

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



**In the Matter of the Request for Rezone from C-C to O-T and Short Plat to Allow 3 Duplex Lots for Elderberry Estates Subdivision, by Angie Cuellar, Mason and Associates.**

**Case No(s). H-2021-0044 and H-2021-0005**

**For the City Council Hearing Date of: December 7, 2021 (Findings on December 21, 2021)**

**A. Findings of Fact**

1. Hearing Facts (see attached Staff Report for the hearing date of December 7, 2021, incorporated by reference)
2. Process Facts (see attached Staff Report for the hearing date of December 7, 2021, incorporated by reference)
3. Application and Property Facts (see attached Staff Report for the hearing date of December 7, 2021, incorporated by reference)
4. Required Findings per the Unified Development Code (see attached Staff Report for the hearing date of December 7, 2021, incorporated by reference)

**B. Conclusions of Law**

1. The City of Meridian shall exercise the powers conferred upon it by the “Local Land Use Planning Act of 1975,” codified at Chapter 65, Title 67, Idaho Code (I.C. §67-6503).
2. The Meridian City Council takes judicial notice of its Unified Development Code codified as Title 11 Meridian City Code, and all current zoning maps thereof. The City of Meridian has, by ordinance, established the Impact Area and the Comprehensive Plan of the City of Meridian, which was adopted December 17, 2019, Resolution No. 19-2179 and Maps.
3. The conditions shall be reviewable by the City Council pursuant to Meridian City Code § 11-5A.
4. Due consideration has been given to the comment(s) received from the governmental subdivisions providing services in the City of Meridian planning jurisdiction.
5. It is found public facilities and services required by the proposed development will not impose expense upon the public if the attached conditions of approval are imposed.
6. That the City has granted an order of approval in accordance with this Decision, which shall be signed by the Mayor and City Clerk and then a copy served by the Clerk upon the applicant, the Community Development Department, the Public Works Department and any affected party requesting notice.
7. That this approval is subject to the Conditions of Approval all in the attached Staff Report for the hearing date of December 7, 2021, incorporated by reference. The conditions are concluded to be

reasonable and the applicant shall meet such requirements as a condition of approval of the application.

C. Decision and Order

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

1. The applicant's request for rezoning and short plat is hereby approved per the conditions of approval in the Staff Report for the hearing date of December 7, 2021, attached as Exhibit A.

D. Notice of Applicable Time Limits

Notice of Preliminary Plat Duration

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

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

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

Notice of Conditional Use Permit Duration

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

Upon written request and filed by the applicant prior to the termination of the period in accord with 11-5B-6.G.1, the Director may authorize a single extension of the time to commence the use not to exceed one (1) two (2) year period. Additional time extensions up to two (2) years as determined and approved by the City Council may be granted. With all extensions, the Director or City Council may require the conditional use comply with the current provisions of Meridian City Code Title 11(UDC 11-5B-6F).

## Notice of Development Agreement Duration

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

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

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

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

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

### F. Attached: Staff Report for the hearing date of December 7, 2021.

By action of the City Council at its regular meeting held on the \_\_\_\_\_ day of \_\_\_\_\_, [year].

COUNCIL PRESIDENT TREG BERNT VOTED\_\_\_\_\_

COUNCIL VICE PRESIDENT BRAD HOAGLUN VOTED\_\_\_\_\_

COUNCIL MEMBER JESSICA PERREAULT VOTED\_\_\_\_\_

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

COUNCIL MEMBER JOE BORTON VOTED\_\_\_\_\_

COUNCIL MEMBER LIZ STRADER VOTED\_\_\_\_\_

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

\_\_\_\_\_  
Mayor Robert Simison

Attest:

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

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

By: \_\_\_\_\_ Dated: \_\_\_\_\_  
City Clerk's Office

# EXHIBIT A

## STAFF REPORT COMMUNITY DEVELOPMENT DEPARTMENT



HEARING DATE: 12/7/2021  
 TO: Mayor & City Council  
 FROM: Alan Tiefenbach, Associate Planner  
 208-884-5533  
 SUBJECT: H-2021-0044, H-2021-0005  
 Elderberry Estates Subdivision  
 LOCATION: 1332 N. Meridian Rd



### I. PROJECT DESCRIPTION

This is a request to rezone from C-C to O-T and a Short Plat of three lots to allow three duplexes.

