

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



In the Matter of the Request for the Rezone of 5.33 acres of land from the R-4 zoning district to the R-8 zoning district and preliminary plat consisting of 26 single-family residential lots and 3 common lots on 4.71 acres, by Riley Planning Services.

Case No(s). H-2020-0060

For the City Council Hearing Date of: December 22, 2020 (Findings on January 12, 2021)

A. Findings of Fact

1. Hearing Facts (see attached Staff Report for the hearing date of November 24, 2020, incorporated by reference)
2. Process Facts (see attached Staff Report for the hearing date of November 24, 2020, incorporated by reference)
3. Application and Property Facts (see attached Staff Report for the hearing date of November 24, 2020, incorporated by reference)
4. Required Findings per the Unified Development Code (see attached Staff Report for the hearing date of November 24, 2020, incorporated by reference)

B. Conclusions of Law

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

- 7. That this approval is subject to the Conditions of Approval all in the attached Staff Report for the hearing date of November 24, 2020, incorporated by reference. The conditions are concluded to be reasonable and the applicant shall meet such requirements as a condition of approval of the application.

C. Decision and Order

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

- 1. The applicant’s request for Rezone and Preliminary plat are hereby approved per the conditions of approval in the Staff Report for the hearing date of November 24, 2020, attached as Exhibit A.

D. Notice of Applicable Time Limits

Notice of Preliminary Plat Duration

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

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

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

Notice of Conditional Use Permit Duration

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

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

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

Notice of Development Agreement Duration

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

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

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

E. Notice of Final Action and Right to Regulatory Takings Analysis

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

F. Attached: Staff Report for the hearing date of November 24, 2020

By action of the City Council at its regular meeting held on the 12th day of January, 2021.

COUNCIL PRESIDENT TREG BERNT VOTED AYE

COUNCIL VICE PRESIDENT BRAD HOAGLUN VOTED AYE

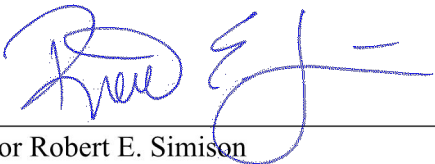
COUNCIL MEMBER JESSICA PERREAULT VOTED AYE

COUNCIL MEMBER LUKE CAVENER VOTED AYE

COUNCIL MEMBER JOE BORTON VOTED AYE

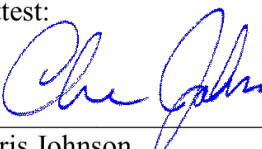
COUNCIL MEMBER LIZ STRADER VOTED AYE

MAYOR ROBERT SIMISON VOTED _____
(TIE BREAKER)



Mayor Robert E. Simison


Attest:



Chris Johnson
City Clerk



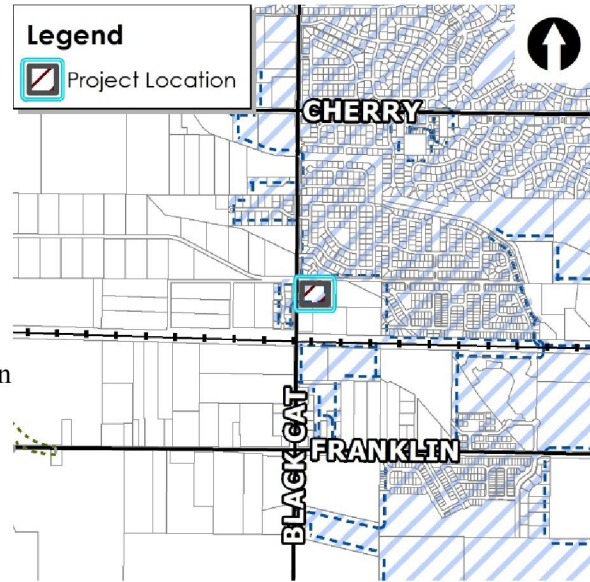
Copy served upon Applicant, Community Development Department, Public Works Department and City Attorney.

By:  _____ Dated: 1-12-2021
City Clerk's Office

**STAFF REPORT
COMMUNITY DEVELOPMENT DEPARTMENT**



HEARING DATE: 11/24/2020
TO: Mayor & City Council
FROM: Joe Dodson, Associate Planner
208-884-5533
SUBJECT: H-2020-0060
Horse Meadows Subdivision
LOCATION: The site is located at 710 N. Black Cat, in the NW ¼ of the NW ¼ of Section 10, Township 3N., Range 1W.



I. PROJECT DESCRIPTION

Rezone of 5.33 acres of land from the R-4 zoning district to the R-8 zoning district and preliminary plat consisting of 26 single-family residential lots and 4 common lots on 4.71 acres, by Riley Planning Services.

NOTE: The ACHD staff report requires the Applicant to take access off of W. Pine Avenue instead of converting the existing private lane easement (Quarterhorse Lane) into a public road access, as originally proposed. The easement will remain as a non-buildable lot until such time as the easement holders relinquish their rights to use said access with future development of their respective properties.

In addition, in response to the staff report for the September 17, 2020 Commission meeting, the Applicant requested a continuance to a future meeting date in order to revise the plat and obtain additional information regarding the existing easement as discussed in the staff report. The plat has been revised and has resulted in strikethrough and underline changes throughout the staff report.

NOTE to City Council: Following the Commission public hearing, the Applicant revised the plat in response to the Commission’s recommendation and incorporated other changes that have not been fully analyzed by staff. The applicant has provided a comprehensive narrative of the proposed changes and staff has provided a summary of the proposed changes for the Council’s consideration. Staff has also outlined some of the outstanding issues and recommended changes or inclusion of new conditions of approval based on these changes in Section VI. below.

- *The open space has been moved from the NEC to a more central location within the subdivision (Lot 6, Block 2). The overall open space has increased approximately 8,000 square feet to total nearly an acre due to the layout changes;*

- **The Applicant is now proposing to construct common open space and a public street over area of the subject site that contains an existing ingress/egress easement. Conveyance of this right-of-way is contingent upon all easement holders relinquishing their rights to the use of said easement. The applicant’s attorney is working with the three (3) affected parties on a resolution;**
- **Per the recommendation of the Commission, one lot has been removed from the west boundary abutting Black Cat Road;**

II. SUMMARY OF REPORT

A. Project Summary

Description	Details	Page
Acreage	4.71 acres	
Future Land Use Designation	Medium Density Residential	
Existing Land Use(s)	Vacant	
Proposed Land Use(s)	Residential	
Lots (# and type; bldg./common)	30 31 total lots – 26 single-family residential; and 4 <u>5</u> common lots.	
Phasing Plan (# of phases)	Proposed as one (1) phase.	
Number of Residential Units (type of units)	26 total single-family detached units	
Density (gross & net)	Gross – 5.52 du/ac.; Net – unknown	
Open Space (acres, total [%]/buffer/qualified)	34,912 square feet (approximately 17%) and includes the required landscape buffers and one open space lot containing the proposed amenity; property is less than 5 acres so minimum open space requirement is not applicable.	
Amenities	1 amenity – Tot Lot	
Physical Features (waterways, hazards, flood plain, hillside)	N/A	
Neighborhood meeting date; # of attendees:	March 14, 2020 – 5 attendees	
History (previous approvals)	AZ-06-016, PP-06-010, FP-07-034; VAR-06-008 –These approvals have expired.	

