

**EXHIBIT B**

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



**In the Matter of the Request for Annexation of 7.58 Acres of Land with an R-8 Zoning District; and Preliminary Plat Consisting of Forty-Six (46) Buildable Lots and Eight (8) Common Lots for Tetherow Crossing Subdivision, Tim Mokwa, Hayden Homes.**

**Case No(s). H-2020-0112**

**For the City Council Hearing Date of: February 9, 2021 (Findings on February 23, 2021)**

**A. Findings of Fact**

1. Hearing Facts (see attached Staff Report for the hearing date of February 9, 2021, incorporated by reference)
2. Process Facts (see attached Staff Report for the hearing date of February 9, 2021, incorporated by reference)
3. Application and Property Facts (see attached Staff Report for the hearing date of February 9, 2021, incorporated by reference)
4. Required Findings per the Unified Development Code (see attached Staff Report for the hearing date of February 9, 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 February 9, 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 annexation, zoning to R-8 and preliminary plat for 46 buildable lots is hereby approved per the conditions of approval in the Staff Report for the hearing date of February 9, 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 February 9, 2021

By action of the City Council at its regular meeting held on the 23rd day of February, 2021

COUNCIL PRESIDENT TREG BERNT VOTED AYE

COUNCIL VICE PRESIDENT BRAD HOAGLUN VOTED AYE

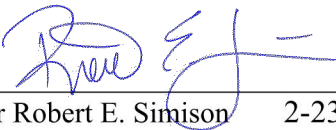
COUNCIL MEMBER JESSICA PERREAULT VOTED AYE

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 2-23-2021

Attest:

   
 \_\_\_\_\_  
 Chris Johnson 2-23-2021  
 City Clerk

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

By:  \_\_\_\_\_ Dated: 2-23-2021  
 City Clerk's Office

# EXHIBIT A

## STAFF REPORT COMMUNITY DEVELOPMENT DEPARTMENT



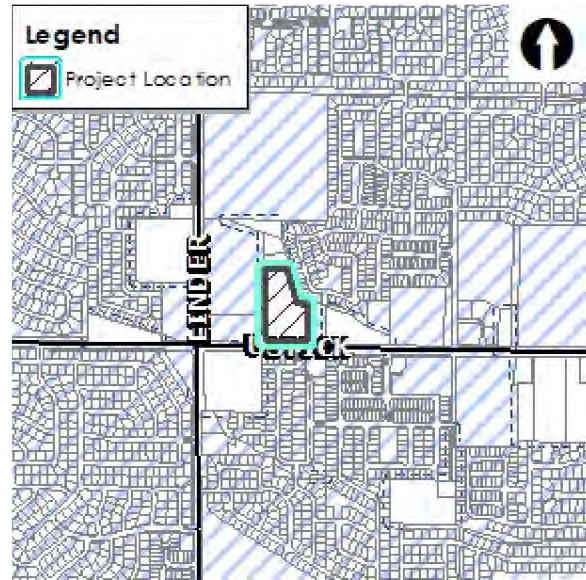
HEARING DATE: 2/9/2021

TO: Mayor & City Council

FROM: Alan Tiefenbach  
208-884-5533  
Bruce Freckleton, Development Services Manager  
208-887-2211

SUBJECT: AZ, PP H-2020-0112  
Tetherow Crossing Subdivision

LOCATION: The site is located northeast of N. Linder Rd and W. Ustick Rd



### I. PROJECT DESCRIPTION

Annexation, zoning from Ada County RUT to R-8, and preliminary plat to allow 46 building lots and 8 common lots on 7.58 acres of land.

### II. SUMMARY OF REPORT

#### A. Project Summary

Description	Details
Acreage	7.58
Future Land Use Designation	Medium Density Residential 8-12 du/acre
Existing Land Use(s)	Vacant
Proposed Land Use(s)	Single Family Residential
Lots (# and type; bldg./common)	46 building lots, 8 common lots
Phasing Plan (# of phases)	1 phase
Number of Residential Units (type of units)	46
Density (gross & net)	6.07
Open Space (acres, total [%]/buffer/qualified)	15.12% total, 13.46% qualified open space. This includes 1/2 of 5,134 sq. ft. of buffers.
Amenities	33,457 sq. ft. open space with playground, trash, and pet station.
Physical Features (waterways, hazards, flood plain, hillside)	A ditch parallels the property on the east perimeter.
Neighborhood meeting date; # of attendees:	October 15, 2020 – 4 attendees
History (previous approvals)	There was a previous proposal to annex and rezone to R-8 to allow 35 single family lots in 2006. This was

Description	Details
	subsequently denied by the Council (AZ PP H-06-030). Significant reason was listed as “piecemeal development.” At the present, City property has been annexed south, east, and west of the property.

B. Community Metrics

Description	Details
Ada County Highway District	
<ul style="list-style-type: none"> <li>Staff report (yes/no)</li> <li>Requires ACHD Commission Action (yes/no)</li> </ul>	<p>Yes</p> <p>No</p>
Access (Arterial/Collectors/State Hwy/Local)(Existing and Proposed)	Direct access from W. Ustick Rd.
Traffic Level of Service	Greater than E
Stub Street/Interconnectivity/Cross Access	5 points of access – 3 stubs, one southern connection to W. Ustick Rd and eastern connection to W. Woodpine St.
Existing Road Network	No existing internal streets, W. Woodpine St. to the east and W. Ustick Rd to the south are existing.
Existing Arterial Sidewalks / Buffers	W. Ustick improved with 5 lanes, bike lanes, curb, gutter and 5-foot detached sidewalk.
Proposed Road Improvements	Applicant will construct all internal roads to 33’ in width.
Distance to nearest City Park (+ size)	.5 mile to Settler’s Park, a 60-acre Regional Park.
Distance to other key services	

Fire Service

<ul style="list-style-type: none"> <li>Distance to Fire Station</li> <li>Fire Response Time</li> <li>Resource Reliability</li> <li>Risk Identification</li> <li>Accessibility</li> <li>Special/resource needs</li> <li>Water Supply</li> <li>Other Resources</li> </ul>	<p>1.7 miles to Fire Station 2</p> <p>&lt; 5 minutes</p> <p>85%</p> <p>2, resources are adequate</p> <p>Yes</p> <p>Aerial device will be required</p> <p>1,000 gpm required</p> <p>None</p>
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Police Service – No Comments