### II. SUMMARY OF REPORT

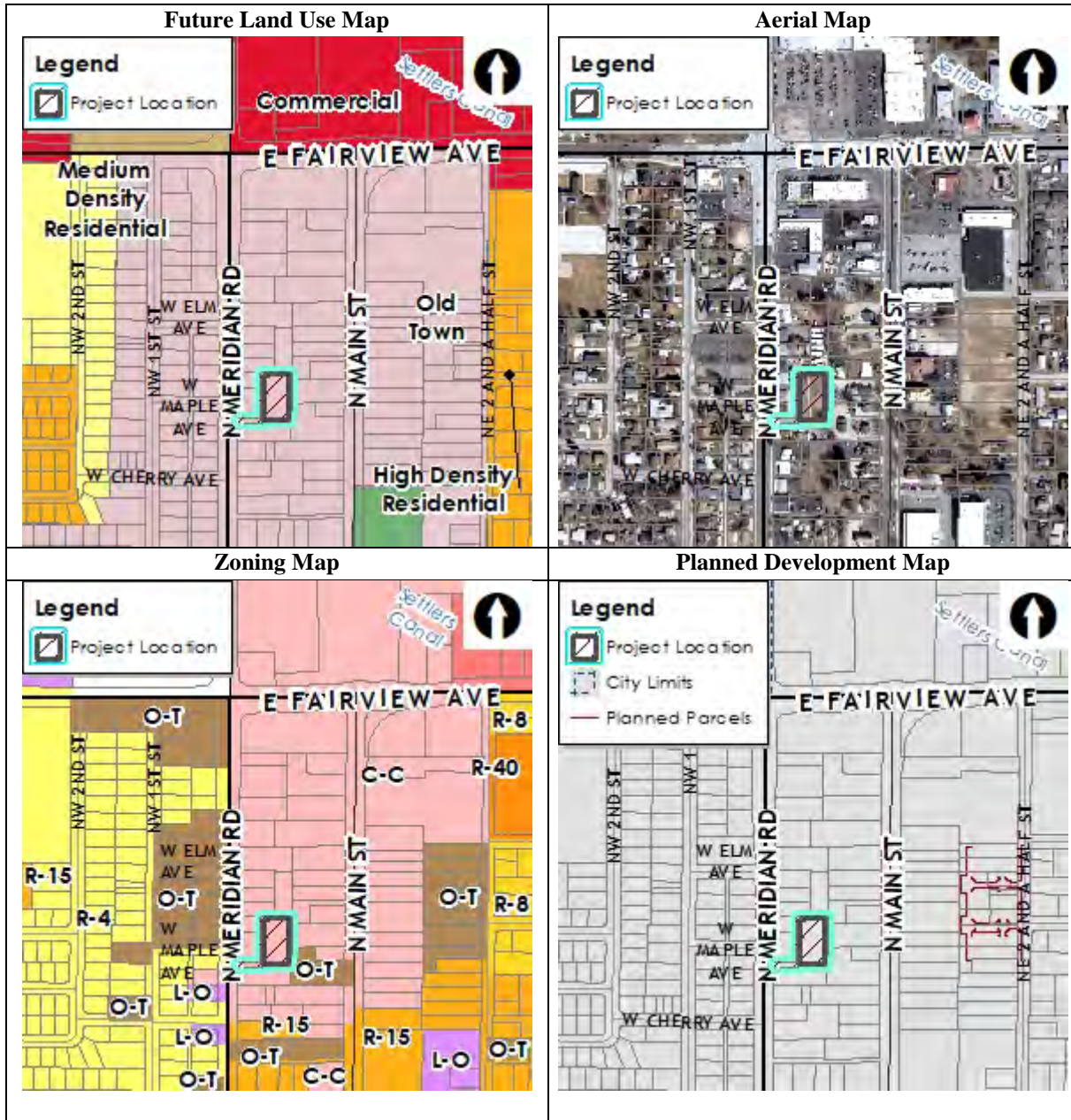
#### A. Project Summary

Description	Details	Page
Acreage	0.66 acres	
Future Land Use Designation	Old Town (O-T)	
Existing Land Use(s)	Vacant	
Proposed Land Use(s)	Four (4) duplexes	
Lots (# and type; bldg./common)	Four residential lots	
Phasing Plan (# of phases)	1 phase	
Number of Residential Units (type of units)	8	
Density	12 du/ac	
Open Space (acres, total [%]/buffer/qualified)	None required	
Amenities	NA	
Physical Features (waterways, hazards, flood plain, hillside)	No unique physical features	
Neighborhood meeting date; # of attendees:	April 14, 2021 – 4 attendees	
History (previous approvals)	F.A Nurses Third Addition Subdivision, platted in 1920	

B. Community Metrics

Description	Details	Page
Ada County Highway District	No traffic impact study required	
<ul style="list-style-type: none"> <li>• Staff report (yes/no)</li> </ul>	No	
<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 will occur from two private driveways off of N. Meridian Rd.	
Stub Street/Interconnectivity/Cross Access	There is a northern stub to the property at 1422 N. Meridian Rd	
Existing Road Network	N. Meridian Rd (arterial)	
Existing Arterial Sidewalks / Buffers	No buffers proposed or required	
Proposed Road Improvements	No road improvements required, access will occur from private drives.	
Distance to nearest City Park (+ size)	Approx. ½ mile to Centennial Park	
Fire Service	No comments	
Police Service	No comments	
Wastewater		
<ul style="list-style-type: none"> <li>• Distance to Sewer Services</li> </ul>	N/A	
<ul style="list-style-type: none"> <li>• Sewer Shed</li> </ul>	Five Mile Trunkshed	
<ul style="list-style-type: none"> <li>• Estimated Project Sewer ERU's</li> </ul>	See Application	
<ul style="list-style-type: none"> <li>• WRRF Declining Balance</li> </ul>	14.18	
<ul style="list-style-type: none"> <li>• Project Consistent with WW Master Plan/Facility Plan</li> </ul>	Yes	
<ul style="list-style-type: none"> <li>• Comments</li> </ul>	<ul style="list-style-type: none"> <li>• Applicant is proposing an access gate at the southeast corner of property to access City manhole from the southern property. Before public works can approve this a turn radius analysis must be submitted for review to ensure our equipment can gain access to the manhole.</li> <li>• Additionally, the property owner to the south must provide an accesses agreement understanding that some parking spaces will be lost and all area required for City access must be left open at all times.</li> <li>• Ensure no permanent structures (trees, bushes, buildings, carports, trash receptacle walls, fences, infiltration trenches, light poles, etc.) are built within the utility easement.</li> <li>• Ensure that infiltration trenches are located so that sewer services do no pass through them.</li> <li>• Additional 631 gpd committed to model.</li> </ul>	
Water	Water will be provided from N. Meridian Rd	