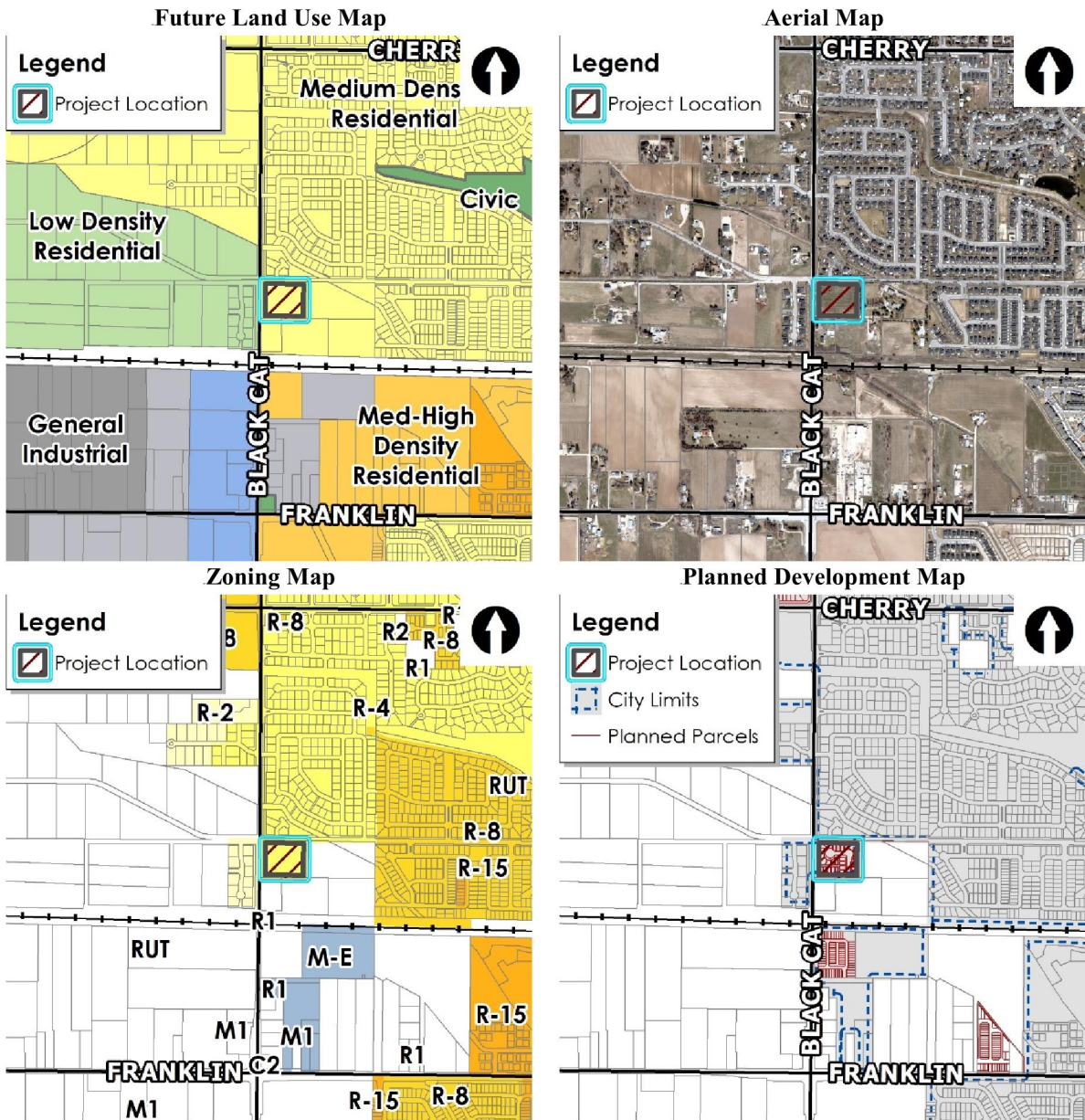
B. Community Metrics

Description	Details	Page
Ada County Highway District		
<ul style="list-style-type: none"> • Staff report (yes/no) • Requires ACHD Commission Action (yes/no) 	<p>Yes</p> <p>No</p>	
Access (Arterial/Collectors/State Hwy/Local)(Existing and Proposed)	Originally, access was proposed from W. Quarterhorse Lane, an existing private street along the southern property boundary. However, ACHD is requiring the applicant take access from Pine Ave. and does not have the authority to require the applicant to close the private driveway connection to Black Cat.	
Stub Street/Interconnectivity/Cross Access	Stub streets are proposed to the existing private lane (Quarterhorse Lane) that are less than 150’ in length that will be terminated with some kind of barrier and signs that state the streets will be extended in the future. The	

Description	Details	Page
	Applicant is still required to allow the other easement holders to use their access rights of Quarterhorse Lane.	
Existing Road Network	W. Quarterhorse Lane – a two-lane private street	
Existing Arterial Sidewalks / Buffers	No	
Proposed Road Improvements	Applicant is proposing additional ROW dedication and construction of detached sidewalks along both Black Cat and Pine.	
Fire Service		
<ul style="list-style-type: none"> Distance to Fire Station 	2.1 miles from Fire Station #2	
<ul style="list-style-type: none"> Fire Response Time 	The proposed development falls within the 5 minute response time goal.	
<ul style="list-style-type: none"> Resource Reliability 	76% (below the target goal of 80%)	
<ul style="list-style-type: none"> Risk Identification 	Risk Factor 1 – Residential; current resources would be adequate to supply service to this project.	
<ul style="list-style-type: none"> Accessibility 	Proposed project meets all required access, road widths, and turnarounds. The project will be limited to 30 homes due to a singular access point.	
Police Service		
<ul style="list-style-type: none"> Distance to Police Station 	4.5 miles	
<ul style="list-style-type: none"> Response Time 	Approximately 3.5 minutes	
<ul style="list-style-type: none"> Accessibility 	MPD has no concerns with access into this development; the MPD can service this development if approved.	
<ul style="list-style-type: none"> Additional Comments 	<ul style="list-style-type: none"> Between June 2019 and June 2020, MPD responded to 1,281 calls for service within one mile of this proposed development. The crime count on those calls was 126. Between June 2019 and June 2020, MPD responded to 29 crashes within 1 miles of this proposed development. 	
West Ada School District		
<ul style="list-style-type: none"> Distance (elem, ms, hs) 	Peregrine Elementary – 3.2 miles Meridian Middle – 3.1 miles Meridian High – 2.8 miles	
<ul style="list-style-type: none"> Capacity of Schools 	Peregrine – 650 students Meridian Middle – 1250 students Meridian High – 2400 students	
<ul style="list-style-type: none"> # of Students Enrolled 	Peregrine – 517 students Meridian Middle – 1273 students Meridian High – 2101 students	
Wastewater		
<ul style="list-style-type: none"> Distance to Sewer Services 	Directly Adjacent	
<ul style="list-style-type: none"> Sewer Shed 	South Black Cat Trunk Shed	
<ul style="list-style-type: none"> Estimated Project Sewer ERU's 	See application	
<ul style="list-style-type: none"> WRRF Declining Balance 	13.95	
<ul style="list-style-type: none"> Project Consistent with WW Master Plan/Facility Plan 	YES	
<ul style="list-style-type: none"> Additional Comments 	Additional 918 gpd flow has been committed.	
Water		
<ul style="list-style-type: none"> Distance to Water Services 	Directly Adjacent	

Description	Details	Page
<ul style="list-style-type: none"> • Pressure Zone 	1	
<ul style="list-style-type: none"> • Estimated Project Water ERU's 	See application	
<ul style="list-style-type: none"> • Water Quality Concerns 	Yes, see below	
<ul style="list-style-type: none"> • Project Consistent with Water Master Plan 	Yes	
<ul style="list-style-type: none"> • Impacts/Concerns 	<p>The water main <u>should be looped through the site whenever possible</u>; if any stub is not used it will be <u>required to be abandoned</u> dead-end at the cul-de-sac must be extended to the northwest via the common lot pathway and tied into the existing 8" water main stub in Black Cat. This stub is not currently shown on the plans but is stubbed at the northwest corner of the property.</p>	

C. Project Area Maps



III. APPLICANT INFORMATION

A. Applicant:

Penelope Constantikes, Riley Planning Services – PO Box 405, Boise, ID 83701

B. Owner Representative:

Black Cat 30 LLC – 1420 S. Mills Avenue, Ste. M, Lodi, CA 92542

C. Representative:

Same as Applicant

IV. NOTICING

	Planning & Zoning Posting Date	City Council Posting Date
Newspaper Notification	6/26/2020	11/6/2020
Radius notification mailed to properties within 300 feet	6/23/2020	11/4/2020
Site Posting	9/3/2020 10/2/2020	11/6/2020
Nextdoor posting	6/23/2020	11/4/2020

V. STAFF ANALYSIS

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

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

The subject site is currently zoned R-4 and the Applicant is requesting a rezone to R-8; both zoning designations comply with the future land use designation of Medium Density Residential (MDR). The proposed development is proposed as 26 single-family residential lots at a gross density of approximately 5.5 du/ac meeting the required gross density in the MDR. Single-family homes are a desired residential use in the MDR as well and the proposed development will match much of what is nearby but with smaller lots and more density, therefore offering homes at different price points than the surround R-4 sites to the north of the subject site. but with the latest redesign of the plat the Applicant is proposing some alley-loaded and side-loaded single-family homes. These additional housing designs meet the intent of providing housing options within this future land use designation. Further site design analysis is below in subsequent sections.

Staff finds the proposed development and use to be generally consistent with the future land use designation of Medium Density Residential.

The City may require a development agreement (DA) in conjunction with an annexation and/or rezone pursuant to Idaho Code section 67-6511A. *In order to ensure the site develops as proposed with this application, Staff recommends a DA as a provision of rezoning 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 for approval by City Council and subsequent recordation.*

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

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

“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 Applicant is proposing to construct detached sidewalks along both Black Cat and Pine and add a micro-pathway into the development in the northeast corner of the site. The Applicant is proposing these buffers and micro-pathway as their open space; the micro-pathway is also shown with a tot-lot which is intended to be a site amenity. This pedestrian connection is a nice addition, especially with it being shown within a larger common lot than originally proposed. Because of the redesign that occurred, this pedestrian connection and the new street connection to Pine Ave allows for more pedestrian and bicycle connection through the site. The proposed plat is smaller than 5 acres*

and therefore is not required to meet the minimum 10% open space standard and the open space that is proposed within this development is largely landscape buffers that offer pedestrian connectivity but is not active in its use. The Applicant is proposing a tot lot, as mentioned, which should help activate the common lot that it is within. Despite the type of open space proposed, Fuller Park (the closest public park to the site) is approximately 1 mile away by foot and the proposed pedestrian connectivity should make it more efficient to reach it. Staff finds that despite the proximity of the public park, it does not alleviate the need for usable open space within this development as desired in the purpose statement of UDC 11-3G, the Common Open Space code section. Therefore, Staff finds that the Applicant should lose an internal building lot and make it a common open space lot instead. This change would help this project meet both the UDC and the Comprehensive Plan.