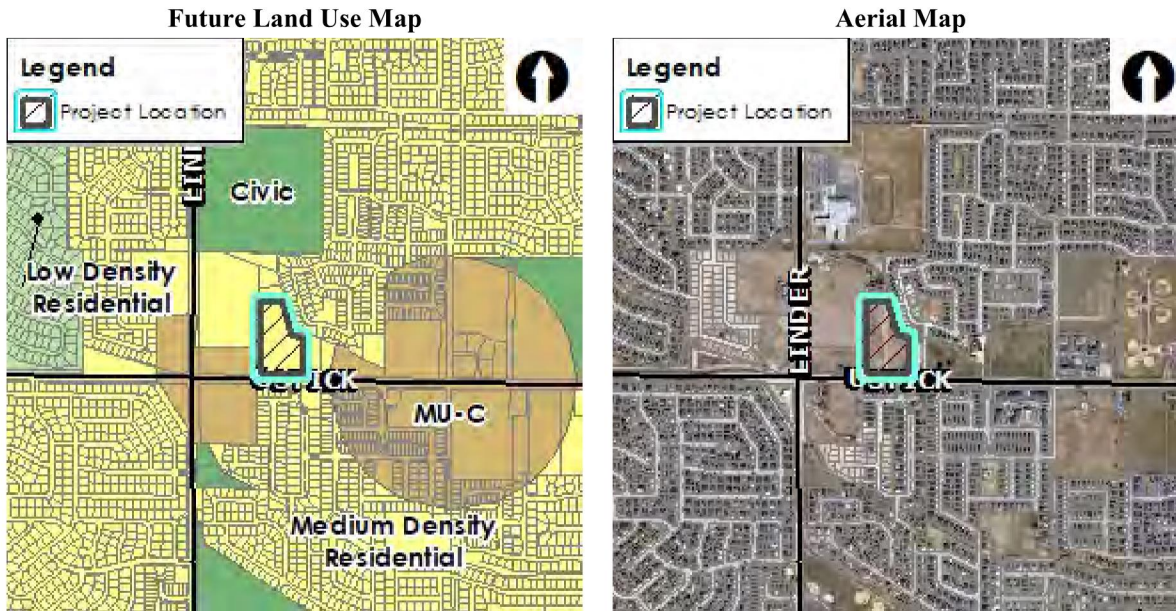
<ul style="list-style-type: none"> <li>Distance to Police Station</li> </ul>	4 Miles
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Ada County Schools

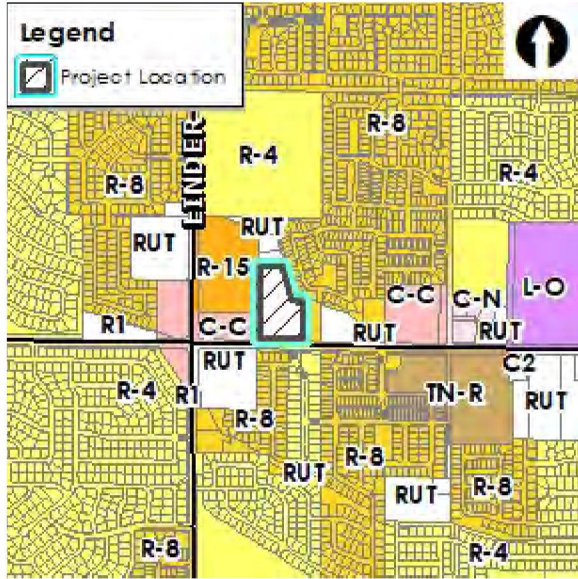
Impacted Schools	Hunter ES – 1.6 Miles Sawtooth MS – .5 Miles Rocky Mountain HS – 1.6 Miles
Capacity of Schools	Hunter ES – 675 Sawtooth MS – 1,000 Rocky Mountain HS – 1,800
# of Students Enrolled	Hunter ES – 504 Sawtooth MS – 905 Rocky Mountain HS – 2,412
Estimated # of students generated by development	Hunter ES – 15 Sawtooth MS – 8 Rocky Mountain HS – 10

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
<ul style="list-style-type: none"> <li>Project Consistent with WW Master Plan/Facility Plan</li> </ul>	<ul style="list-style-type: none"> <li>Additional 88 gpd committed to model</li> <li>Piping coming in/out of SSMH #2 needs to have a minimum angle of 90 degrees.</li> <li>Since property to the north is not a phase of this project Road number 4 sewer line needs to end in a manhole at the northern end.</li> </ul>
Water	
<ul style="list-style-type: none"> <li>Distance to Water Services</li> </ul>	0
<ul style="list-style-type: none"> <li>Pressure Zone</li> </ul>	2
<ul style="list-style-type: none"> <li>Estimated Project Water ERU's</li> </ul>	See application
<ul style="list-style-type: none"> <li>Water Quality</li> </ul>	No concerns
<ul style="list-style-type: none"> <li>Project Consistent with Water Master Plan</li> </ul>	Yes
<ul style="list-style-type: none"> <li>Impacts/Concerns</li> </ul>	Water connection to the west must line up with layout of Edington Commons

Project Area Maps



Zoning Map



Planned Development Map



Applicant Information

A. Applicant Representative:

Hayden Homes Idaho, LLC – 1406 N. Main St. Ste 114, Meridian, ID 83642

B. Owner:

Dennis Creek – 770 E. Clear Creek Dr, Meridian, ID 83646

III. NOTICING

	Planning & Zoning Posting Date	City Council Posting Date
Newspaper Notification	1/22/2021	
Radius notification mailed to properties within 300 feet	1/19/2021	
Nextdoor posting	1/19/2021	
Sign Posting	1/25/2021	



**IV. STAFF ANALYSIS**

**A. Annexation:**

The proposed annexation area is contiguous to City annexed property and is within the Area of City Impact Boundary. To ensure the site develops as proposed by the applicant, staff is recommending a development agreement as part of the annexation approval.

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

This property is designated Medium Density Residential on the City’s Future Land Use Map (FLUM) contained in the Comprehensive Plan.

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 annexation area is near existing public services and is surrounded on three sides by the City limits. The proposed land use of single-family residential is consistent with the recommended uses in the FLUM designation. The proposed project has a gross density of 6.07 du/ac, meeting the required density range listed above. Therefore, Staff finds the proposed preliminary plat and requested R-8 zoning district to be generally consistent with the Future Land Use Map designation of Medium Density Residential.*

*The City may require a development agreement (DA) in conjunction with an annexation pursuant to Idaho Code section 67-6511A. In order to ensure the site develops as proposed with this application, staff recommends a DA as a provision of annexation with the provisions included in Section IX.A. The DA is required to be signed by the property owner(s)/developer and returned to the City within 6 months of the Council granting the annexation for approval by City Council and subsequent recordation.*

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

- Encourage a variety of housing types that meet the needs, preferences, and financial capabilities of Meridian’s present and future residents. (2.01.02D)

*The proposed single-family detached homes will contribute to the variety of residential categories in the City; however, there is no variety in housing types proposed within the development. There are other housing types, multi-family and attached single-family within the subject square mile. The FLUM recommends densities of between 3 and 8 dwelling units per acre. Given this density recommendation, likely any resulting housing would be single-family.*

- With new subdivision plats, require the design and construction of pathway connections, easy pedestrian and bicycle access to parks, safe routes to schools, and the incorporation of usable open space with quality amenities.” (2.02.01A)

*The proposed plat depicts 5’ sidewalks on both sides of all local roads. A 33,457 sq. ft. open space with playground and seating area is toward the center of the development. A 5’ wide pathway connects from the primary internal north – south street (NW 13<sup>th</sup> St) across this open space and connects to an existing pathway which runs along a ditch to the east. This pathway is shown to connect to a future pathway to the north of the property that provides access to Sawtooth Middle School. There is also a micro-pathway across a common lot connecting to the vacant commercial property to the west. There are multi-modal routes proposed both to the development and within the development.*

- “Require pedestrian access in all new development to link subdivisions together and promote neighborhood connectivity.” (2.02.01D)

*Attached sidewalks are proposed on both side of all streets. Sidewalks will be completed to the terminus of all stub streets which would connect to any future development. As mentioned, there is a walkway which connects to a pathway along the existing ditch pathway to the east, and another pathway which stubs to any future development to the west.*