C. Project Area Maps



III. APPLICANT INFORMATION

A. Applicant:

Angie Cuellar, Mason and Associates – 924 3<sup>rd</sup> St South, Ste B, Nampa, ID 83651

B. Owner:

Chad Joy, 6504 E. Driver Ct, Nampa, ID 83687

**IV. NOTICING**

	<b>Planning &amp; Zoning Posting Date</b>	<b>City Council Posting Date</b>
Newspaper Notification	9/17/2021	
Radius notification mailed to properties within 300 feet	9/15/2021	
Sign Posting	9/27/2021	
Nextdoor posting	9/16/2021	

**V. STAFF ANALYSIS**

The subject property is currently a vacant .66 acre “flag lot” and is zoned C-C. There are two existing cross access easements from N. Meridian Rd. The applicant proposes to rezone the property to O-T, subdivide the property into four lots, and construct a duplex on each lot.

**A. Rezoning**

The applicant proposes to rezone from C-C to O-T to allow four duplex units. Duplexes are a principally-permitted use in the O-T zoning district and the zoning would be in conformance with the FLUM as described below.

The City may require a development agreement (DA) in conjunction with a rezoning pursuant to Idaho Code section 67-6511A. As this property is already within the City, the infrastructure surrounding the property has already been installed, and all other requirements have been addressed through pertinent regulations, conditions of approval, and the design review required for the duplexes, staff is not recommending a development agreement with this rezoning.

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

The FLUM recommends the property for Old Town. This designation includes the historic downtown and the true community center. Sample uses include offices, retail and lodging, theatres, restaurants, and service retail for surrounding residents and visitors. A variety of residential uses are also envisioned and could include reuse of existing buildings, new construction of multi-family residential over ground floor retail or office uses.

The purpose of the O-T district is to accommodate and encourage further intensification of the historical city center in accord with the Meridian Comprehensive Plan. The intent of the O-T district is to delineate a centralized activity center and to encourage its renewal, revitalization and growth as the public, quasi-public, cultural, financial and recreational center of the city. Public and quasi- public uses integrated with general business, and medium high to high density residential is encouraged to provide the appropriate mix and intensity of activities necessary to establish a truly urban city center.

The applicant proposes four duplexes at a total density of approximately 12 du/ac. Although the Plan does specifically mention multi-family residential over ground floor retail or office uses, the property is surrounded on three sides by existing residential and all commercial uses in the immediate vicinity are directly fronting N. Meridian Rd. As the lot is a flag lot and is behind the existing businesses (and residences) fronting N. Meridian Rd and has limited visibility, staff finds requiring retail uses impractical. Although office uses in this location are a possibility, the existing access for commercial uses is not ideal, and the FLUM does speak to a mix of uses including higher density residential. Staff finds the proposed residential uses in this area appropriate.



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

- Encourage diverse housing options suitable for various income levels, household sizes, and lifestyle preferences. (2.01.01)

*This application is for a rezoning from C-C to O-T to allow four duplexes on an infill site. This would allow for more diversity in housing.*

- Maintain a range of residential land use designations that allow diverse lot sizes, housing types, and densities. (2.01.01C)

*Four duplexes would increase the diversity in lot sizes, housing types and densities.*

- Encourage the development of high quality, dense residential and mixed-use areas near in and around Downtown, near employment, large shopping centers, public open spaces and parks, and along major transportation corridors, as shown on the Future Land Use Map. (2.02.01E)

*The subject property is an infill site near the downtown core, within a large area which is designated for Old Town zoning by the Comprehensive Plan, along a principal arterial, and is within walking distance of a large amount of goods, services and jobs.*

- Encourage infill development. (3.03.01E.)

*The property is a vacant “landlocked” flag lot, surrounded by existing commercial and residential development on all sides. This is an infill development.*

- Ensure development is connected to City of Meridian water and sanitary sewer systems and the extension to and through said developments are constructed in conformance with the City of Meridian Water and Sewer System Master Plans in effect at the time of development. (3.03.03A)

*This project can be serviced by City of Meridian water and sewer, and all infrastructure will be designed in conformance with City standards.*

D. Existing Structures/Site Improvements:

The property is presently vacant.

E. Proposed Use Analysis:

The applicant proposes to rezone from C-C to O-T to construct 4 duplex buildings. A duplex is a principally-permitted use in the O-T zoning district subject to applicable standards for development in the traditional neighborhood districts.

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

UDC 11-2D-4 requires a minimum height of 35 feet and all buildings should be a minimum of 2-stories. There are no minimum setbacks in the O-T zoning district. The proposed elevations reflect buildings that are 2-stories.