“Reduce the number of existing access points onto arterial streets by using methods such as cross-access agreements, access management, and frontage/backage roads, and promoting local and collector street connectivity” (6.01.02B). *The existing access to this site is via W. Quarterhorse Lane—a private road that other parcels located to the south and east also use as an access to Black Cat Road, an arterial street. According to the originally submitted plat, the Applicant proposed to convert the private road to a public road. The Applicant proposed the main access for this development to be from Black Cat rather than the adjacent Pine Avenue, a collector street. However, ACHD policy does not support the Quarterhorse access to Black Cat, an arterial street. As such, they have required the applicant to take access from the lesser classified street, Pine Avenue, which necessitated a redesign of the project. City code, UDC 11-3A-3, also requires access to be taken from Pine Ave. To complicate the matter further, Quarterhorse Lane will remain as a private lane and ACHD does not have the authority to require the closure of this access.*

The new layout does in fact show access to Pine, a lesser classified street but the private lane access to Black Cat cannot be closed without the consent of all easement holders. Further, access prevents the extension of the 25-foot wide landscape buffer and the 5-foot wide detached sidewalk along N. Black Cat Rd. Staff is of the opinion this area should be depicted on the plat as a non-buildable lot until the easement holders consent to vacate the access—the Applicant has revised the plat to show this and will extend the landscaping and sidewalk as far south along Black Cat as possible. To ensure this lot can re-develop in the future, staff recommends the applicant provide an exhibit that demonstrates how the 25-foot wide landscape buffer and two stub streets are going to be extended in the future and how the remaining portion of the easement area can be redeveloped with the adjacent properties. See additional discussion below in the Access section of the staff report (V.E).

“Permit new development only where it can be adequately served by critical public facilities and urban services at the time of final approval, and in accord with any adopted levels of service for public facilities and services” (3.03.03F). *Public services are readily available to the subject site because of the existing nearby developments to the north and west. Applicable service departments have granted their approval of the development and its impact to the system with one modification; the Water Department would like to see the water system looped through and connected to the water main in Black Cat Road to ensure better water quality is achieved. It should be noted that the Public Works Department generally does not want public infrastructure placed in the private road easements. However, the Applicant has limited options to loop the water main in this development and must utilize the existing private access easement. Public Works has signed off on this location and has offered their comments regarding this (see Section VIII.B). The applicant should work with City Staff to determine the appropriate routing of the infrastructure prior to the City Council hearing.*

“Slow the outward progression of the City's limits by discouraging fringe area development; encourage development of vacant or underutilized parcels currently within City limits” (4.05.03B). *The subject site is near the edge of the City's limits but has City of Meridian development to its north and west. In addition, this site is currently vacant and underutilized because it is already annexed but not yet developed. The proposed development is an opportunity to develop the site adequately and remove a vacant parcel from the City. This development is also allowing the City to plan for the future use of the private road easement and for how the future road network will work in this area should it redevelop from county land and be annexed into the City.*

“Encourage the assembly of parcels for master planning, design and entitlement purposes; discourage piecemeal annexation and development” (3.03.03J). *The subject parcel is already annexed into the City of Meridian and cannot be made part of a larger assembly of parcels at this time. The public road layout should lay the infrastructure for future connectivity of the immediate area as all parcels to the south and east that are not currently annexed into the City should have a lower classified street to access in the future. With Quarterhorse Lane being the only access for these parcels, master planning the public road network becomes even more imperative as City code and ACHD cannot support maintaining this access to Black Cat. This requires that ultimately all easement holders agree to vacate their rights to the easement and take access through this development and other local street networks to the east. With the revised plat, the Applicant has provided two stub streets to the existing Quarterhorse Lane for future connectivity. ~~However, it is still unclear how the easement area is intended to be incorporated into the future road network.~~ The Applicant agrees that at least a portion of the existing easement should become public right-of-way in the future so that the parcels to the southeast have local street access to Pine and the accesses to Black Cat are continued to be limited in line with ACHD and the Comprehensive Plan.*

Staff finds this development to be generally consistent with Comprehensive Plan policies and objectives if Staff's recommendations are adhered to and despite the W. Quarterhorse Lane access remaining.

C. Proposed Use Analysis:

The proposed use is detached single-family residential homes; this use is listed as a principally permitted use in the requested R-8 zoning district per UDC Table 11-2A-2.

The Applicant's revised plat shows front loaded single-family homes within the R-8 zone, seemingly the industry standard in the requested zone. The proposed development and use meet both the zoning and comprehensive plan policies despite the development not providing a new housing type. However, the proposed lot sizes are smaller than those closest to the subject site and therefore cannot accommodate as large of a home which should dictate a lower price point for these homes; the comprehensive plan also calls for housing variety in the way of price point but this is merely conjecture at this point in the development process. The proposed use is allowed in the requested zone but does not offer an “exciting” or “premier” housing type outside of what already exists in the immediate area, as a majority of the proposed use but it also shows four homes that are alley-loaded and two homes that are proposed with side-loaded garages. This is a change from any previous plat submitted to Staff and would allow different architectural styles of homes within the same development. Staff is appreciative of this proposal and is recommending a DA provision to ensure these homes are constructed as proposed and not as all front loaded.

D. Dimensional Standards (*UDC 11-2*):

The proposed preliminary plat appears to meet all UDC dimensional standards for the requested R-8 zoning district and use of detached single-family homes. This includes property sizes, required street frontages, and road widths of the local streets and alleyway. All local streets are proposed as 33-foot wide street sections within 47 feet of right-of-way.

Staff notes that the Applicant's request to rezone the property from the existing R-4 district to the R-8 zoning district, increases the number of lots that are able to be developed on this parcel. This is due to the minimum lot size in the R-8 district being half of that in the R-4 district. The Applicant has not proposed all lots at the minimum 4,000 square feet but the average lot size in the development is just below 4,100 square feet. Because the Applicant is proposing such small lots and is now proposing differing styles of detached single-family homes (alley and side-loaded units), Staff is recommending that prior to the City Council hearing the Applicant provide exhibits showing how the different homes styles will physically fit on the proposed lots.

E. Access (*UDC 11-3A-3*):

Access into this development is now proposed via a new street connection to Pine Avenue instead of converting W. Quarterhorse Lane to a new public street. The Applicant has chosen to take access from Pine Avenue after receiving the draft staff report from ACHD which required a completely new plat layout following the initial submittal; subsequent revisions have maintained this access point to Pine. W. Quarterhorse Lane is currently an ingress/egress access easement with 4 servient sites, including the subject site of this application. Without the consent of all easement holders, the access must remain until the remainder of the properties annex or redevelop. Therefore the easement will remain as a non-buildable lot until such time it can be included as part of a future development. As noted above, staff ~~has received~~ ~~recommends~~ ~~the applicant provide~~ an exhibit for the Commission that demonstrates how this area of the property could redevelop with the required street frontage improvements and be incorporated into a future plat when the properties to the southeast redevelop in the future. The applicant should relinquish their right to use of said easement as part of the rezone request. All internal local streets within the proposed development are shown as 33-foot wide street sections that will accommodate on-street parking where no driveways exist.

The new layout proposes access off of Pine Avenue in line with N. Traquair Place on the north side of Pine. The internal streets provide two north-south stub streets to the existing private lane (Quarterhorse Lane) that will be extended in the future and a cul-de-sac that serves six (6) homes connects back to the westerly north-south street via an alleyway. This alleyway is where the Applicant is proposing the alley-loaded and side-loaded homes. Staff can support this revised layout more than previously submitted plats as it places the easement within a lot of its own, shown as Lot 910, Block 1. However, this lot is not specifically addressed on the plat or within the revised narrative. Therefore, the Applicant has not shown sufficient evidence how this layout and the existing easement could work in the future with future development to the east, specifically with the future road network. Will it be green space? Will it become part of the future road network? These are questions the Commission and Council should ask of the Applicant. Staff understands that there may be no precise way to know what will happen here with this easement but it is often up to the developer/Applicant to show Staff that all aspects of a property have been vetted; Staff is ~~not~~ now comfortable in stating that this due diligence has occurred with the future of this access easement because the Applicant has provided an exhibit showing this lot as common open space to be landscaped with grass and still accommodate the existing gravel access road for the servient sites. In addition, the area of the access easement that is between the new local north-south street and Black Cat will hold both a sewer and water main line in order to loop the systems. These utilities require a 30-foot wide easement which will overlay the lot and

make this area non buildable in perpetuity. The Applicant has stated to Staff that the remaining easement area is best suited for future right-of-way for future redevelopment to the southeast and Staff agrees. The exhibit provided by the Applicant does not specifically show this because it is unknown where future access to the south could be taken from but the story has been told in both discussion and in the response to the previous staff report.

Despite the unknowns, Staff is more comfortable supporting this revised plat with the requirement of an additional DA provision to ensure this easement area is used appropriately in the future. This recommended provision is to restrict Lot 910, Block 1 as a non-buildable lot for either common open space or future right-of-way dedication as other easement holders redevelop their own properties and relinquish their rights to this private lane access in the future.

Note: Staff has received a revised staff report from ACHD and they have approved the revised plat with specific conditions of approval (see Section VIII.G).

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

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

The street sections (33-feet wide) of the proposed local streets within the development, as shown on the submitted plat, accommodate parking on both sides of the street where no driveways exist. The cul-de-sac is proposed with a radius of 48 feet and cannot accommodate any parking along its perimeter.

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

No multi-use pathways are proposed or required with this development because the master pathways plan does not show any multi-use pathway adjacent to the subject site. This Applicant is proposing attached sidewalks along all local streets that will connect to the detached sidewalks proposed along the arterial and collector streets via the micro-pathway proposed in the northeast corner of the site and the new road connection out to Pine. These sidewalks and micro-pathway should help improve pedestrian and cyclist connectivity from this development.