“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)

*Water will be provided from a connection which is available at each end of W. Woodpine St. Water will be stubbed to the vacant parcel located to the southwest of the site. Sewer will be extended from an existing sewer stub located within the W. Woodpine St .and from an existing gravity sewer located in W. Ustick Rd.*

- Ensure that new development within existing residential neighborhoods is cohesive and complementary in design and construction. (2.02.02F)

*To the northwest of the subject property is Edington Commons, a subdivision of 92 lots averaging 3,700 sq. ft. and zoned R-15 (single-family attached and detached) which was approved in November 2020. To the east of the property is the Woodburn West Subdivision, zoned R-8 with lot sizes in the 5,000 – 6,000 sq. ft. range. The property southwest of the subject property is zoned C-C (recommended for Mixed Use Community) and was proposed for townhouses in 2018 but was subsequently withdrawn.*

*This development proposes architecture consisting of one- and two-story homes with pitched roofs, stone bases and / or lap siding with gabled roofs and dormers comparable to what has been approved with the Edington Commons Subdivision to the west. Staff believes the proposed average of lot size of 4,000 sq. ft. would provide an appropriate transition from the 6,000 sq. ft. lots to the east (Woodburn West), the 3,700 sq. ft. lots to the west (Edington Commons) and the property at the northeast corner of W. Ustick Rd. and W. Linder Rd which is recommended for Mixed Use Community (meaning higher density and commercial uses could be appropriate).*

***In order to ensure compatibility and quality of design with existing and approved residential uses surrounding the property, staff recommends a condition that rear and/or sides of 2-story structures on Lots 15-22 of Block 3 and 2-3 of Block 4 that face W. Ustick Rd. incorporate articulation through changes in two or more of the following: modulation (e.g. projections, recesses, step-backs, pop-outs), bays, banding, porches, balconies, material types, or other integrated architectural elements to break up monotonous wall planes and roof lines. Single-story structures are exempt from this requirement. Planning approval will be required at time of building permit.***

- 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 proposal includes five points of access. Three of these are local stub streets, with two connections to existing streets - one of which is W. Ustick Rd, an arterial. An access from W. Ustick Rd to this property already exists via Llama Ln. This proposal would eliminate Llama Ln. and create a new public street, NW 12<sup>th</sup> Dr which will align with existing NW 12<sup>th</sup> Dr. on the opposite side of W. Ustick Rd. (to the south). ACHD supports this as the road alignment*

*would be better than what exists, and there would be slightly better intersection separation from the intersection of N. Linder Rd. and W. Ustick Rd. (See Access, Section G below for more information).*

D. Existing Structures/Site Improvements:

The property is presently vacant.

E. Proposed Use Analysis:

Single-family detached dwellings are listed as a principal permitted use in the R-8 zoning districts in UDC Table 11-2A-2.

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

The preliminary plat and future development is required to comply with the dimensional standards listed in UDC Table 11-2A-6 for the R-8 district. All lots proposed meet the minimum 4,000 sq. ft. requirements, and future structures should comply with the minimum setbacks of the district.

UDC 11-6C-3- regulates block lengths for residential subdivisions. Staff has reviewed the submitted plat for conformance with these regulations. The intent of this section of code is to ensure block lengths do not exceed 750 feet, although there is the allowance of an increase in block length to 1000 feet if a pedestrian connection is provided. The longest block length (Lots 2-12, Block 3) is 440 feet.

All proposed lots and public streets appear to meet UDC dimensional standards per the submitted preliminary plat. This includes property sizes, required street frontages of at least 40', and required road widths. Development of the subdivision is required to comply with the subdivision design and improvement standards listed in UDC 11-6C-3, including but not limited to streets, common driveways and block face.

One common driveway is proposed with this subdivision. The applicant has provided a common drive exhibit which demonstrates 3 units are served whereas a maximum of 6 units are allowed. The common driveway meets the minimum width of 20' and does not exceed the maximum length of 150'. Solid fencing adjacent to common driveways is prohibited, unless separated by a minimum five-foot wide landscaped buffer. The landscape plan does reflect a 5' wide buffer to the north separating the common driveway from a 4' high solid vinyl fence with 2' lattice top. North of this fence is an approximately 18' wide common lot containing a pathway to the west.

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

This development proposes five points of access. Two points of access are to existing streets. There will be a connection to existing W. Woodpine St. which serves the Woodburn West Subdivision to the east, and there will be a connection to W. Ustick Rd (arterial) to the south. Access from W. Ustick Rd presently occurs via N. Llama Ln, which runs north-south. This proposal would eliminate N. Llama Ln. and construct a new north-south road slightly to the east which would align with existing NW 12<sup>th</sup> Dr. on the south side of W. Ustick Rd. Although the new access for NW 12<sup>th</sup> Dr. will not meet ACHD spacing requirements of 1,320 ft. from the N. Linder Rd. / W. Ustick Rd. intersection, ACHD supports an exception from this policy. This is because the new road would align with an existing one, and the distance from the intersection is slightly more than what is existing. All internal roads in this development are proposed to be built to ACHD standards with 33-foot wide local street sections with curb, gutter, and 5-foot wide

concrete attached sidewalks. W. Ustick Road is already improved with 5-travel lanes, bike lanes, vertical curb, gutter, and 5-foot wide detached concrete sidewalk abutting the site.

Three internal stubs are proposed. One stub is proposed to the north to unincorporated vacant property, one stub is proposed to the west to connect to W. Woodpine St. in Edington Commons (final plat approved Nov 4, 2020), and a third stub is proposed to the east (existing single-family home and telecommunications equipment which will likely redevelop in the future).

The preliminary plat reflects an access easement across to a northern property which is not part of this subdivision, and notes it is unknown whether or not this access easement is granted or recorded. As this northern property is essentially landlocked, as a condition of approval, **staff recommends that prior to signature of the City Engineer on the final plat, a new temporary access easement be granted to this property until such time as W. Woodpine St. and N. Llama Way is constructed to the property and dedicated as public right-of-way.**

ACHD has reviewed this proposal, notes it will generate 434 vehicle trips per day, and supports it as proposed. ACHD requested a note to the plat prohibiting direct access to W. Ustick Rd, which has been added.

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

Off-street parking is required to be provided in accord with the standards listed in UDC Table 11-3C-6 for single-family detached dwellings based on the number of bedrooms per unit. Future development should comply with these standards. The preliminary plat reflects an additional 30 on-street parking spaces. These would not be used in the calculations for required parking.

I. Pathways (*UDC 11-3A-8*):

Three micro-pathways are reflected on the landscape plan. A 110' micro-pathway is proposed from the internal road to the C-C zoned property to the west., and there are two micro-pathways connecting from the central park amenity (Lot 1, Block 6) to an existing pathway along a ditch to the east. The ditch pathway is shown to connect to a future east-west regional pathway to the north. All proposed pathways meet UDC 11-3A-8 with at least 15' wide easements (or common lots), at least 5' of landscaping on either side, and one tree per 100 linear feet. Fencing along these micro-pathways is shown to be 4' solid vinyl with 2' lattice open top.

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

Five-foot attached sidewalks are proposed along internal streets in accord with the standards listed in UDC 11-3A-17.

K. Parkways (*UDC 11-3A-17*):

No parkways are proposed with this development.