G. Access (*UDC 11-3A-3, 11-3H-4*):

The subject property is a flag lot which would take access from N. Meridian Rd. via two shared driveways within common access easements. The southernmost driveway connection to N. Meridian Rd also provides access to the parking lot for the office to the south of the property. The northernmost driveway connection to N. Meridian Rd is shared with the lot west of the property. The applicant additionally proposes a common access easement for a northern stub to the property to the north (1422. N. Meridian Rd). ACHD and Fire have reviewed the proposed access configuration and have not expressed comments or concerns. Per UDC 11-3C-5, drive aisles adjacent to parking stalls (the parking in front of the duplexes) must be 25’ in width.

H. Parking (*UDC 11-3C*):

The applicant proposes eight (8) three-bedroom duplex units. UDC 11-3C-6 requires 4 parking spaces per dwelling unit for 3-4 bedroom units; at least 2 in an enclosed garage, other spaces may be enclosed or a minimum 10-foot by 20-foot parking pad.

The concept site plan reflects two-garages and two 20 ft. x 20 ft. parking pads in front of each duplex, equaling 4 parking spaces per unit. The parking provided meets the minimum requirements of 11-3C. As required per UDC 11-3C-5, all off street parking areas and driveways into and through a parking area shall be improved with a compacted gravel base, not less than four (4) inches thick, surfaced with asphaltic pavement.

I. Sidewalks (*UDC 11-3A-17*):

The subject property is an internal flag lot, with the only street frontage being the driveway access. There is existing 7 ft. wide sidewalk along N. Meridian Rd. which provides pedestrian access to the property. There are existing 4 ft. wide sidewalks on both side of the northernmost driveway into the property (not on the subject property). There is a 4 ft. sidewalk on the south side of the southern driveway. The landscape plan reflects 4 ft. wide walkways along the front and back of the duplexes, as well as between all four buildings.

UDC 11-3A-17 requires a minimum width of 5 ft. for sidewalks. **As a condition of approval, the applicant should be required to construct a 5 ft. wide sidewalk along the northern side of the southern driveway access (which is on the subject property). Also, staff recommends the applicant work with the adjacent property owners at 1324, 1404 and 1414 N. Meridian Rd to improve and widen all sidewalks entering the property to meet the required 5 ft. width. Also, to provide a better pedestrian connection from N. Meridian Rd to the duplexes, Staff recommends as a condition of approval that sidewalk extensions be provided across the private drives that distinguish a pedestrian connection from the vehicular driving surfaces through the use of pavers, colored or scored concrete, or bricks as required by UDC 11-3A-19-B-4.**

J. Landscaping (*UDC 11-3B*):

The subject property is an interior flag lot with the only portion of the subject property adjacent to N. Meridian Rd being the 15 ft. southern driveway access. Therefore, there would be no requirement for additional landscape buffer along N. Meridian Rd associated with the current application. There are no common lots required or proposed with this short plat, although the landscape plan indicates numerous shrubs along the east-west internal walkways between each duplex building, and at the east sides (rear) of the duplexes. There is an existing 15 ft. wide City of Meridian sewer easement along the eastern perimeter of the property. There are existing trees within this sewer easement. The landscape plan indicates the applicant will work with the City Arborist to determine if any of these trees should be removed due to disease. A formal landscape plan is not required for this submittal. The UDC does not regulate landscaping on residential lots.

K. Qualified Open Space (*UDC 11-3G*):

The development is less than 5 acres in size. Thus, the requirements for common open space and amenities does not apply.

L. Qualified Site Amenities (*UDC 11-3G*):

The development is less than 5 acres in size and is not considered multifamily. Thus, the requirements for common open space and amenities does not apply.

M. Fencing (*UDC 11-3A-6, 11-3A-7*):

The landscape plan indicates existing fencing being relocated or replaced along the property lines. Any new or relocated fencing should comply with fencing regulations per UDC 11-3A-7.

N. Utilities (*UDC 11-3A-21*):

There is a 15' sewer easement running north-south at the east perimeter of the property. The submitted utilities plan indicates the sewer line within this easement presently serves the existing properties adjacent to the west at 1402 and 1414 N. Meridian Rd. However, the water and sewer service for the new duplexes will be provided via service lines running west to mains in N. Meridian Rd.

The site plan indicates the applicant intends to relinquish an Idaho Power Easement along the front of the duplexes. The applicant will be required to provide proof of this relinquishment prior to signature of the City Engineer on the short plat.

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

Conceptual elevations were provided with this application. The elevations indicate duplexes with pitched roofs, fishscale accents, shuttered windows with lintels and windowed garaged doors. As is required by the O-T zoning district, the duplexes are at least two-stories, although the elevations do not indicate whether the minimum required 35' height is met.

This project is near the downtown core and is being proposed for Old-Town zoning. Due to the visibility of these two story-buildings, design is critical to this project. The ASM for residential requires visually heavier and more massive elements or materials, such as stone or masonry, primarily at the base of buildings, and lighter elements and materials such as siding. Also, the ASM states primary building entries must be clearly defined using any unique combination of architectural elements, materials, or façade modulation meeting other architectural standards in the Manual. At the time of design review, the elevations should provide front porches over the front doors, overhangs matching the rooflines or porches over the garage doors, and a heavier accent material around the base of the buildings.

## VI. DECISION

A. Staff:

Staff recommends approval of the proposed rezoning from C-C to O-T and short plat with the conditions noted in Section VII of this report.

B. The Meridian Planning & Zoning Commission heard this item on October 7, 2021 and November 4, 2021. At the November 4, 2021 public hearing, the Commission moved to recommend approval of the subject rezoning and short plat request.