Originally, the Applicant proposed their micro-pathway and amenity in the northwest corner of the site but Staff was concerned with the amenity being on an intersection that is only going to get busier over time. During the project review meeting between department staff some additional comments from Public Works regarding the location of the proposed micro-pathway have come to Staff's attention. Public Works noted that this development should loop their water line to the water main that lays in Black Cat Road to help with water quality for the development. The revised plat still proposes the micro-path and amenity in the northeast corner which does not help Public Works with achieving a looped water system on this property. In lieu of this, Public Works has recommended that the water main connect to the main within Black Cat via a new water main easement in the existing Quarterhorse Lane access easement, generally paralleling the sewer main proposed in the easement area as well. This will require the Applicant to abandon the existing main line stub located in the intersection of Black Cat and Pine since it will no longer be needed.

The Applicant has taken these comments into account with their most recent revisions to the plat and has made the appropriate accommodations for a looped system via the existing access easement. Public Works has reviewed the latest plat and utility layout and offers their support of the new layout of the looped systems. ~~provided a rendering of the requested changes and can be~~

~~reviewed in Exhibit VII.E. The conditions regarding this recommendation can be found under the Public Works conditions in Section VIII.B.~~

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

Five-foot attached sidewalks are proposed along all internal local streets. The Applicant is also proposing 5-foot detached sidewalks within the required landscape street buffers on Pine Avenue and Black Cat Road.

*There are no existing sidewalks adjacent to the site and along the arterial streets. These additional sidewalks will add to the pedestrian connectivity throughout the immediate area and offer safer routes for pedestrians and cyclists alike. Black Cat Road is expected to be widened adjacent to this site within the next five (5) years and the proposed sidewalk is shown outside of that ultimate ROW. **However, the sidewalks appear to be right at the edge of the ultimate ROW which does not meet code. UDC 11-3B-7C.1a states that detached sidewalks shall have an average minimum separation of greater than four (4) feet to back of curb and the back of curb shall be measured from the ultimate curb location. Therefore, Staff is recommending a condition of approval to move the detached sidewalks further into the landscape buffers to meet this requirement.***

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

A 25-foot wide street buffer is required adjacent to N. Black Cat Road, an arterial, and a 20-foot buffer is required adjacent to Pine, a collector street. This buffer should be landscaped per the standards listed in **UDC 11-3B-7C** and placed into a common lot that is at least as wide as the required buffer width; this common lot should also contain the detached sidewalk required along both roadways. Pathways, including micro-paths are required to be landscaped in accord with the standards listed in UDC 11-3B-12. **The original landscape plans appear to show compliance with those requirements but no updated landscape plans have been provided that match the revised plat layout.**

*The submitted plat depicts a 25-foot wide landscape buffer along Black Cat and a 20-foot wide buffer along Pine, both within common lots. The correct number of trees appeared to be shown on the original landscape plans as well (see Section VII.C). To ensure these buffers are installed and vegetated appropriately, the improvements required outside of the ultimate ROW should be constructed prior to receiving building permit approvals. Code also dictates that street landscape buffers are to be vegetated with shrubs, lawn, or other vegetative ground cover **in addition to trees**; the submitted landscape plans do not appear to show this vegetation. Staff is recommending a condition of approval to revise the landscape plans to correct this as well as revise the landscape plan to match the revised plat layout and be submitted to Staff no later than ten (10) days prior to the City Council hearing.*

J. Open Space and Amenity (UDC [11-3G](#)):

Because the subject site is less than five (5) acres in size, the minimum requirement of 10% qualified open space and at least one site amenity are not required to be met by UDC 11-3G. However, the Applicant is requesting a rezone to a zoning district that allows higher density. Staff finds it appropriate that usable open space and an amenity be provided. In response, the Applicant has proposed approximately 35,000 square feet of open space which amounts to approximately 17% of the site. This open space consists mostly of the street buffers along the outside of the development and also includes the common lot that holds the micro-pathway and the proposed tot-lot in the northeast corner of the site at the end of the cul-de-sac.

Even though the regulations in UDC 11-3G do not apply to this development because of its size, Staff believes that the purpose statement of providing open space that improves the

livability of neighborhoods should still be adhered to. In addition, the purpose statement for subdivision regulations in UDC 11-6A-1 discusses promotion of developments that provide for adequate sunlight, fresh air, and usable open space. ~~Staff can better support the new open space layout but is still unsure how it will work with Public Works' comments.~~ Due to the existence of a large public park being within a mile of the development, Staff can understand why the Applicant has not proposed more usable open space within the development. However, it is Staff's opinion that more usable open space should be made available within the site to accommodate those who cannot so easily walk or bike to Fuller Park. In order to meet the purpose statement of UDC 11-3G and the subdivision regulations the Applicant should lose a buildable lot and convert it to open space. Therefore, Staff is recommending that Lot 6, Block 2 be a common open space lot instead of a buildable lot.

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

All fencing is required to comply with the standards listed in UDC 11-3A-7. Fencing is shown on the landscape plan and appears to meet UDC requirements in regards to height, type, and location. *The Applicant should ensure fencing still meets the required UDC standards once providing a revised landscape plan that matches the revised plat.*

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

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

The submitted elevations show a combination of single and two-story single-family homes. The elevations also show different architectural elements, finish materials, and overall design options including some RV size garage spaces. However, with such small lot sizes proposed, Staff is concerned the submitted elevations may not depict homes that can actually fit within the building envelope of the R-8 zoning district. To help staff see this, Staff is recommending a condition of approval that the Applicant provide an exhibit showing how a proposed home will fit on these lots. However, the Applicant has not provided conceptual elevations of the alley loaded or side-loaded unit types. Prior to the City Council hearing, the Applicant should provide these conceptual elevations. Design review is not required for single-family detached structures but Staff finds the submitted elevations meet the requirements in the Architectural Standards Manual. Because a number of the homes abut streets that are heavily traveled, Staff is recommending a condition of approval that requires those homes abutting both Black Cat and Pine are constructed with modulation and variations in materials to mitigate any potential of a monotonous wall plane along these streets.

VI. DECISION

A. Staff:

Staff recommends approval of the requested rezone and the requested preliminary plat per the analysis in Section V and per the findings in Section IX of this staff report.

B. The Meridian Planning & Zoning Commission heard these items on October 22, 2020. At the public hearing, the Commission moved to recommend approval of the subject Rezone and Preliminary Plat requests.

1. Summary of Commission public hearing:

- a. In favor: Penelope Constantikes, Applicant Representative
- b. In opposition: None
- c. Commenting: Drew Morgan, Neighbor; Penelope Constantikes

- d. Written testimony: 17 residents submitted written testimony and 3 left voicemails outlining similar concerns of traffic increasing in the area even without this development and the density of the project in relation to traffic.
- e. Staff presenting application: Joseph Dodson
- f. Other Staff commenting on application: None
- 2. Key issue(s) of public testimony:
 - a. Clarification of future plans for the existing private lane along the southern boundary, Quarterhorse Lane.
- 3. Key issue(s) of discussion by Commission:
 - a. How Quarterhorse Lane is intended to function both in the near future and in the years to come – specifically, how much of it will be green space and how much is expected to be right-of-way for the other easement holders to the east and southeast;
 - b. Size of the lots in relation to the submitted conceptual elevations and concern over whether those homes can actually be built on the proposed lots;
 - c. Location and amount of open space being proposed and how will the different locations be accessed by residents;
- 4. Commission change(s) to Staff recommendation:
 - a. Add a condition requiring fencing along the north boundary of the open space lot (Lot 10, Block 2) in the northeast corner of the site where the tot-lot is located for added safety;
 - b. That the applicant revise the plat to reconfigure the lots (Lots 9 & 11, Block 2) around the northeast corner open space lot of the site to increase its size;
 - c. Add a condition to work with Staff on providing fencing within the ingress/egress easement along the southern boundary to fence off the gravel road from the open space within this lot (Lot 10, Block 1);
 - d. Revise the plat to remove a lot along Black Cat Road to widen those lots.
 - e. Provide sample elevations of the homes that will fit on the proposed lots.
- 5. Outstanding issue(s) for City Council:
 - a. The Applicant has not submitted different elevations based on the Commission’s recommendations because the submitted elevations are the designs that are intended to be constructed in the development.
 - b. The revised plat now shows the private lane easement as a common lot and dedicated right-of-way. If Council supports the revised plan, **Staff recommends DA provision 1.e be modified to read as follows: “A final plat application shall not be submitted until the Applicant receives approval and provides documentation from all easement holders (Parcels S1210325555, S1210325800, & S1210325710) to relinquish their rights to the existing access easement once the public road connection to Pine Avenue is constructed.”**

Council strike condition of approval 2c. as this coincides with modified DA provision 1e. above.

Council include a new condition of approval as follows:

- i. Construct a 5-foot wide micro-path along the south side of Lot 7, Block 1 that connects to the sidewalk along the west side of N. Traquair St. and to Black Cat Road.

C. The Meridian City Council heard these items on November 24, 2020 and December 22, 2020. At the public hearing, the Council moved to approve the subject Rezone and Preliminary Plat requests.