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

The landscape plan reflects 15.12% of total open space. This includes several small landscaped areas on either side of the N. Llama Way stub, 25' buffer along W. Ustick Rd, several pathway common lots, a central open space, and landscaping at the northeast side of the property adjacent to the ditch.

UDC 11-3B-7 requires street buffers with detached sidewalks to be measured from back of curb. As measured from back of curb, approximately 13' of the required 25' landscape buffer along W. Ustick Rd is located within ACHD right-of-way. Per UDC 11-3B-7-C5, the applicant shall be

required to obtain a license agreement with ACHD prior to City Engineer signature on the final plat.

There are existing trees that meet the requirements for preservation or mitigation, particularly in the vicinity of the ditch at the northeast portion of the property. The City Arborist has noted he has had preliminary discussions with the applicant regarding which trees should be preserved versus may be removed, although staff as of yet has not received a tree mitigation plan. This will be required with the final plat.

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

13.46% of qualified common open space is proposed. This includes a 33,457 sq. ft. central park feature (Lot 1, Block 6), 1/2 of the 25-foot-wide buffer along W. Ustick Rd., a 3,867 sq. ft. pet amenity and seating area (Lot 1, Block 3) and a 1,970 sq. ft. pathway common lot (Lot 13 Block 3).

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

Based on the area of the proposed plat (7.58 acres), a minimum of one (1) qualified site amenity is required to be provided per the standards listed in UDC 11-3G-3. The applicant proposes a 33,457 sq. ft. central park with a playground and two pathway connections. This meets the requirement for a minimum of 50' x 100' to be credited as qualified open space, a recreation amenity (playground), and the additional 20,000 sq. ft. required to be credited as an additional amenity. The central park exceeds the minimum landscape requirements of one deciduous shade tree per eight thousand (8,000) square feet and lawn. It also contains two pathways that connect to an existing pathway along an existing ditch, and these two pathways are landscaped with at least 5' landscaping on either side and 1 tree per 100 linear feet. Because the pathways meet the landscaping requirements, are not required sidewalks and connect to existing pedestrian and bicycle routes outside of the development (pathway along the ditch), these pathways would be also be considered an amenity. The proposal exceeds the requirements of UDC 11-3G-3 and is located in an appropriate location taking advantage of being central to the development and adjacent to an existing ditch and pathway.

O. Waterways (*UDC 11-3A-6*):

A ditch is adjacent to the property at the NE. This ditch will need to be piped per UDC 11-3A-6.

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

The landscape plan reflects existing fencing along the northwestern perimeter of the property. New 6' solid vinyl fencing is proposed along most of the remaining perimeter of the property. 6' vinyl lattice top fencing is proposed along both sides of pathway Common Lot 13, Block 3, most of the periphery of Central Park Lot 1, Block 6 except for the eastern portion adjacent to the ditch, and Common Lot 1, Block 3 (the dog station). The fencing appears to meet the requirements of 11-3A-6 and 11-3A-7.

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

Water is available from W. Woodpine St. Sewer is available from W. Woodpine St. and from a main in W. Ustick Rd. Water and sewer will be stubbed to the vacant property located to the southwest.

Pressure irrigation will serve all lots. The system will be owned and operated by the homeowner's association. Surface water is delivered to the site at the southeast corner of the property along W. Ustick Rd.

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

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

The single-family homes are depicted as two-story structures with two-car garages, and a variety of architectural elements and finish materials including gabled roofs, dormers, stone wainscoting, lap siding, exposed timber, and scalloped wood shingles. The submitted sample elevations appear to meet design requirements for single-family homes but do not include elevations of the sides or rears of structures.

As noted in the Comprehensive Plan section, some of the houses will be very visible from W. Ustick Rd. Therefore, staff recommends a condition that the rear and/or sides of 2-story structures on Lots 15-22 of Block 3 and 2-3 of Block 4 that face W. Ustick Rd. incorporate articulation through changes in two or more of the following: modulation (e.g. projections, recesses, step-backs, pop-outs), bays, banding, porches, balconies, material types, or other integrated architectural elements to break up monotonous wall planes and roof lines. Single-story structures are exempt from this requirement. Planning approval will be required at time of building permit.

V. DECISION

A. Staff:

Staff recommends approval of the requested annexation, zoning and preliminary plat with the conditions noted in Section VII. per the Findings in Section VIII.

B. The Meridian Planning & Zoning Commission heard this item on January 7, 2021. At the public hearing, the Commission moved to approve the subject annexation and preliminary plat request.

1. Summary of the Commission public hearing:

- a. In favor: Tim Mokwa, Ross Erickson
- b. In opposition: None
- c. Commenting: Tim Mokwa,
- d. Written testimony: None
- e. Staff presenting application: Alan Tiefenbach
- f. Other Staff commenting on application: Bill Parsons

2. Key issue(s) of public testimony:

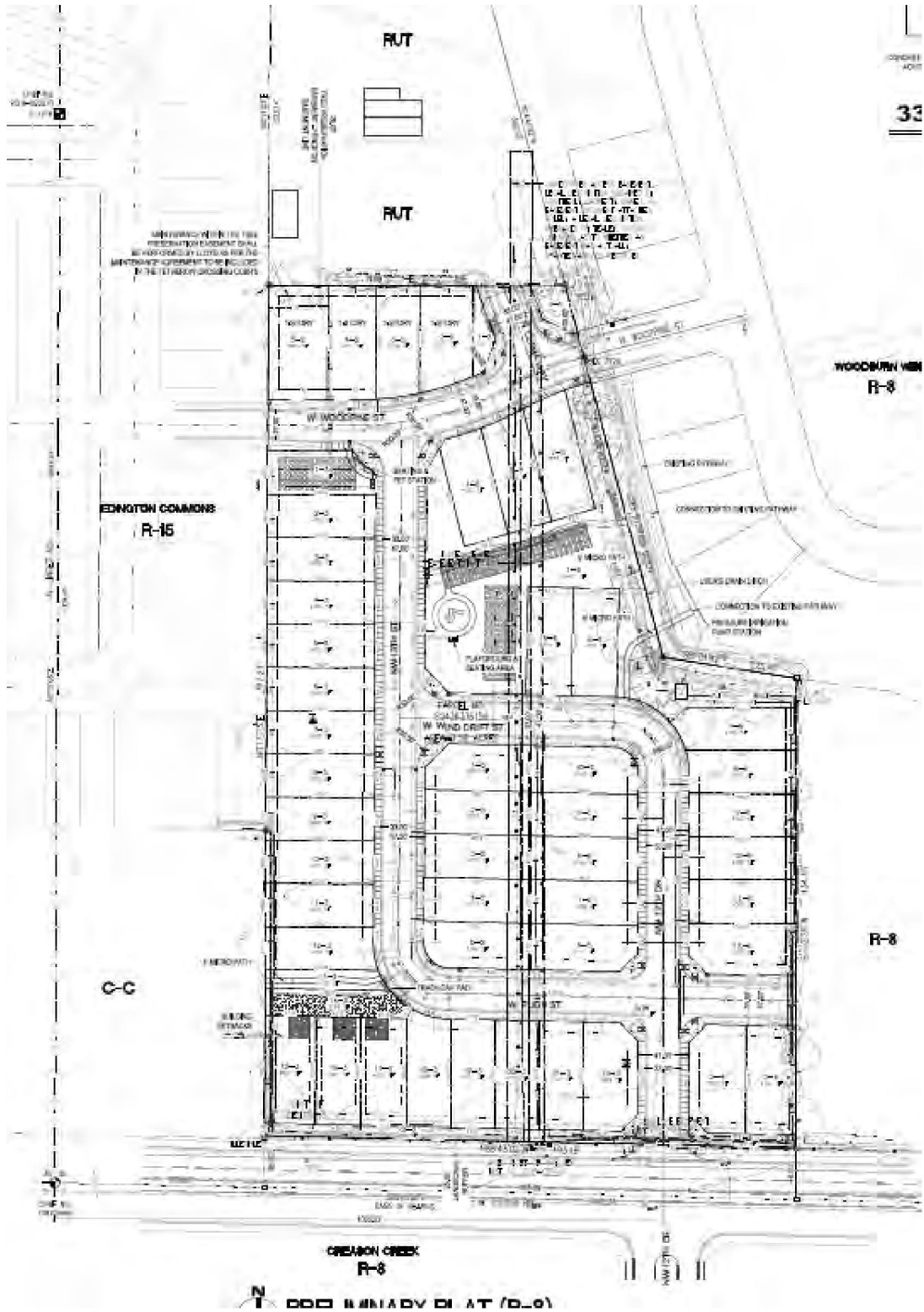
- a. Citizen identified himself as Rick Wagner, the owner of the property directly to the east of the subject property. Expressed concern regarding potential obstructions to the ditch along E. Ustick that he uses for flood irrigation, and the road that is proposed to stub at his property. Requested applicant construct a barrier along the property line, such as a fence.

