch along the south boundary to determine if it is on the subject property; if said ditch is proven to be on the subject property, the Applicant should revise any relevant plans to depict this ditch as being piped prior to the City Council hearing in accord with UDC 11-3A-6B.~~
  5. Future development shall be consistent with the minimum dimensional standards listed in UDC Table 11-2A-6 for the R-8 zoning district.
  6. Off-street parking is required to be provided in accord with the standards listed in UDC Table 11-3C-6 for single-family dwellings based on the number of bedrooms per unit.
  7. The Applicant shall comply with all ACHD conditions of approval.
  8. Provide a pressurized irrigation system consistent with the standards as set forth in UDC 11-3A-15, UDC 11-3B-6 and MCC 9-1-28.
  9. An exhibit shall be submitted with the final plat application for the lots accessed by common driveways (Lots 5-7, 9, & 16-18) that depicts the setbacks, fencing, building envelope and orientation of the lots and structures in accord with UDC 11-6C-3D. Driveways for abutting properties that are not taking access from the common driveway(s) shall be depicted on the opposite side of the shared property line away from the common driveway. Solid fencing adjacent to common driveways is prohibited unless separated by a minimum 5-foot wide landscaped buffer.
  10. Upon completion of the landscape installation, a written Certificate of Completion shall be submitted to the Planning Division verifying all landscape improvements are in substantial compliance with the approved landscape plan as set forth in UDC 11-3B-14.

11. The preliminary plat approval shall become null and void if the applicant fails to either: 1) obtain the City Engineer signature on a final plat within two years of the date of the approved findings; or 2) obtain approval of a time extension as set forth in UDC 11-6B-7.

## **B. PUBLIC WORKS**

### **SITE SPECIFIC CONDITIONS:**

1. Install two mainline valves on the tee at the connection to Stoddard Rd.
2. Ensure that any water main is 10' from the edge of right of way.
3. A streetlight plan will be required for the subdivision as well as (2) streetlights along S. Stoddard Rd.
4. Applicant to ensure proper separation between water and sewer mains.
5. Ensure no sewer services pass through infiltration trenches.
6. Ensure no permanent structures (trees, bushes, buildings, carports, trash receptacle walls, fences, infiltration trenches, light poles, etc.) are built within the utility easement
7. The geotechnical investigative report prepared by Geo Tek, Inc. indicates specific construction considerations. The applicant shall be responsible for the adherence of these recommendations to help ensure that groundwater does not become a problem within crawlspaces of homes.

### **GENERAL CONDITIONS:**

1. Sanitary sewer service to this development is available via extension of existing mains adjacent to the development. The applicant shall install mains to and through this subdivision; applicant shall coordinate main size and routing with the Public Works Department, and execute standard forms of easements for any mains that are required to provide service. 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. Water service to this site is available via extension of existing mains adjacent to the development. The applicant shall be responsible to install water mains to and through this development, coordinate main size and routing with Public Works.
3. 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.
4. Upon installation of the landscaping and prior to inspection by Planning Department staff, the applicant shall provide a written certificate of completion as set forth in UDC 11-3B-14A.
5. A letter of credit or cash surety in the amount of 110% will be required for all incomplete fencing, landscaping, amenities, pressurized irrigation, prior to signature on the final plat.
6. The City of Meridian requires that the owner post with the City a performance surety in the amount of 125% of the total construction cost for all incomplete sewer, water 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 applicant shall be required to enter into a Development Surety Agreement with the City of Meridian. 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.