- 1. Summary of the City Council public hearing:
 - a. In favor: Penelope Constantikes, Riley Planning Services and Applicant Representative
 - b. In opposition: None
 - c. Commenting: Penelope Constantikes; Dan Lukehart – Owner Representative
 - d. Written testimony: None since Commission.
 - e. Staff presenting application: Joseph Dodson, Current Associate Planner
 - f. Other Staff commenting on application: Bill Nary, City Attorney
- 2. Key issue(s) of public testimony:
 - a. None
- 3. Key issue(s) of discussion by City Council:
 - a. Number of units being proposed with the Rezone application;
 - b. History, current proposed changes, and future use of existing ingress/egress easement (Quarterhorse Lane);
 - c. Level of traffic in nearby vicinity and future plans for both Black Cat Road and W. Pine Avenue;
 - d. Location of access into new development and its proximity to Black Cat – Project was continued to the December 22nd hearing date in order for ACHD to review a new access location for development.
- 4. City Council change(s) to Commission recommendation:
 - a. Incorporate latest Preliminary Plat into record;
 - b. Modify DA Provision 1.e;
 - c. Strike Condition 2.c;
 - d. Add a landscape condition as follows: Construct a 5-foot wide micro-path south of Lot 20, Block 2 that connects to the sidewalk along the west side of N. Traquair St. and to Black Cat Road.

VII. EXHIBITS

A. Rezone Legal Description and Exhibit Map



**DAVID EVANS
AND ASSOCIATES INC.**

**DESCRIPTION
FOR
HORSE MEADOWS SUBDIVISION
REZONE**

The following describes a parcel of real property, situated within a portion of the Northwest Quarter of the Southwest Quarter (NW1/4 SW1/4) and within a of portion of the Northwest Quarter (NW1/4) of Section 10, Township 3 North, Range1 West, Boise Meridian, Ada County, Idaho, being more particularly described as follows:

BEGINNING at the centerline of North Black Cat Road, which is also the northwest corner of said NW1/4 SW1/4, also being the southwest corner of said NW 1/4; Thence, along the extension of said centerline, along the west boundary line of said NW1/4, North 00°25'10" East, 21.85 feet to the intersection and centerline of West Pine Avenue;

Thence, along the centerline of said West Pine Avenue, South 89°13'30" East, 525.16 feet;

Thence, departing said centerline, South 00°25'10" West, 20.12 feet to the northeast corner of the land described in Warranty Instrument, Number 2020-034862, which is also shown in Record of Survey, Instrument Number, 95043060 as the northwest corner of Parcel 2;

Thence, along the east boundary line of said Warranty Deed, Instrument Number 2020-034862, South 00°25'10" West, 420.45 feet to the southeast corner of said Warranty Deed;

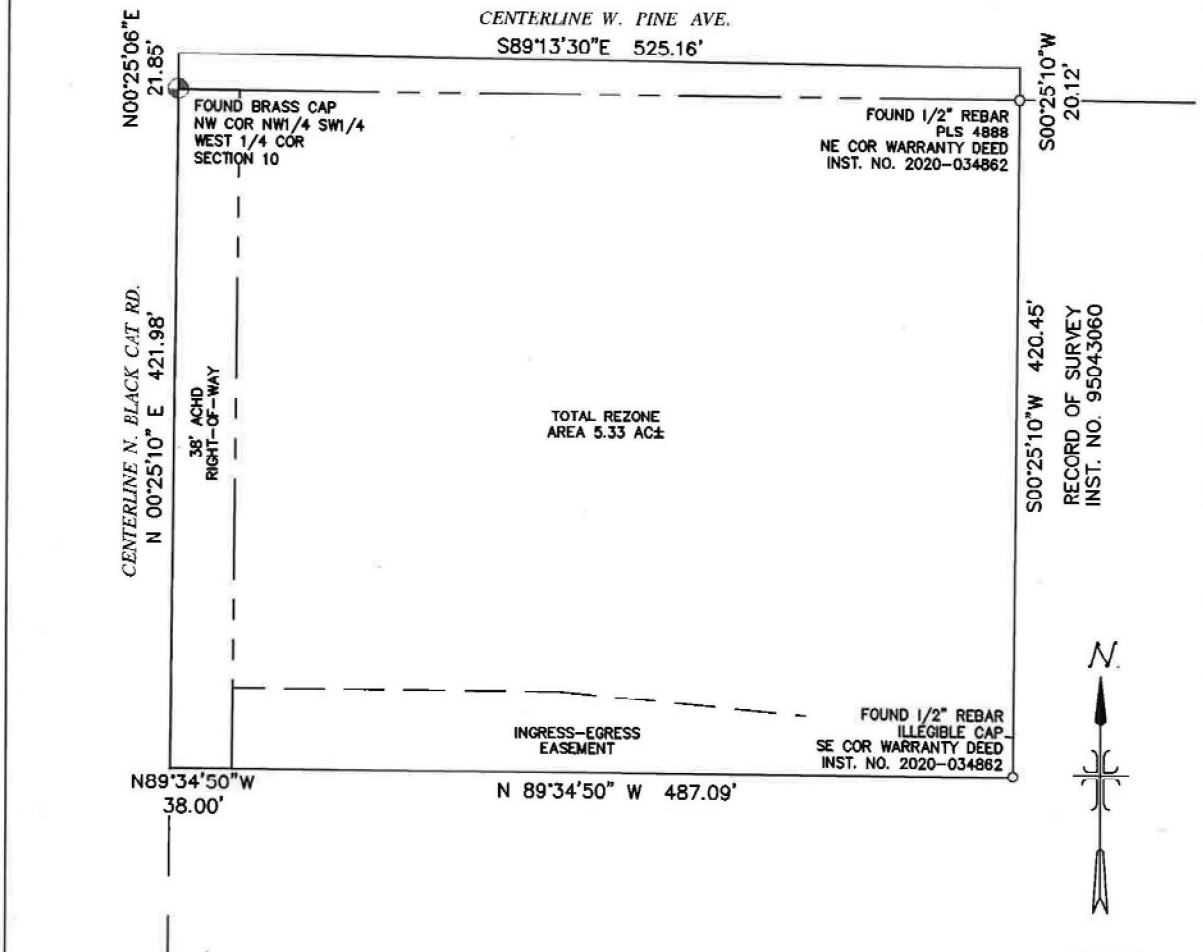
Thence, along the south boundary line of said Warranty Deed, North 89°34'50" West, 487.09 feet to the east right of way of North Black Cat Road;

Thence, continuing along the extension of said south boundary line, departing said east right of way, North 89°34'50" West, 38.00 feet to the west boundary line of said NW1/4 SW1/4;

Thence, along said west boundary line, North 00°25'10" East, 421.98 feet to the **POINT OF BEGINNING**, containing 5.33 acres more or less.



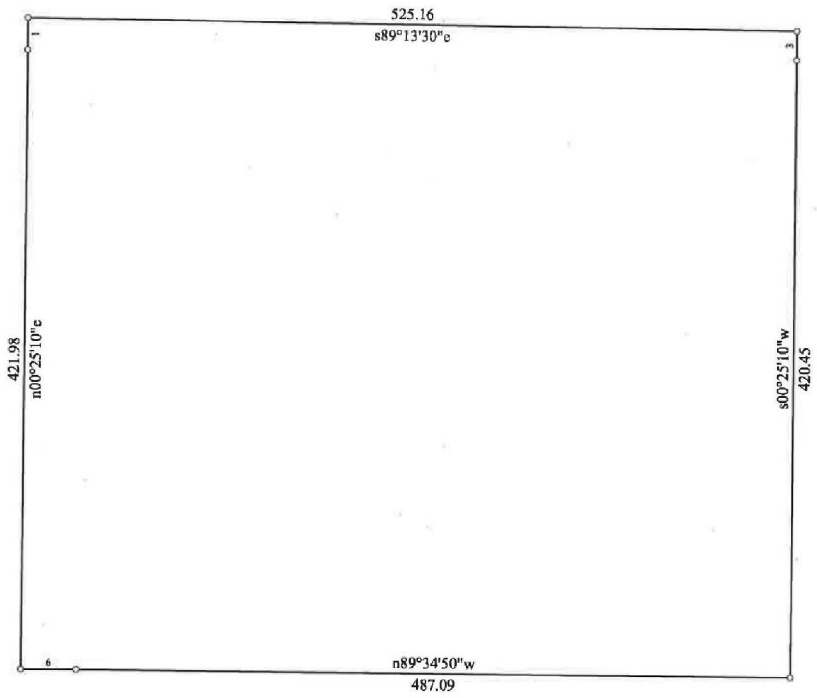
**EXHIBIT MAP FOR REZONE
HORSE MEADOWS SUBDIVISION**
 A PORTION OF THE NW1/4 OF THE SW1/4
 AND A PORTION OF THE NW1/4 OF SECTION 10
 T. 3 N., R. 1 W., B.M., ADA COUNTY, IDAHO
 2020