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

- a. The Commission inquired into whether the proposed open space in Lot 1, Block 6 adjacent to the ditch backed directly to existing single family residences, and whether open style fences would be used in this area to preserve visibility.
  - b. The Commission had significant discussion regarding whether access should be provided to the commercial lot at the west and their concerns that if access was not provided, it would further limit commercial viability for this lot.
4. Commission change(s) to Staff recommendation:
- a. Delete condition 1c regarding the temporary easement, as this easement has already been recorded.
  - b. Add a requirement to the development agreement requiring Lots 2-5 of Block 2 to be limited to one-story.
  - c. Add a requirement to the development agreement that 6' vinyl fencing shall be installed along the perimeter of the property from the common area to the north, and the common area to the south to W. Ustick Rd.
5. Outstanding issues for Council:
- a. The Commission recommended for the Council to discuss cross-access to the commercial property to the west as it had been a significant issue of concern for them.  
Following the Planning Commission meeting, the applicant scheduled a meeting with ACHD to discuss this issue. ACHD submitted written correspondence that they did not support this connection. That correspondence has been included in the agency comments section below.
- C. The Meridian City Council heard these items on February 9, 2021. At the public hearing, the Council moved to approve the subject annexation, zoning and preliminary plat requests.
- 1. Summary of the City Council public hearing:
    - a. In favor: Tim Mokwa, Ross Erickson
    - b. In opposition: None
    - c. Commenting: Tim Mokwa,
    - d. Written testimony: None
    - e. Staff presenting application: Alan Tiefenbach
    - f. Other Staff commenting on application: None
  - 2. Key issue(s) of public testimony: None
  - 3. Key issue(s) of discussion by City Council:
    - a. Council discussed potential connections to the western property and why ACHD would not allow a connection through that property when they allowed a connection through Edington Commons.
  - 4. City Council change(s) to Commission recommendation: None