1. Summary of Commission public hearing:

- a. In favor: Jonathan Long
- b. In opposition: None
- c. Commenting: Jonathan Long
- d. Written testimony: None
- e. Staff presenting application: Alan Tiefenbach
- f. Other Staff commenting on application: None

2. Key issue(s) of public testimony:

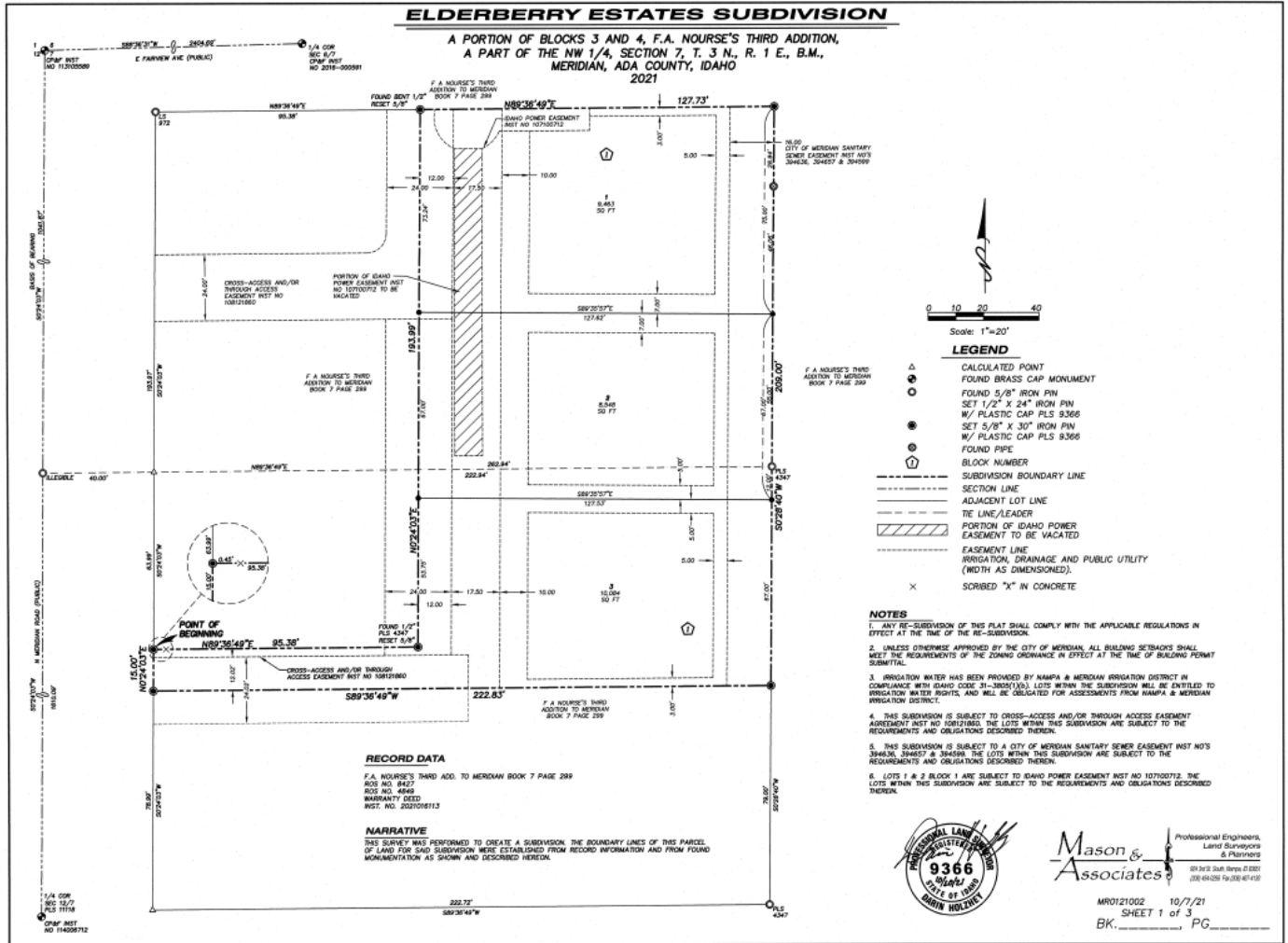
- a. Property owners at 1414 N. Meridian Rd expressed concerns with loss of parking for their business.