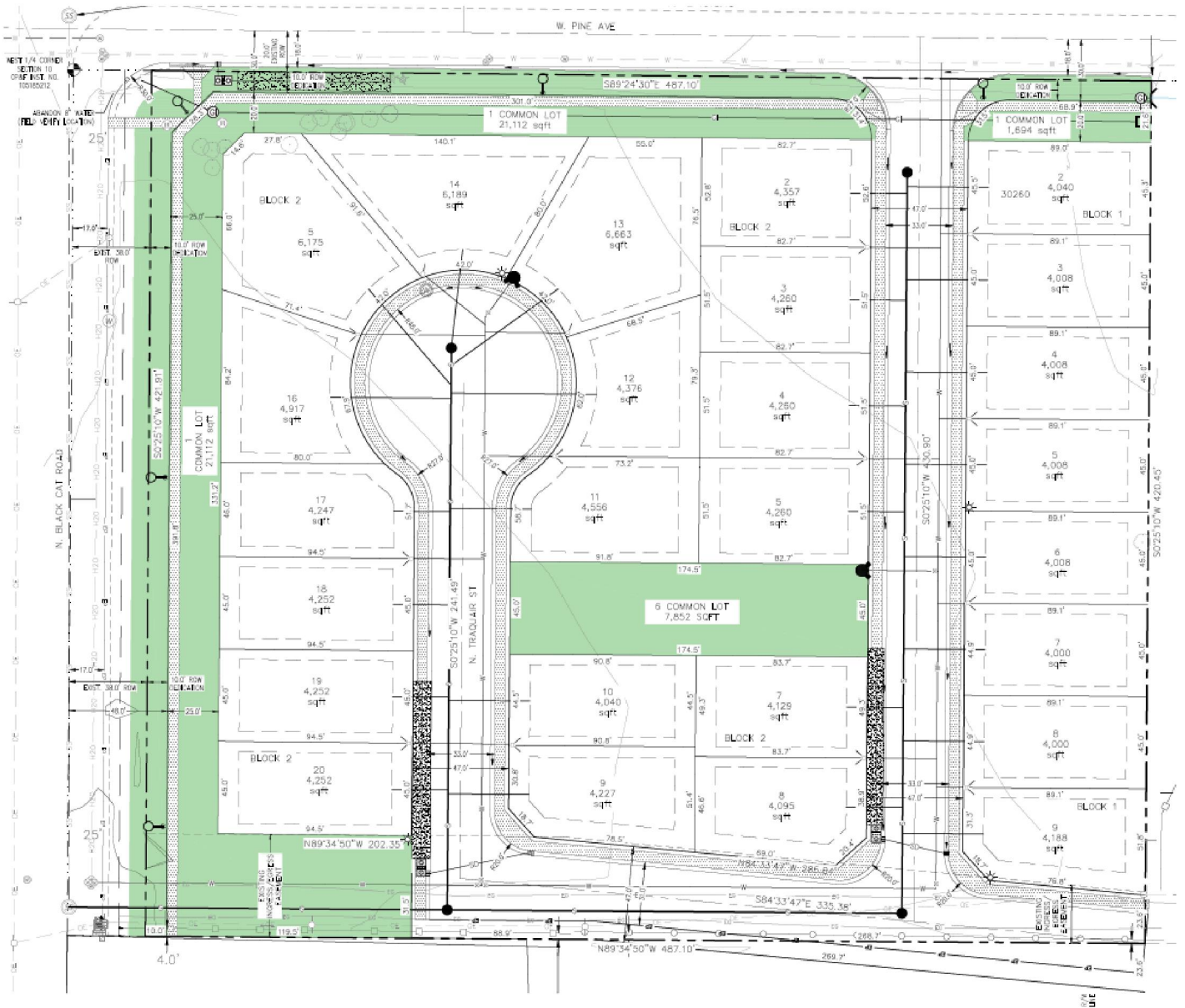
**DAVID EVANS
AND ASSOCIATES INC.**
 9179 W Black Eagle Dr
 Boise Idaho
 Phone: 208-585-5858

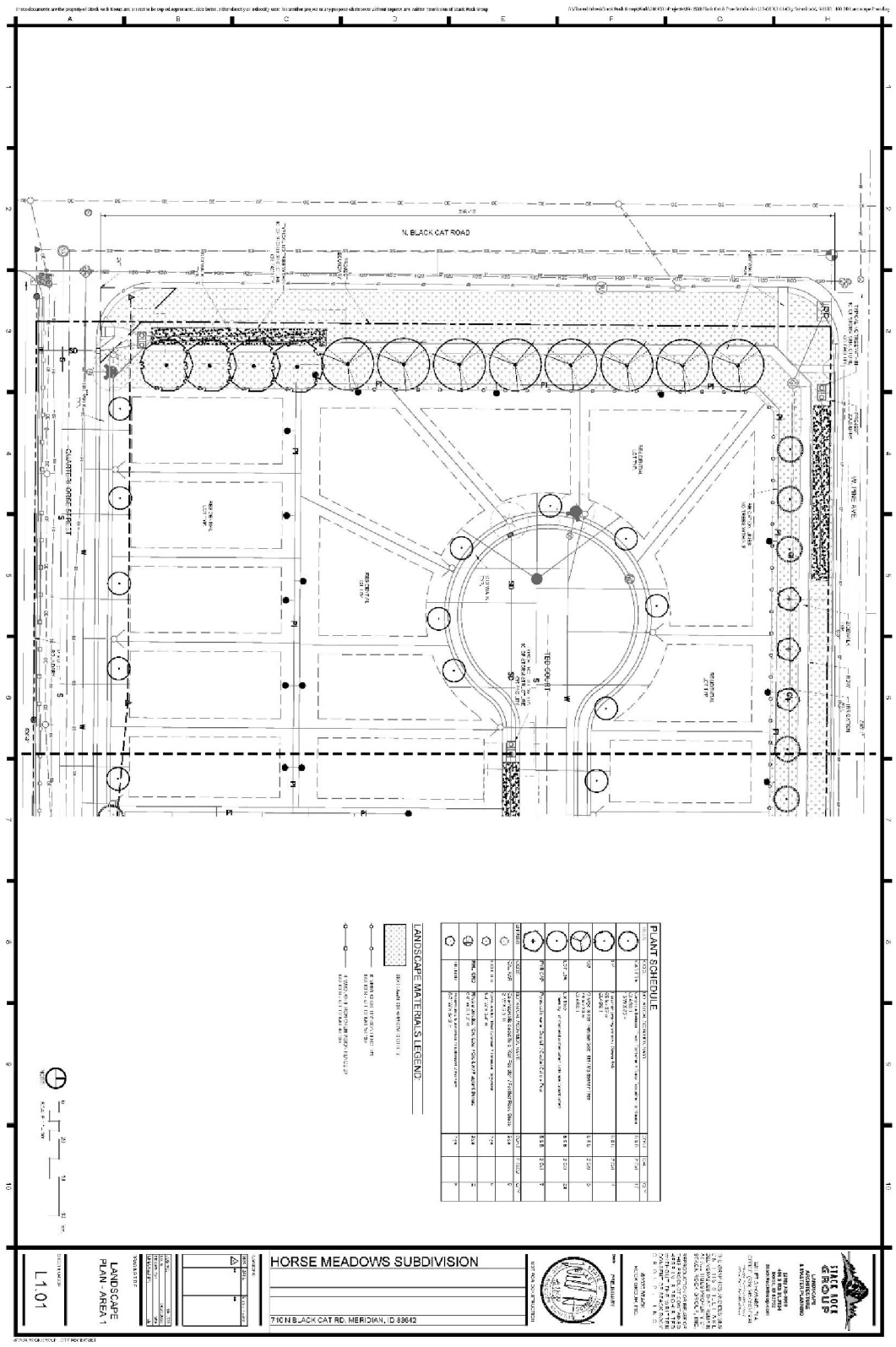


Item #2.



Title:		Date: 05-20-2020
Scale: 1 inch = 100 feet	File: RSCV16 HORSE MEADOWS SUB REZONE.des	
Tract 1: 5.331 Acres: 232208 Sq Feet: Closure = s89.2310w 0.06 Feet; Precision = 1/32299; Perimeter = 1935 Feet		
001=n00.2510e 21.85	004=s00.2510w 420.45	007=n00.2510e 421.98
002=s89.1330e 525.16	005=n89.3450w 487.09	
003=s00.2510w 20.12	006=n89.3450w 38.00	





PLANT SCHEDULE

NO.	SYMBOL	PLANT SPECIFICATION	QUANTITY	REMARKS
1	(Symbol)	PLANT SPECIFICATION	QUANTITY	REMARKS
2	(Symbol)	PLANT SPECIFICATION	QUANTITY	REMARKS
3	(Symbol)	PLANT SPECIFICATION	QUANTITY	REMARKS
4	(Symbol)	PLANT SPECIFICATION	QUANTITY	REMARKS
5	(Symbol)	PLANT SPECIFICATION	QUANTITY	REMARKS
6	(Symbol)	PLANT SPECIFICATION	QUANTITY	REMARKS
7	(Symbol)	PLANT SPECIFICATION	QUANTITY	REMARKS
8	(Symbol)	PLANT SPECIFICATION	QUANTITY	REMARKS
9	(Symbol)	PLANT SPECIFICATION	QUANTITY	REMARKS
10	(Symbol)	PLANT SPECIFICATION	QUANTITY	REMARKS

LANDSCAPE MATERIAL LEGEND

(Symbol)	LANDSCAPE MATERIAL
(Symbol)	LANDSCAPE MATERIAL
(Symbol)	LANDSCAPE MATERIAL

HORSE MEADOWS SUBDIVISION
 1710 N. BLACK CAT RD., MERIDIAN, ID 83642

HILL TOP GROUP
 LANDSCAPE ARCHITECTS
 1000 N. 10TH ST., SUITE 100
 MERIDIAN, ID 83642
 TEL: 208.333.1111
 FAX: 208.333.1112
 WWW.HILLTOPGROUP.COM

LANDSCAPE PLAN - AREA 1
 L1.01

D. Conceptual Building Elevations





Item #2.