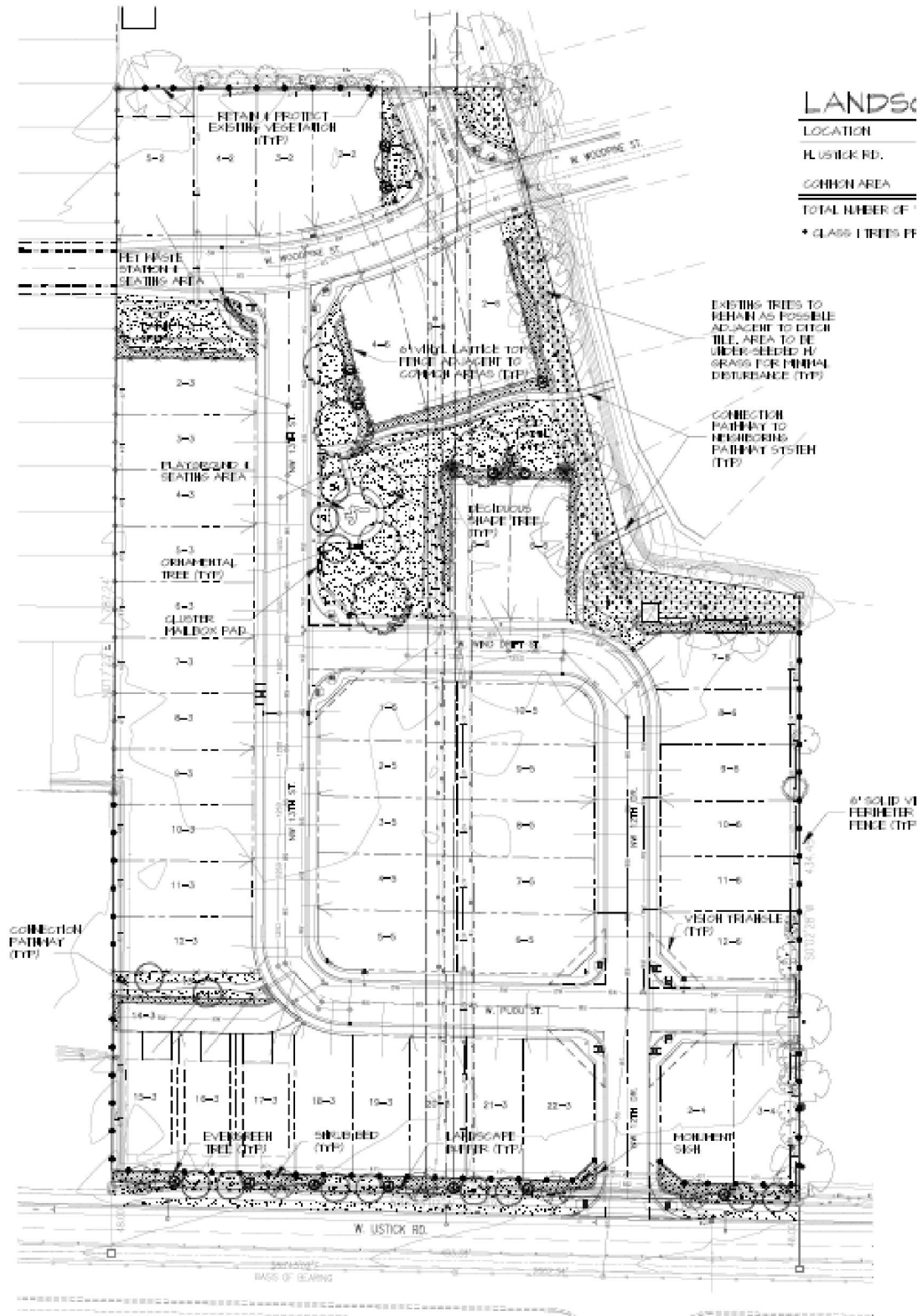
VI. EXHIBITS

A. Preliminary Plat (date: 11/9/2020)





B. Landscape Plan (date: 11/9/2020)

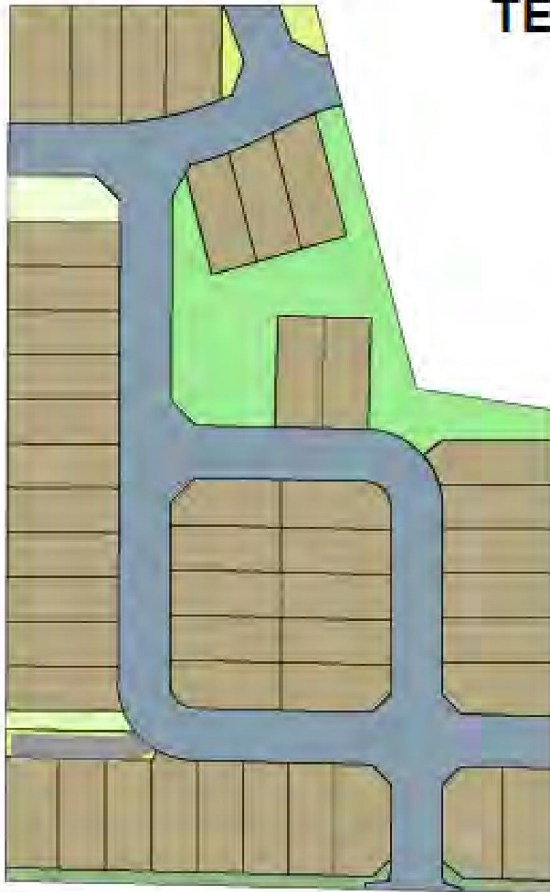


C. Color Landscape Plan (date: 11/9/2020)



D. Open Space Exhibit (date: 11/6/2020)

## TETHEROW CROSSING SUBDIVISION



- QUALIFIED OPEN SPACE (11-3G-3.B.4)
- QUALIFIED OPEN SPACE (11-3G-3.B.1.A) (50'X100' AND PLAYGROUND AMENITY)
- QUALIFIED OPEN SPACE MICRO-PATHWAY (11-3G-3.1)
- QUALIFIED OPEN SPACE SEATING, PET STATION AMENITY (11-3G)
- NON-QUALIFIED OPEN SPACE
- COMMON - SHARED DRIVEWAY
- BUILDING LOT
- RIGHT OF WAY

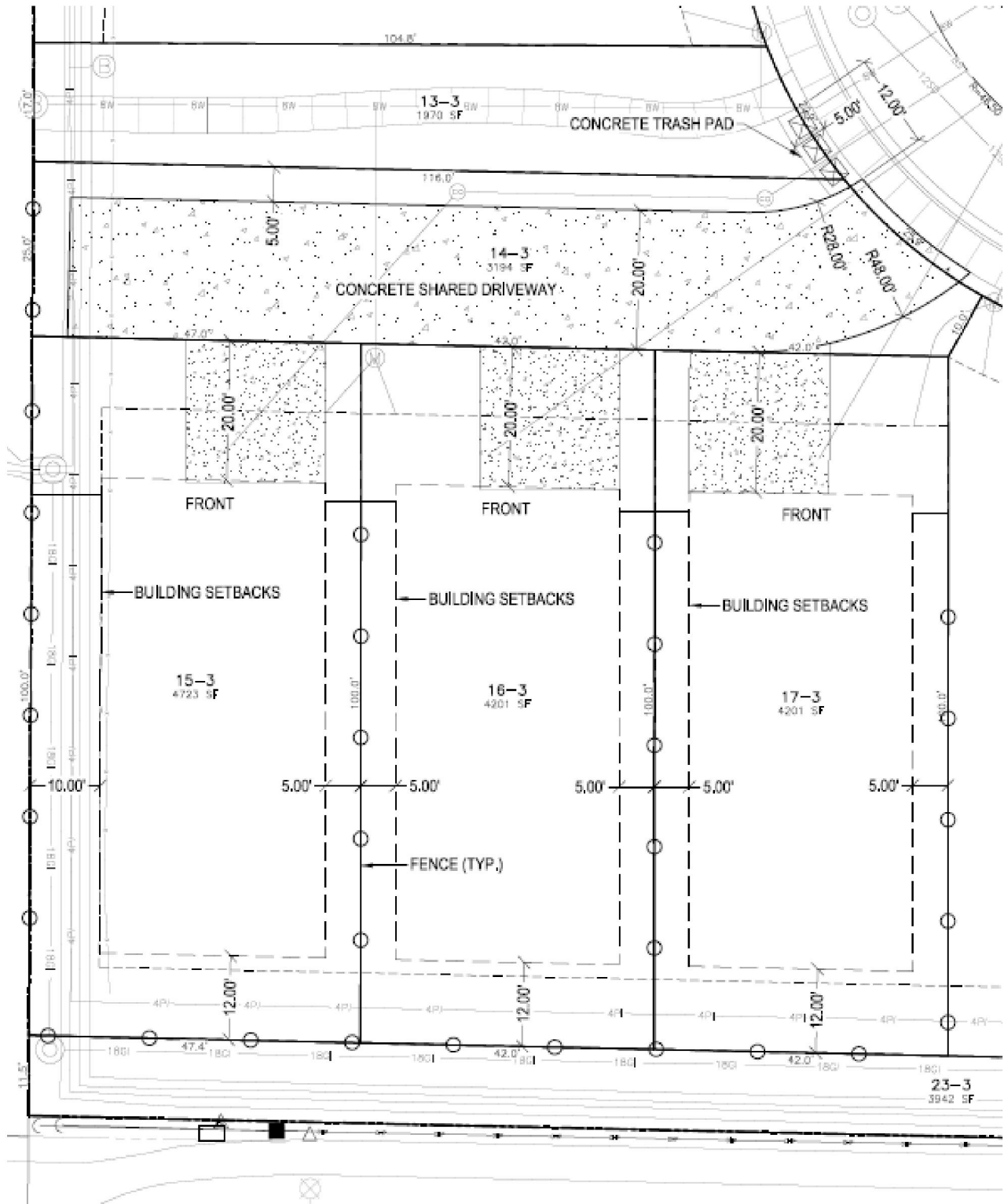
**COMMON LOTS & BUFFERS**

	ACTUAL AREA (SF)	QUALIFIED OPEN SPACE CREDIT	QUALIFIED OPEN SPACE AREA (SF)
HALF OF 25-FOOT W. USTICK RD. BUFFER (11-3G-3.B.4)	5,134	100%	5,134
PLAYGROUND & OPEN SPACE LOT 1-6 (50' X 100' MIN.) (11-3G-3.B.1.A)	33,457	100%	33,457
OPEN SPACE BENCHES, TRASH, PET STATION - LOT 1-3	3,867	100%	3,867
MICRO-PATHWAYS LOT 13-3	1,970	100%	1,970
OPEN SPACE - OTHER NON QUALIFIED	3,057	0%	-
SHARED DRIVEWAYS	2,409	0%	-
<b>TOTAL OPEN SPACE</b>	<b>49,894 SF</b>		<b>44,428 SF</b>