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

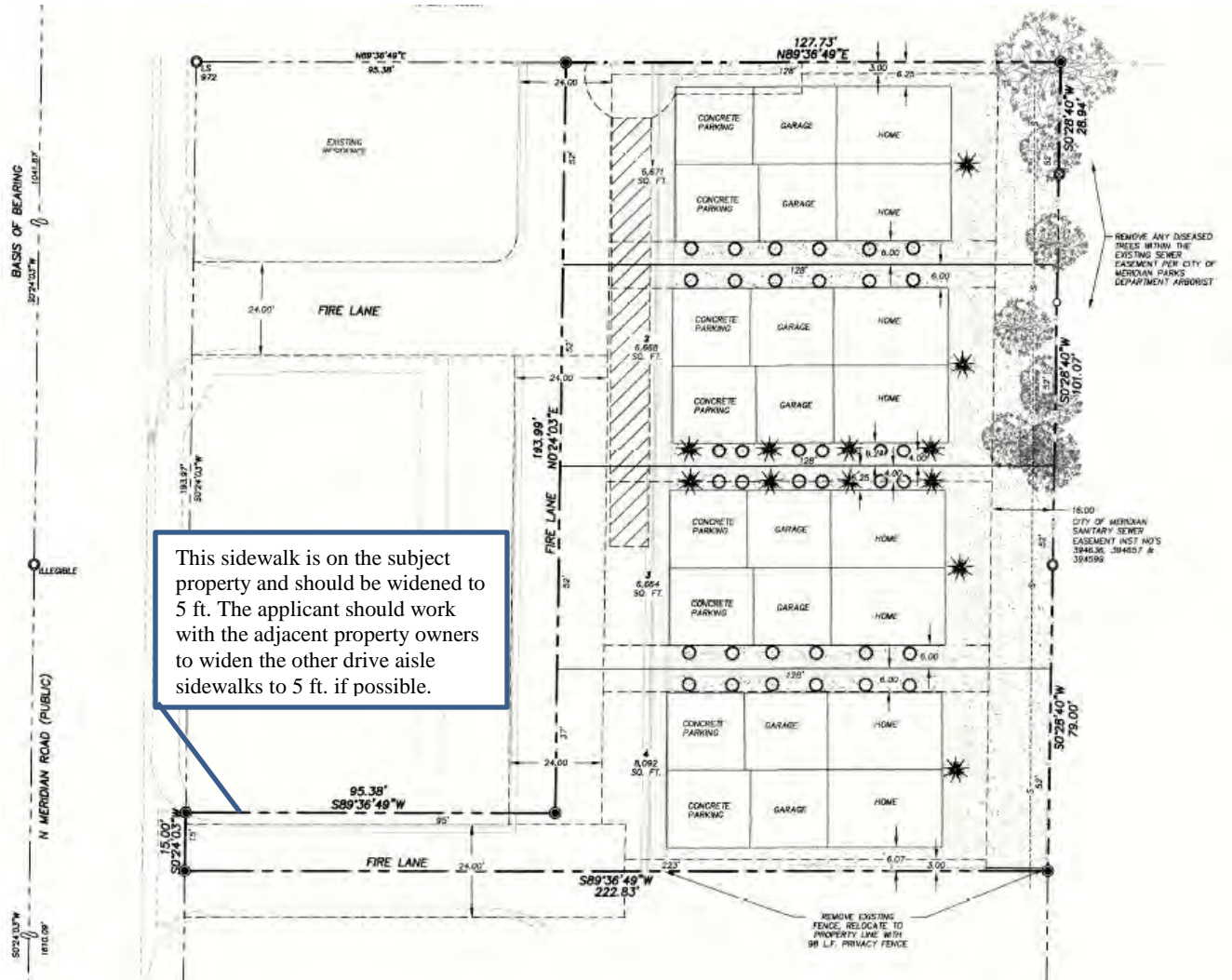
- a. Parking issues and whether parking for the adjacent property was allowed within the access easements.
  - b. Two Commissioners expressed concerns with commercially-zoned property being rezoned for residential uses.
  - c. Commissioners continued item for a month to allow applicant and adjacent property owners to work out parking issues. Applicant stated at November 4, 2021 meeting that resolution had been reached and they had agreed to move a fence and work with adjacent property owner to provide more parking east of building at 1414 N. Meridian Rd. Applicant also reduced short plat to 3 lots to provide more parking.
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 December 7, 2021. At the public hearing, the Council moved to approve the subject rezoning and short plat request.
1. Summary of the City Council public hearing:
    - a. In favor: Jonathan Long
    - b. In opposition: None
    - c. Commenting: Jonathan Long
    - d. Written testimony: None
    - e. Staff presenting application: Alan Tiefenbach
    - f. Other Staff commenting on application: None
  2. Key issue(s) of public testimony:
    - a. None
  3. Key issue(s) of discussion by City Council:
    - a. Discussion regarding whether the gravel in the sewer easement at the east perimeter of the property could be landscaped with grass.
    - b. Council inquired into what type of fencing would be provided between the east side of the houses and the sewer easement raising security concerns. Applicant responded this would be wrought iron.
  4. City Council change(s) to Commission recommendation:
    - a. Council added a condition for the applicant to discuss with Public Works whether the sewer easement could be landscaped with grass or other vegetation.