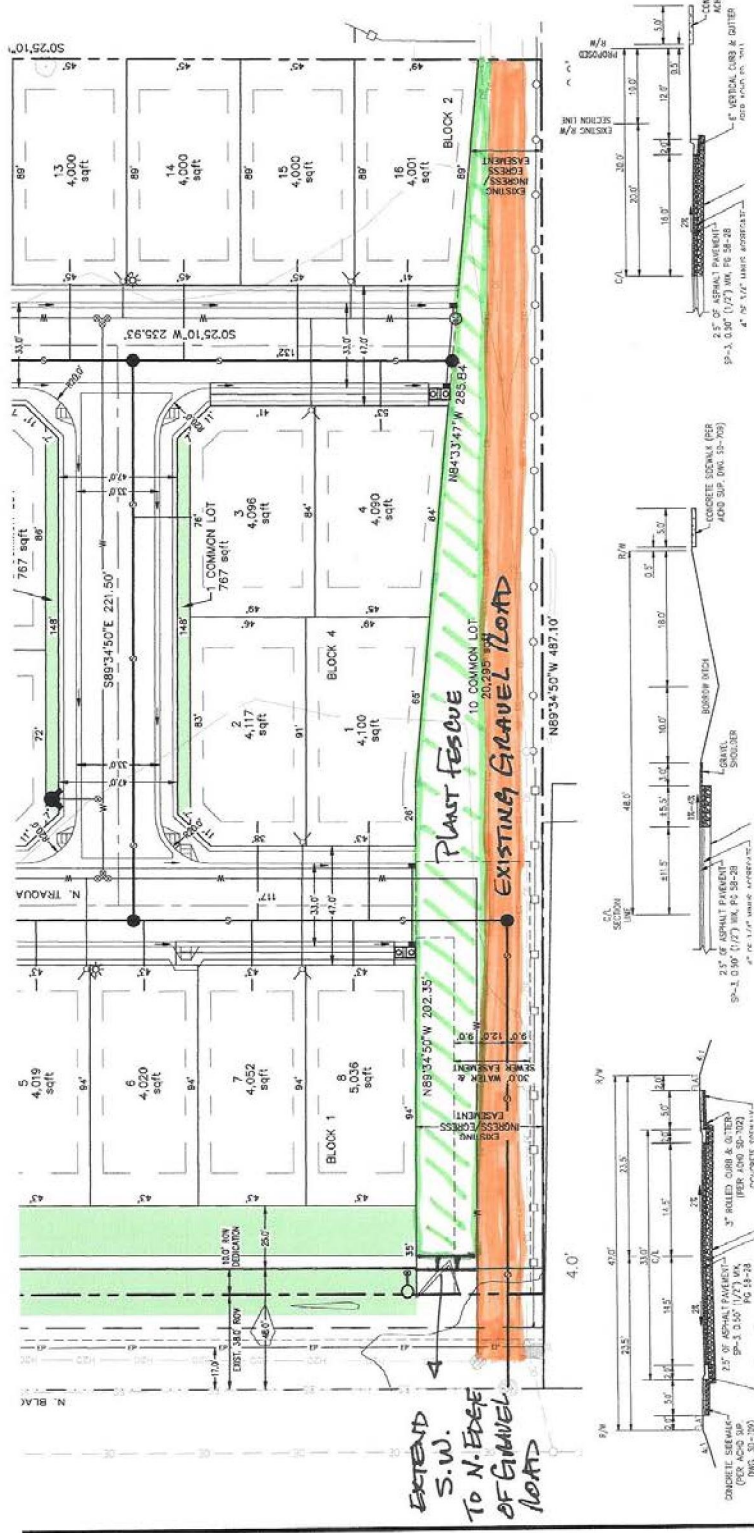




Item #2.



E. Proposed use of existing access easement (Not Applicable)



VIII. CITY/AGENCY COMMENTS & CONDITIONS

A. PLANNING DIVISION

- 1. A Development Agreement (DA) is required as a provision of rezone of this property. Prior to approval of the rezone ordinance, a DA shall be entered into between the City of Meridian, the property owner(s) at the time of rezone ordinance adoption, and the developer.

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

- a. Future development of this site shall be generally consistent with the submitted and revised plans and conceptual building elevations for the detached single-family dwellings included in Section VII and the provisions contained herein.
 - b. The Applicant shall comply with the ordinances in effect at the time of application submittal.
 - c. Direct lot access to N. Black Cat Road and W. Pine Avenue is prohibited.
 - d. Upon approval of the preliminary plat and rezone, the Applicant shall relinquish their rights to use the ingress-egress easement along the south boundary known as W. Quarterhorse Lane.
 - e. ~~Lot 910, Block 1 (the lot containing W. Quarterhorse Lane) shall be a non-buildable lot owned and maintained by the HOA until such time that it is redeveloped in the future as either common open space or as public right-of-way. Prior to the Commission hearing, the applicant shall provide an exhibit that demonstrates the extension of the 25-foot wide landscape buffer, the two stub streets and integration with the adjacent properties to ensure this area is utilized. "A final plat application shall not be submitted until the Applicant receives approval and provides documentation from all easement holders (Parcels S1210325555, S1210325800, & S1210325710) to relinquish their rights to the existing access easement once the public road connection to Pine Avenue is constructed."~~
- 2. ~~At least ten (10) days prior to the City Council hearing~~ Prior to Final Plat submittal, the preliminary plat included in Section VII.B, dated ~~09/01/2020 11/12/2020 12/08/2020~~, shall be revised as follows:
 - a. ~~Add a note prohibiting direct lot access via N. Black Cat Road.~~
 - b. Revise the plat to show the detached sidewalks along N. Black Cat Road and W. Pine Avenue with at least 4 feet of separation between it and the ultimate ACHD right-of-way.
 - c. ~~Add a Revise plat note number 18 regarding stating that Lot 910, Block 1 to state: Lot 10, Block 12 is a non-buildable lot and is to be owned and maintained by the HOA until such time that it redevelops as either common open space or as and public right of way only.~~
 - d. ~~Show Lot 6, Block 2 as a common open space lot instead of a building lot.~~
 - 3. ~~At least ten (10) days prior to the City Council hearing~~ Prior to Final Plat submittal, the landscape plan included in Section VII.C, dated 04/20/2020 shall be revised as follows:

- a. Revise the landscape plan to show the required shrubs and other vegetative ground cover within the street landscape buffers along N. Black Cat Road and W. Pine Avenue.
 - b. Revise the landscape plan to show the layout of the revised preliminary plat; make any adjustments to the calculations table if needed.
 - c. Revise the landscape plans to show the detached sidewalks along N. Black Cat Road and W. Pine Avenue with at least 4 feet of separation between it and the ultimate ACHD right-of-way.
 - d. Show Lot 6, Block 2 as a common open space lot instead of a building lot with the correct vegetation as set forth in UDC 11-3G and 11-3B.
 - e. Revise the landscape plans to show Lot 10 8, Block 1 with the required vegetative ground cover.
 - f. Add a detail of the proposed ~~tot lot~~ amenity to the landscape plans to ensure quality of structures.
 - g. Construct a 5-foot wide micro-path south of Lot 20, Block 2 that connects to the sidewalk along the west side of N. Traquair St. and to Black Cat Road.
4. ~~Prior to the Commission hearing, the Applicant shall provide the following to Planning Staff: 1) building elevations depicting those homes that are alley-loaded and side-loaded, and; 2) exhibits showing setback compliance with the proposed building lot sizes and different style homes.~~
 5. Future development shall be consistent with the R-8 dimensional standards listed in UDC Table 11-2A-6 for all buildable lots.
 6. All common open space and site amenities shall be maintained by an owner's association as set forth in UDC 11-3G-3F1.
 7. 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.
 8. Comply with all subdivision design and improvement standards as set forth in UDC 11-6C-3, including but not limited to cul-de-sacs, alleys, driveways, common driveways, easements, blocks, street buffers, and mailbox placement.
 9. 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.
 10. The façade of structures that face N. Black Cat Rd. and W. Pine Ave. shall incorporate articulation through changes in materials, color, modulation, and architectural elements (horizontal and vertical) to break up monotonous wall planes and roof lines in accord with UDC 11-3A-19 and the Meridian Design Manual.
 11. The Applicant shall adhere to all ACHD conditions of approval.
 12. The applicant shall construct all proposed fencing and/or any fencing required by the UDC, consistent with the standards as set forth in UDC 11-3A-7 and 11-3A-6B, as applicable.
 13. 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.