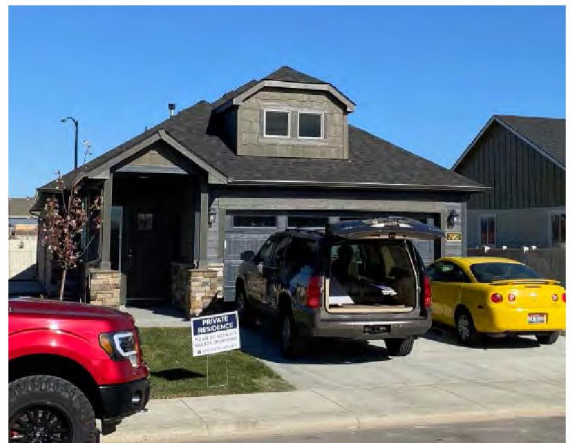
<b>QUALIFIED OPEN SPACE PROVIDED:</b>	<b>44,428 SF</b>
	<b>13.46%</b>

<b>TOTAL OPEN SPACE PROVIDED:</b>	<b>49,894 SF</b>
	<b>15.12%</b>

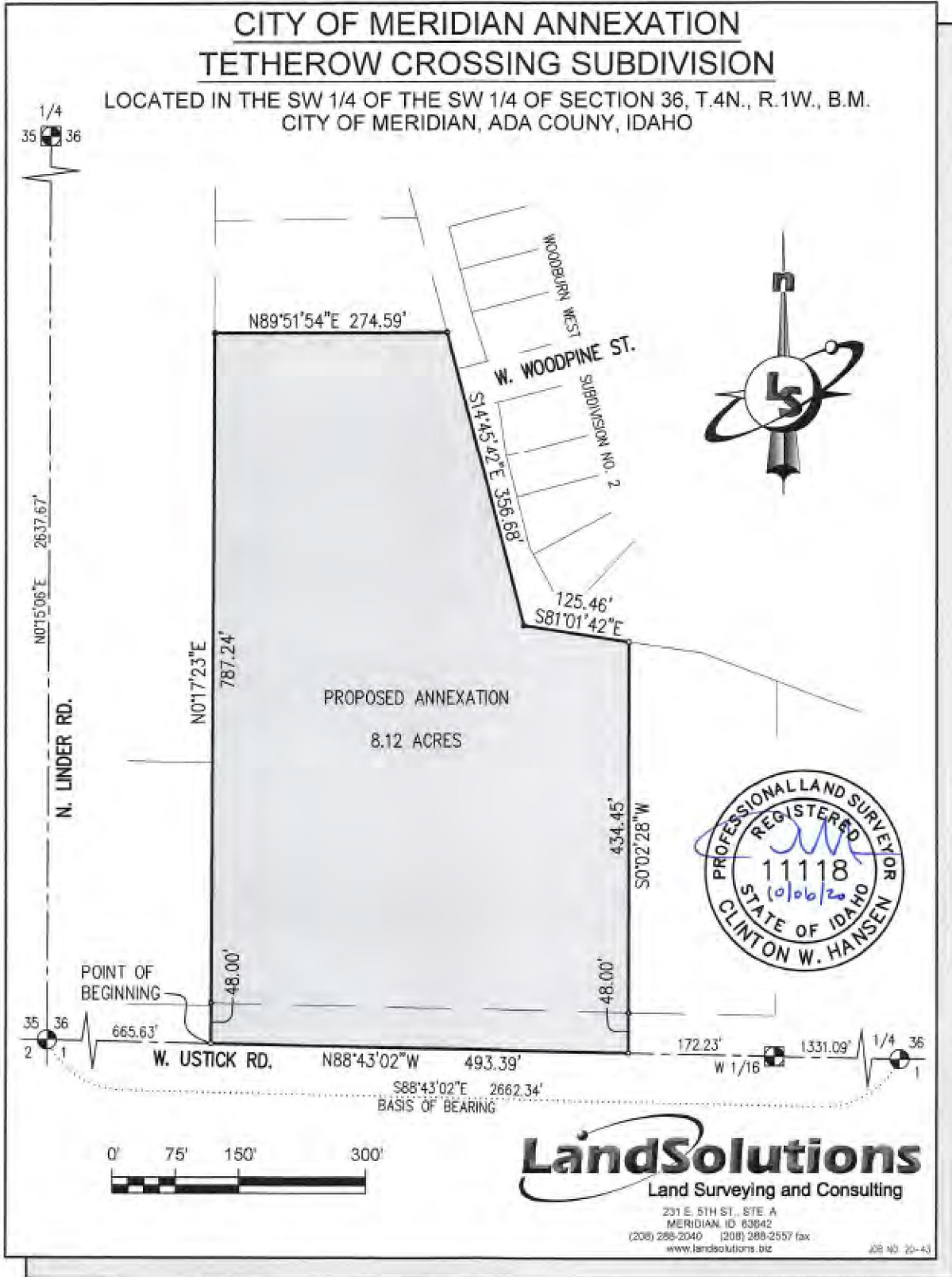
E. Common Driveway Exhibit (date: 11/6/2020)



F. Building Elevations



G. Annexation Legal Description and Exhibit.



**Legal Description**  
**Proposed Annexation**  
**Tetherow Crossing Subdivision**

A parcel being located in the SW ¼ of the SW ¼ of Section 36, Township 4 North, Range 1 West, Boise Meridian, City of Meridian, Ada County, Idaho, and more particularly described as follows:

Commencing at a Brass Cap monument marking the southwest corner of said Section 36, from which a Brass Cap monument marking the southeast corner of the SW ¼ of said Section 36 bears S 88°43'02" E a distance of 2662.34 feet;

Thence along the southerly boundary of said SW ¼ S 88°43'02" E a distance of 665.63 feet to the **POINT OF BEGINNING**;

Thence leaving said southerly boundary N 0°17'23" E a distance of 48.00 feet to a point on the northerly right-of-way of W. Ustick Road;

Thence continuing N 0°17'23" E a distance of 787.24 feet to a point;

Thence N 89°51'54" E a distance of 274.58 feet to a point on the westerly boundary of Woodburn West Subdivision No. 2 as shown in Book 111 of Plats on Pages 16040 through 16044, records of Ada County, Idaho;

Thence along said westerly boundary of Woodburn West Subdivision No. 2 the following described courses;

Thence S 14°45'42" E a distance of 356.68 feet to a point;

Thence S 81°01'42" E a distance of 125.46 feet to a point;

Thence leaving said westerly boundary S 0°02'28" W a distance of 434.45 feet to a point on said northerly right-of-way of W. Ustick Road;

Thence continuing S 0°02'28" W a distance of 48.00 feet to a point on the southerly boundary of the SW ¼ of the SW ¼ of said Section 36;

Thence along said southerly boundary N 88°43'02" W a distance of 493.39 feet to the **POINT OF BEGINNING**.

This parcel contains 8.12 acres and is subject to any easements existing or in use.