**VII. EXHIBITS**

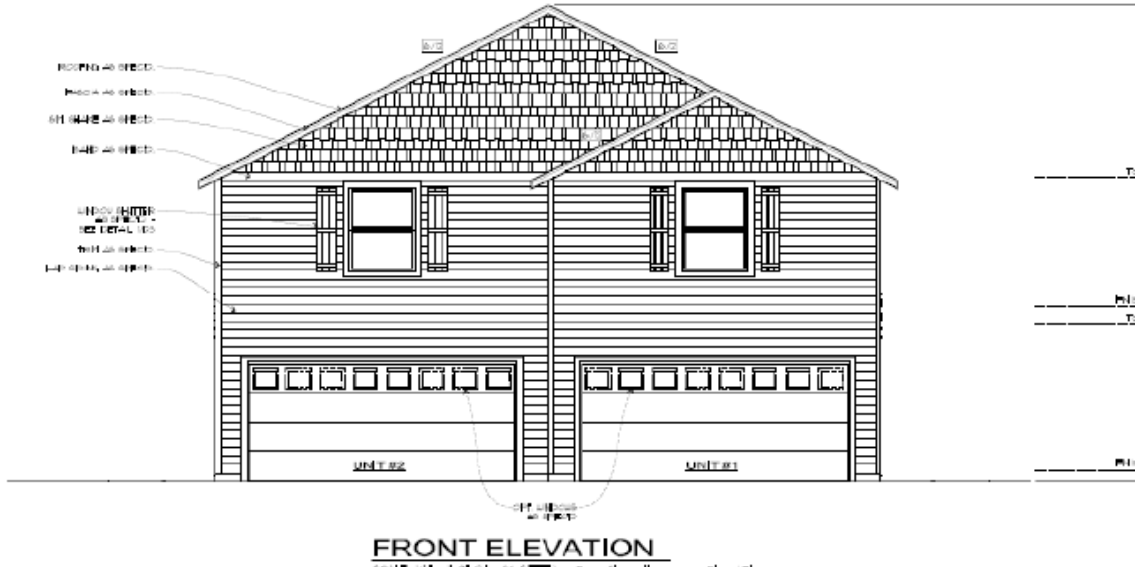
**A. Short Plat (date: ~~6/23/2021~~ 10/7/2021) Property approved for three lots only**



B. Landscape Plan (date: 6/21/2021) Property approved for three lots only



C. Building Elevations (date: 7/20/2021)



D. Rezoning Legal Description (date: 5/19/2021)



Professional Engineers, Land Surveyors and Planners

924 3<sup>rd</sup> St. So. Nampa, ID 83651  
Ph (208) 454-0256 Fax (208) 467-4130  
e-mail: [dholtzhey@masonandassociates.us](mailto:dholtzhey@masonandassociates.us)

FOR: Long & Joy  
JOB NO.: MR0121  
DATE: May 19, 2021

**REZONE**

A parcel of land being a portion of Blocks 3 and 4 of the Amended Plat of F.A. Nourse's Third Addition as filed in the office of the Ada County Recorder, Boise, Idaho, in Book 7 of Plats at Page 299 lying in the NW1/4 of Section 7, Township 3 North, Range 1 East, Boise Meridian, Ada County Idaho, more particularly described as follows:

Commencing at northwest corner of Section 7;

Thence S 00° 24' 03" W a distance of 1105.86 feet along the west boundary of the NW1/4 to the **POINT OF BEGINNING**;

Thence N 89° 36' 49" E a distance of 135.38 feet parallel with the north boundary of Block 3;

Thence N 00° 24' 03" E a distance of 193.99 feet parallel with the west boundary Blocks 3 & 4;

Thence N 89° 36' 49" E a distance of 127.73 feet parallel with the north boundary of Block 3 to a point on the east boundary of the west half of Block 4;

Thence S 00° 28' 40" W a distance of 209.00 feet along the east boundary of the west half of Blocks 3 & 4;

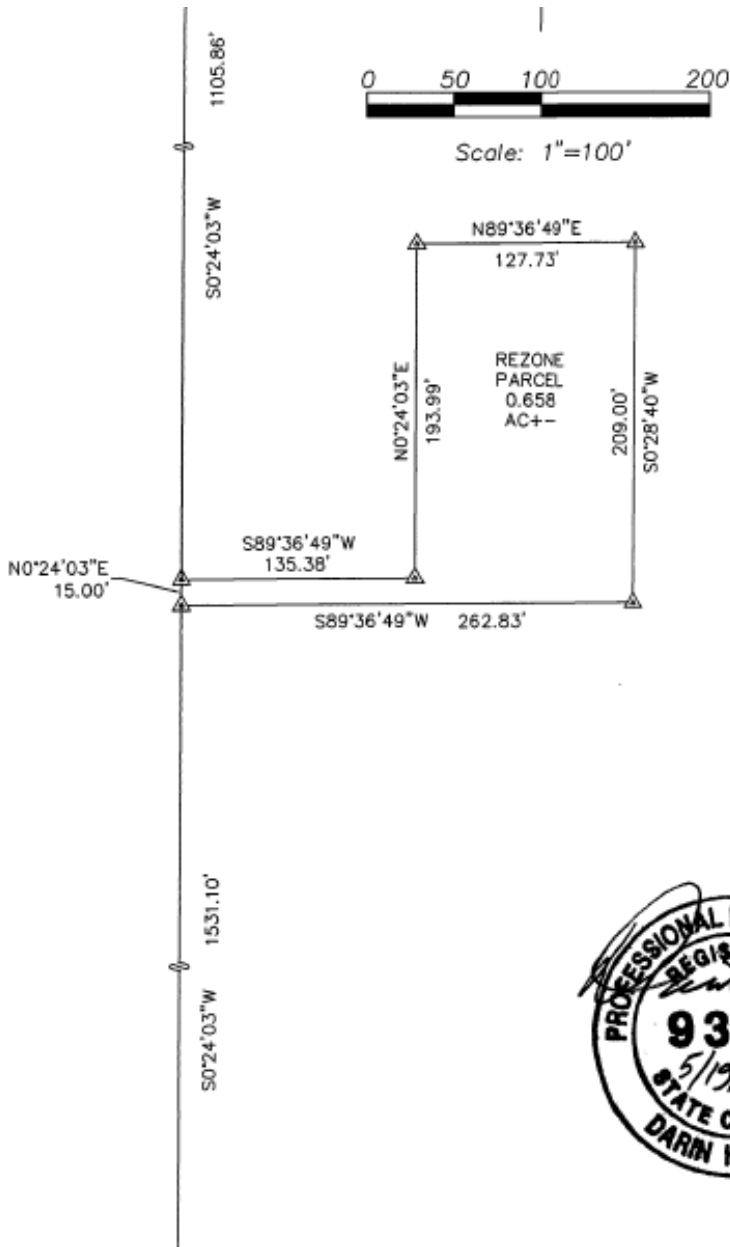
Thence S 89° 36' 49" W a distance of 262.83 feet parallel with the north boundary of Block 3 to a point on the west boundary of the NW1/4;

Thence N 00° 24' 03" E a distance of 15.00 feet along the west boundary of the NW1/4 to the **POINT OF BEGINNING**.