- ~~14. At least ten (10) days prior to the City Council hearing, the Applicant shall ensure that no tree mitigation is required with this development and provide proof to the Planning Department.~~

B. PUBLIC WORKS

1. Site Specific Conditions of Approval

- 1.1 A street light plan will need to be included in the final plat application. Street light plan requirements are listed in section 6-7 of the City's Design Standards.
- ~~1.2 The water main dead end at the cul-de-sac must be extended to the northwest via the common lot pathway and tied into the existing 8" water main stub in Black Cat. This stub is not currently shown on the plans but is stubbed at the northwest corner of the property.~~
- 1.3 Due to service crossing issues, please relocate the storm drainage beds on the south end of the project to the east-west roadway.
- 1.4 Relocate the east-west sewer alignment at the southwest corner of the development to connect to the existing manhole that is closer to the south property boundary in N. Black Cat Road.
- 1.5 Applicant to abandon the existing water main stub, per Meridian Public Works standards, near the northwest corner of the development in N. Black Cat Road.
- ~~1.6 Connect the watermain at the south end of N. Traquair Street to the existing mainline in N. Black Cat Road. The alignment of this connection should follow established utility corridors.~~
- 1.7 The applicants design engineer has indicated that a geotechnical site investigation was conducted by MTI (Materials Testing & Inspection) dated December 4, 2019, indicating that groundwater was encountered at 14-feet below ground surface. It was also stated that the MTI report concluded that groundwater would remain greater than 4-feet below ground surface. The actual MTI report was not submitted with the application, and typically they highlight any specific soils concerns, and specific construction considerations and recommendations. The applicant shall be responsible for the strict adherence of these considerations and recommendations to help ensure that homes are constructed upon suitable bearing soils, and that shallow groundwater does not become a problem with home construction. **Prior to this application being considered by the Meridian City Council, the applicant shall be required to submit the MTI report and any up to date ground water monitoring data based upon current adopted building codes, as well as any other updated geotechnical information or recommendations since the initial work.**

2. General Conditions of Approval

- 2.1 Applicant shall coordinate water and sewer main size and routing with the Public Works Department, and execute standard forms of easements for any mains that are required to provide service outside of a public right-of-way. Minimum cover over sewer mains is three feet, if cover from top of pipe to sub-grade is less than three feet than alternate materials shall be used in conformance of City of Meridian Public Works Departments Standard Specifications.
- 2.2 Per Meridian City Code (MCC), the applicant shall be responsible to install sewer and water mains to and through this development. Applicant may be eligible for a reimbursement agreement for infrastructure enhancement per MCC 8-6-5.
- 2.3 The applicant shall provide easement(s) for all public water/sewer mains outside of public right of way (include all water services and hydrants). The easement widths shall be 20-feet wide for a single utility, or 30-feet wide for two. The easements shall not be dedicated via the plat, but rather dedicated outside the plat process using the City of Meridian's standard

forms. The easement shall be graphically depicted on the plat for reference purposes. Submit an executed easement (on the form available from Public Works), a legal description prepared by an Idaho Licensed Professional Land Surveyor, which must include the area of the easement (marked EXHIBIT A) and an 8 1/2" x 11" map with bearings and distances (marked EXHIBIT B) for review. Both exhibits must be sealed, signed and dated by a Professional Land Surveyor. DO NOT RECORD. Add a note to the plat referencing this document. All easements must be submitted, reviewed, and approved prior to development plan approval.

- 2.4 The City of Meridian requires that pressurized irrigation systems be supplied by a year-round source of water (MCC 12-13-8.3). The applicant should be required to use any existing surface or well water for the primary source. If a surface or well source is not available, a single-point connection to the culinary water system shall be required. If a single-point connection is utilized, the developer will be responsible for the payment of assessments for the common areas prior to receiving development plan approval.
- 2.5 All existing structures that are required to be removed shall be prior to signature on the final plat by the City Engineer. Any structures that are allowed to remain shall be subject to evaluation and possible reassignment of street addressing to be in compliance with MCC.
- 2.6 All irrigation ditches, canals, laterals, or drains, exclusive of natural waterways, intersecting, crossing or laying adjacent and contiguous to the area being subdivided shall be addressed per UDC 11-3A-6. In performing such work, the applicant shall comply with Idaho Code 42-1207 and any other applicable law or regulation.
- 2.7 Any existing domestic well system within this project shall be removed from domestic service per City Ordinance Section 9-1-4 and 9 4 8 contact the City of Meridian Engineering Department at (208)898-5500 for inspections of disconnection of services. Wells may be used for non-domestic purposes such as landscape irrigation if approved by Idaho Department of Water Resources Contact Robert B. Whitney at (208)334-2190.
- 2.8 Any existing septic systems within this project shall be removed from service per City Ordinance Section 9-1-4 and 9 4 8. Contact Central District Health for abandonment procedures and inspections (208)375-5211.
- 2.9 Street signs are to be in place, sanitary sewer and water system shall be approved and activated, road base approved by the Ada County Highway District and the Final Plat for this subdivision shall be recorded, prior to applying for building permits.
- 2.10 A letter of credit or cash surety in the amount of 110% will be required for all uncompleted fencing, landscaping, amenities, etc., prior to signature on the final plat.
- 2.11 All improvements related to public life, safety and health shall be completed prior to occupancy of the structures. Where approved by the City Engineer, an owner may post a performance surety for such improvements in order to obtain City Engineer signature on the final plat as set forth in UDC 11-5C-3B.
- 2.12 Applicant shall be required to pay Public Works development plan review, and construction inspection fees, as determined during the plan review process, prior to the issuance of a plan approval letter.
- 2.13 It shall be the responsibility of the applicant to ensure that all development features comply with the Americans with Disabilities Act and the Fair Housing Act.
- 2.14 Applicant shall be responsible for application and compliance with any Section 404 Permitting that may be required by the Army Corps of Engineers.

- 2.15 Developer shall coordinate mailbox locations with the Meridian Post Office.
- 2.16 All grading of the site shall be performed in conformance with MCC 11-12-3H.
- 2.17 Compaction test results shall be submitted to the Meridian Building Department for all building pads receiving engineered backfill, where footing would sit atop fill material.
- 2.18 The design engineer shall be required to certify that the street centerline elevations are set a minimum of 3-feet above the highest established peak groundwater elevation. This is to ensure that the bottom elevation of the crawl spaces of homes is at least 1-foot above.
- 2.19 The applicants design engineer shall be responsible for inspection of all irrigation and/or drainage facility within this project that do not fall under the jurisdiction of an irrigation district or ACHD. The design engineer shall provide certification that the facilities have been installed in accordance with the approved design plans. This certification will be required before a certificate of occupancy is issued for any structures within the project.
- 2.20 At the completion of the project, the applicant shall be responsible to submit record drawings per the City of Meridian AutoCAD standards. These record drawings must be received and approved prior to the issuance of a certification of occupancy for any structures within the project.
- 2.21 A street light plan will need to be included in the civil construction plans. Street light plan requirements are listed in section 6-5 of the Improvement Standards for Street Lighting. A copy of the standards can be found at http://www.meridiancity.org/public_works.aspx?id=272.
- 2.22 The City of Meridian requires that the owner post to the City a performance surety in the amount of 125% of the total construction cost for all incomplete sewer, water and reuse infrastructure prior to final plat signature. This surety will be verified by a line item cost estimate provided by the owner to the City. The surety can be posted in the form of an irrevocable letter of credit, cash deposit or bond. Applicant must file an application for surety, which can be found on the Community Development Department website. Please contact Land Development Service for more information at 887-2211.
- 2.23 The City of Meridian requires that the owner post to the City a warranty surety in the amount of 20% of the total construction cost for all completed sewer, water and reuse infrastructure for duration of two years. This surety will be verified by a line item cost estimate provided by the owner to the City. The surety can be posted in the form of an irrevocable letter of credit, cash deposit or bond. Applicant must file an application for surety, which can be found on the Community Development Department website. Please contact Land Development Service for more information at 887-2211.

C. FIRE DEPARTMENT (MFD)

<https://weblink.meridiancity.org/WebLink/DocView.aspx?id=190297&dbid=0&repo=MeridianCity>

D. POLICE DEPARTMENT (MPD)

<https://weblink.meridiancity.org/WebLink/DocView.aspx?id=190779&dbid=0&repo=MeridianCity>

E. DEPARTMENT OF ENVIRONMENTAL QUALITY (DEQ)

<https://weblink.meridiancity.org/WebLink/DocView.aspx?id=191217&dbid=0&repo=MeridianCity>

F. CENTRAL DISTRICT HEALTH DEPARTMENT (CDH)

<https://weblink.meridiancity.org/WebLink/DocView.aspx?id=190615&dbid=0&repo=MeridianCity>

G. ADA COUNTY HIGHWAY DISTRICT (ACHD)

<https://weblink.meridiancity.org/WebLink/DocView.aspx?id=194266&dbid=0&repo=MeridianCity>

IX. FINDINGS

A. Annexation and/or Rezone (UDC 11-5B-3E)

Required Findings: Upon recommendation from the commission, the council shall make a full investigation and shall, at the public hearing, review the application. In order to grant an annexation and/or rezone, the council shall make the following findings:

1. The map amendment complies with the applicable provisions of the comprehensive plan;

Commission finds the proposed zoning map amendment to R-8 and proposed use are consistent with the Comprehensive Plan, if all provisions of the Development Agreement and conditions of approval are complied with.

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

Commission finds the proposed zoning map amendment and use of detached single-family dwellings complies with the regulations outlined for the requested upzone to the R-8 zoning district, specifically the purpose statement.

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

Commission 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

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

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

The property is already annexed into the City of Meridian. Therefore, Commission finds that this finding is not applicable.

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, with Staff's recommendations, is in substantial

compliance with the adopted Comprehensive Plan in regard to land use, density, transportation, and pedestrian connectivity. (Please see Comprehensive Plan analysis and other analysis 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. ACHD considers road safety issues in their analysis and approves of the project.

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.