Clinton W. Hansen, PLS  
Land Solutions, PC  
October 6, 2020



## VII. CITY/AGENCY COMMENTS & CONDITIONS

### A. PLANNING DIVISION

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

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

- a. Future development of this site shall be generally consistent with the preliminary plat, landscape plan and conceptual building elevations for the single-family dwellings included in Section VI and the provisions contained herein.
- b. The rear and/or sides of 2-story structures on Lots 15-22 of Block 3 and Lots 2-3 of Block 4 that face W. Ustick Rd. shall incorporate articulation through changes in two or more of the following: modulation (e.g. projections, recesses, step-backs, pop-outs), bays, banding, porches, balconies, material types, or other integrated architectural elements to break up monotonous wall planes and roof lines. Single-story structures are exempt from this requirement. Planning approval will be required at time of building permit.
- ~~c. A temporary access easement shall be granted across the subject property to the adjacent property to the north. Said easement shall exist until such time as W. Woodpine St. and N. Llama Way are constructed to the property and dedicated as public right-of-way.~~
- d. Lots 2-5, Block 2 shall be limited to one story in height.**
- e. A 6' tall privacy fence shall be constructed along the eastern property boundary, except for areas along common open space that must have visibility per the fencing requirements of UDC 11-3A-7.**
- f. That City Council to consider cross-access to the commercial property to the west as it was a large concern for the Planning and Zoning Commission.**
2. The Preliminary Plat included in Section VI, dated 11/9/20, is approved as submitted.
3. With final plat submittal, the Landscape Plan included in Section VI, dated 11/9//20, shall be revised to reflect a tree preservation and mitigation plan that is approved by the City Arborist as required per UDC 11-3B-10.
4. 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.
5. The applicant shall comply with all provisions of 11-3A-3 with regard to access to streets.
6. The applicant shall comply with the sidewalk and parkway standards as set forth in UDC 11-3A-17.



7. The development shall comply with standards and installation for landscaping as set forth in UDC 11-3B-5 and maintenance thereof as set forth in UDC 11-3B-13.
8. The ditch to the east shall comply with the provisions for irrigation ditches, laterals, canals and/or drainage courses, as set forth in UDC 11-3A-6.
9. Pathway and adjoining fencings and landscaping shall be constructed consistent with the standards as set forth in UDC 11-3A-7A7, 11-3A-8 and 11-3B-12C.
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. 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.
12. The Applicant shall have a maximum of two (2) years to obtain City Engineer's signature on a final plat in accord with UDC 11-6B-7.
13. The Applicant shall comply with all conditions of ACHD.

**B. PUBLIC WORKS DEPARTMENT**

**Site Specific Conditions of Approval**

1. Additional 88 gpd committed to model.
2. Piping coming in/out of SSMH #2 needs to have a minimum angle of 90 degrees.
3. Since property to the north is not a phase of this project Road number 4 sewer line needs to end in a manhole at the northern end.
4. Water connection to the west must line up with layout of Edington Commons
5. The geotechnical investigative report prepared by GeoTek, Inc. indicate some very specific construction considerations. The applicant shall be responsible for the adherence of these recommendations to help ensure that groundwater does not become a problem within crawlspaces of homes. As noted in the Geotechnical Engineering Report, groundwater was encountered in all of the excavated test pits, ranging from 4.8' to 6.9' below ground surface. Particular attention needs to be focused on ensuring that all residences constructed with crawl spaces should be designed in a manner that will inhibit water in crawl spaces. This may include the installation of foundation drains, and the installation of rain gutters and roof drains that will carry storm water at least 10-feet away from all residences. Foundation drains are not allowed to drain into the sanitary sewer system, nor the trench backfill for the sewer and/or water service lines.

**General Conditions of Approval**

6. 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.

7. 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.
8. 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.
9. 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.
10. 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.
11. 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.
12. 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.
13. 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.
14. 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.
15. 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.
16. 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.

17. 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.
18. 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.
19. Applicant shall be responsible for application and compliance with any Section 404 Permitting that may be required by the Army Corps of Engineers.
20. Developer shall coordinate mailbox locations with the Meridian Post Office.
21. All grading of the site shall be performed in conformance with MCC 11-12-3H.
22. 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.
23. 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.
24. 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.
25. 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.
26. 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](http://www.meridiancity.org/public_works.aspx?id=272).
27. 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.
28. 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. MERIDIAN FIRE DEPARTMENT**

<https://weblink.meridiancity.org/WebLink/DocView.aspx?id=217408&dbid=0&repo=MeridianCity>

**D. COMMUNITY DEVELOPMENT SCHOOLS REPORT**

<https://weblink.meridiancity.org/WebLink/DocView.aspx?id=218948&dbid=0&repo=MeridianCity&cr=1>

**E. ADA COUNTY DEVELOPMENT SERVICES**

<https://weblink.meridiancity.org/WebLink/DocView.aspx?id=217397&dbid=0&repo=MeridianCity>

**F. ADA COUNTY HIGHWAY DISTRICT (ACHD)**

<https://weblink.meridiancity.org/WebLink/DocView.aspx?id=218091&dbid=0&repo=MeridianCity>

**G. ACHD COMMENTS ON SHARED ACCESS**

<https://weblink.meridiancity.org/WebLink/DocView.aspx?id=219871&dbid=0&repo=MeridianCity>

**H. WEST ADA SCHOOL DISTRICT**

<https://weblink.meridiancity.org/WebLink/DocView.aspx?id=218390&dbid=0&repo=MeridianCity>

**I. SETTLERS IRRIGATION**

<https://weblink.meridiancity.org/WebLink/DocView.aspx?id=217508&dbid=0&repo=MeridianCity>

**J. NAMPA MERIDIAN IRRIGATION DISTRICT**

<https://weblink.meridiancity.org/WebLink/DocView.aspx?id=218520&dbid=0&repo=MeridianCity>

**VIII. FINDINGS**

**A. ANNEXATION AND / OR REZONE (UDC 11-5B-3E)**

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

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

*Council finds annexation of the subject site with an R-8 zoning designation is consistent with the Comprehensive Plan MDR FLUM designation for this property, if the Applicant complies with the provisions in Section VII.*

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

*Council finds the lot sizes and layout proposed will be consistent with the purpose statement of the residential districts in that housing opportunities will be provided consistent with the Comprehensive Plan.*

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

*Council finds that the proposed zoning map amendment should not be detrimental to the public health, safety, or welfare. Council considered any oral or written testimony that may have been provided when determining this finding.*

- 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 that the proposed zoning amendment will not result in any adverse impact upon the delivery of services by any political subdivision providing services to this site.*

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

*Council finds the proposed annexation is in the best interest of the City if the property is developed in accord with the provisions in Section VII.*

**B. PRELIMINARY PLAT (UDC 11-6B-6)**

In consideration of a preliminary plat, combined preliminary and final plat, or short plat, the decision-making body shall make the following findings: (Ord. 05-1170, 8-30-2005, eff. 9-15-2005)

- 1. The plat is in conformance with the comprehensive plan and is consistent with this unified development code; (Ord. 08-1372, 7-8-2008, eff. 7-8-2008)

*Council finds the proposed plat is generally in conformance with the UDC if the Applicant complies with the conditions of approval in Section VII.*

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

*Council finds public services can be made available to the subject property and will be adequate to accommodate the proposed development.*

- 3. The plat is in conformance with scheduled public improvements in accord with the city's capital improvement program;

*Council finds the proposed plat is in substantial conformance with scheduled public improvements in accord with the City's CIP.*

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

*Council finds there is public financial capability of supporting services for the proposed development.*

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

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

6. The development preserves significant natural, scenic or historic features. (Ord. 05-1170, 8-30-2005, eff. 9-15-2005)

*The applicant will be required to submit a tree mitigation plan that is approved by the City Arborist prior to final plat. Otherwise, Council is unaware of any significant natural, scenic or historic features that need to be preserved with this development.*