7. 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, and water infrastructure for a duration of two years. This surety amount will be verified by a line item final cost invoicing 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.
8. In the event that an applicant and/or owner cannot complete non-life, non-safety and non-health improvements, prior to City Engineer signature on the final plat and/or prior to occupancy, a surety agreement may be approved as set forth in UDC 11-5C-3C.
9. 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.
10. 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.
11. Applicant shall be responsible for application and compliance with any Section 404 Permitting that may be required by the Army Corps of Engineers.
12. Developer shall coordinate mailbox locations with the Meridian Post Office.
13. All grading of the site shall be performed in conformance with MCC 11-1-4B.
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.
15. The 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.
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.
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.
18. Street light plan requirements are listed in section 6-7 of the Improvement Standards for Street Lighting ([http://www.meridiancity.org/public\\_works.aspx?id=272](http://www.meridiancity.org/public_works.aspx?id=272)). All street lights shall be installed at developer's expense. Final design shall be submitted as part of the development plan set for approval, which must include the location of any existing street lights. The contractor's work and materials shall conform to the ISPWC and the City of Meridian Supplemental Specifications to the ISPWC. Contact the City of Meridian Transportation and Utility Coordinator at 898-5500 for information on the locations of existing street lighting.
19. The applicant shall provide easement(s) for all public water/sewer mains outside of public right of way (include all water services and hydrants). The easement widths shall be 20-feet

- wide for a single utility, or 30-feet wide for two. The easements shall not be dedicated via the plat, but rather dedicated outside the plat process using the City of Meridian's standard forms. The easement shall be graphically depicted on the plat for reference purposes. Submit an executed easement (on the form available from Public Works), a legal description prepared by an Idaho Licensed Professional Land Surveyor, which must include the area of the easement (marked EXHIBIT A) and an 8 1/2" x 11" map with bearings and distances (marked EXHIBIT B) for review. Both exhibits must be sealed, signed and dated by a Professional Land Surveyor. DO NOT RECORD. Add a note to the plat referencing this document. All easements must be submitted, reviewed, and approved prior to signature of the final plat by the City Engineer.
20. Applicant shall be responsible for application and compliance with and NPDES permitting that may be required by the Environmental Protection Agency.
  21. 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.
  22. Any existing septic systems within this project shall be removed from service per City Ordinance Section 9-1-4 and 9 4 8. Contact the Central District Health Department for abandonment procedures and inspections.
  23. The City of Meridian requires that pressurized irrigation systems be supplied by a year-round source of water (MCC 9-1-28.C.1). 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 development plan approval.
  24. 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.

**C. FIRE DEPARTMENT**

<https://weblink.meridiancity.org/WebLink/DocView.aspx?id=265657&dbid=0&repo=MeridianCity>

**D. ADA COUNTY DEVELOPMENT SERVICES**

<https://weblink.meridiancity.org/WebLink/DocView.aspx?id=266783&dbid=0&repo=MeridianCity>

**E. PARKS DEPARTMENT – MERIDIAN PATHWAYS**

<https://weblink.meridiancity.org/WebLink/DocView.aspx?id=265658&dbid=0&repo=MeridianCity>

**F. NAMPA/MERIDIAN IRRIGATION DISTRICT (NMID)**

<https://weblink.meridiancity.org/WebLink/DocView.aspx?id=267285&dbid=0&repo=MeridianCity>

## **G. ADA COUNTY HIGHWAY DISTRICT (ACHD)**

<https://weblink.meridiancity.org/WebLink/DocView.aspx?id=267181&dbid=0&repo=MeridianCity>

## **IX. FINDINGS**

### **A. Annexation and Zoning (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;**

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

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

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

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

*City Council finds the proposed zoning map amendment should not be detrimental to the public health, safety and welfare.*

**4. The map amendment shall not result in an adverse impact upon the delivery of services by any political subdivision providing public services within the city including, but not limited to, school districts; and**

*City Council finds the proposed zoning map amendment will not result in an adverse impact on the delivery of services by any political subdivision providing public services within the City.*

**5. The annexation (as applicable) is in the best interest of city.**

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

### **B. Preliminary Plat Findings:**

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

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

*City 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;**

*City 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, City Council finds that the subdivision will not require the expenditure of capital improvement funds.*

- 4. There is public financial capability of supporting services for the proposed development;**

*City Council finds there is public financial capability of supporting services for the proposed development based upon comments from the public service providers (i.e., Police, Fire, ACHD, etc.). (See Section VIII for more information.)*

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

*City Council is not aware of any health, safety, or environmental problems associated with the platting of this property.*

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

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