This parcel contains 0.658 acres, more or less.

**SUBJECT TO:** All existing rights of way and easements of record or implied appearing on the above-described parcel of land.



## **VIII. CITY/AGENCY COMMENTS & CONDITIONS**

### **A. PLANNING**

#### **Site Specific Conditions:**

1. Administrative design review is required prior to building permit for all new attached residential structures containing two (2) or more dwelling units. Elevations should include at least two field materials, accent materials, a heavier accent material around the base of the buildings, covered porches, and overhangs matching the rooflines or porches over the garage doors.
2. The applicant has two years to obtain City Engineer's signature on the short plat or apply for a time extension in accord with UDC 11-6B-7.
3. All off street parking areas and driveways into and through a parking area shall be improved with a compacted gravel base, not less than four (4) inches thick, surfaced with asphaltic pavement, as required per UDC 11-3C-5. All drive aisles shall be a minimum of 25 ft. in width.
4. The sidewalk along the north side of the southern driveway shall widened to 5 ft. in width. The applicant should work with adjacent property owners to widen the other sidewalks on both sides of the southern and northern driveways to 5 ft. in width.
5. Pedestrian connections between the walkways along the front of the duplexes and drive aisle sidewalks shall be distinguished from the vehicular driving surfaces through the use of pavers, colored or scored concrete, or bricks.
6. The short plat prepared by Mason and Associated, dated 6/23/21, shall be revised as following:
  - a) Prior to City Engineer's signature on the plat, the applicant shall provide proof of the relinquishment the Idaho Power Easement.
  - b) Add cross access easement Instr. No 2020-148053 to Note 4.
7. Prior to signature of the final plat by the City Engineer, the applicant shall provide a letter from the United States Postal Service stating that the applicant has received approval for the location of mailboxes. Contact the Meridian Postmaster, Sue Prescott, at 887-1620 for more information.
8. Staff's failure to cite specific ordinance provisions does not relieve the applicant of responsibility for compliance.
9. 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.
10. The development shall comply with all subdivision design and improvement standards as set forth in UDC 11-6C-3, including but not limited to driveways, easements, blocks, street buffers, and mailbox placement.
11. The development shall comply with all provisions of the O-T zoning district as set forth in UDC 11-2D-1.

### **B. PUBLIC WORKS CONDITIONS:**

#### **Site Specific Conditions**

1. Applicant is proposing an access gate at the southeast corner of the property to access the manhole at the southern boundary. Before Public Works can approve this, a turn radius analysis must be submitted for review to verify equipment can adequately gain access to this manhole. Analysis

must be complete prior to approval of the construction plans.

2. The property owner to the south must provide an access agreement with the understanding that some parking will be lost and that the access must remain open at all times. To achieve this additional signage, striping, etc. may be required. Access agreement must be in place prior to signature of the plat.
3. Ensure that sewer service lines do not pass through infiltration trenches.
4. A geotechnical report is required to be submitted and reviewed prior to signature of the final plat.

### **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.

## IX. FINDINGS

### A. Rezoning

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

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

*Council finds the proposed zoning map amendment to rezone the property from the C-C zoning district to the O-T zoning district is consistent with the Comprehensive Plan, if all conditions of approval are met.*

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

*Council finds the proposed zoning map amendment and the request for the development complies with the regulations outlined in the requested O-T zoning district and is consistent with the purpose statement of the requested traditional neighborhood zoning districts in general.*

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

*As this is an infill site surrounded by existing commercial and residential development, Council finds the proposed zoning map amendment should not be detrimental to the public health, safety and welfare.*

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

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

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

*Subject site is already annexed so Council finds this finding nonapplicable.*

**B. Short Plat**

In consideration of a short plat, the decision-making body shall make the following findings:

**A. The plat is in conformance with the Comprehensive Plan and is consistent with the Unified Development Code;**

*The Comprehensive Plan designates the future land use of this property as Old Town. This application proposes rezoning from C-C to O-T. The proposed short plat complies with the Comprehensive Plan and is developed in accord with UDC standards.*

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

*Council finds that public services are adequate to serve the site.*

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

*Council finds that the development will not require the expenditure of capital improvement funds. All required utilities are being provided with the development of the property at the developer's expense.*

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

*Council finds that the development will not require major expenditures for providing supporting services. The developer and/or future lot owner(s) will finance improvements for sewer, water, utilities and pressurized irrigation to serve the project.*

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

*Council finds the proposed short plat will not be detrimental to the public health, safety or general welfare.*

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

*Council is not aware of any significant natural, scenic or historic features associated with the development of this site.*