

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



In the Matter of the Request for Annexation of 4.74 Acres of Land with an R-8 Zoning District; and Preliminary Plat Consisting of 17 Building Lots (Including One for an Existing Home) and Two (2) Common Lots on 4.11 Acres of Land in the R-8 Zoning District for Millwood Subdivision, by Epic Development.

Case No(s). H-2022-0089

For the City Council Hearing Date of: March 21, 2023 (Findings on April 4, 2023)

A. Findings of Fact

1. Hearing Facts (see attached Staff Report for the hearing date of March 21, 2023, incorporated by reference)
2. Process Facts (see attached Staff Report for the hearing date of March 21, 2023, incorporated by reference)
3. Application and Property Facts (see attached Staff Report for the hearing date of March 21, 2023, incorporated by reference)
4. Required Findings per the Unified Development Code (see attached Staff Report for the hearing date of March 21, 2023, 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 March 21, 2023, 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 and preliminary plat is hereby approved with the requirement of a Development Agreement per the provisions in the Staff Report for the hearing date of March 21, 2023, 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 Development Agreement Duration

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

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

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

E. Judicial Review

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

F. Notice of Right to Regulatory Takings Analysis

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

G. Attached: Staff Report for the hearing date of March 21, 2023

By action of the City Council at its regular meeting held on the _____ day of _____, 2023.

COUNCIL PRESIDENT BRAD HOAGLUN VOTED_____

COUNCIL VICE PRESIDENT JOE BORTON VOTED_____

COUNCIL MEMBER JESSICA PERREAULT VOTED_____

COUNCIL MEMBER LUKE CAVENER VOTED_____

COUNCIL MEMBER JOHN OVERTON 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	

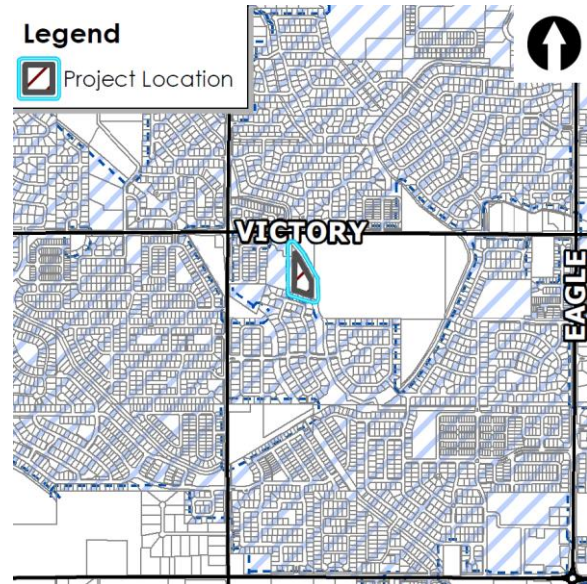
HEARING DATE: March 21, 2023

TO: Mayor & City Council

FROM: Sonya Allen, Associate Planner
208-884-5533

SUBJECT: Millwood Subdivision
H-2022-0089

LOCATION: 1975 E. Victory Rd., in the NW 1/4 of
Section 29, T.3N., R.1E. (Parcel
#S1129223095)



I. PROJECT DESCRIPTION

Annexation of 4.74 acres of land with an R-8 zoning district; and preliminary plat consisting of 17 building lots (including one for an existing home) and two (2) common lots on 4.11 acres of land in the R-8 zoning district for Millwood Subdivision.

II. SUMMARY OF REPORT

A. Project Summary

Description	Details
Acreage	4.11 acres (4.74 acres – annexation area)
Future Land Use Designation	Medium Density Residential (MDR)
Existing Land Use	Single-family rural residential (SFR)
Proposed Land Use(s)	SFR
Current Zoning	Rural Urban Transition (RUT) in Ada County
Proposed Zoning	R-8 (Medium-density Residential)
Lots (# and type; bldg/common)	17 building/2 common
Phasing plan (# of phases)	NA (not proposed to be phased)
Number of Residential Units (type of units)	17 single-family detached units (including existing home)
Density (gross & net)	4.14 units/acre (gross)
Open Space (acres, total [%] / buffer / qualified)	0.27-acre (7%)

Amenities	Tot lot with play equipment and a segment of the City's multi-use pathway system.
Physical Features (waterways, hazards, flood plain, hillside)	The Eight Mile Lateral runs off-site along the east boundary of the site.
Neighborhood meeting date	10/27/22
History (previous approvals)	ROS #2426 & #2734

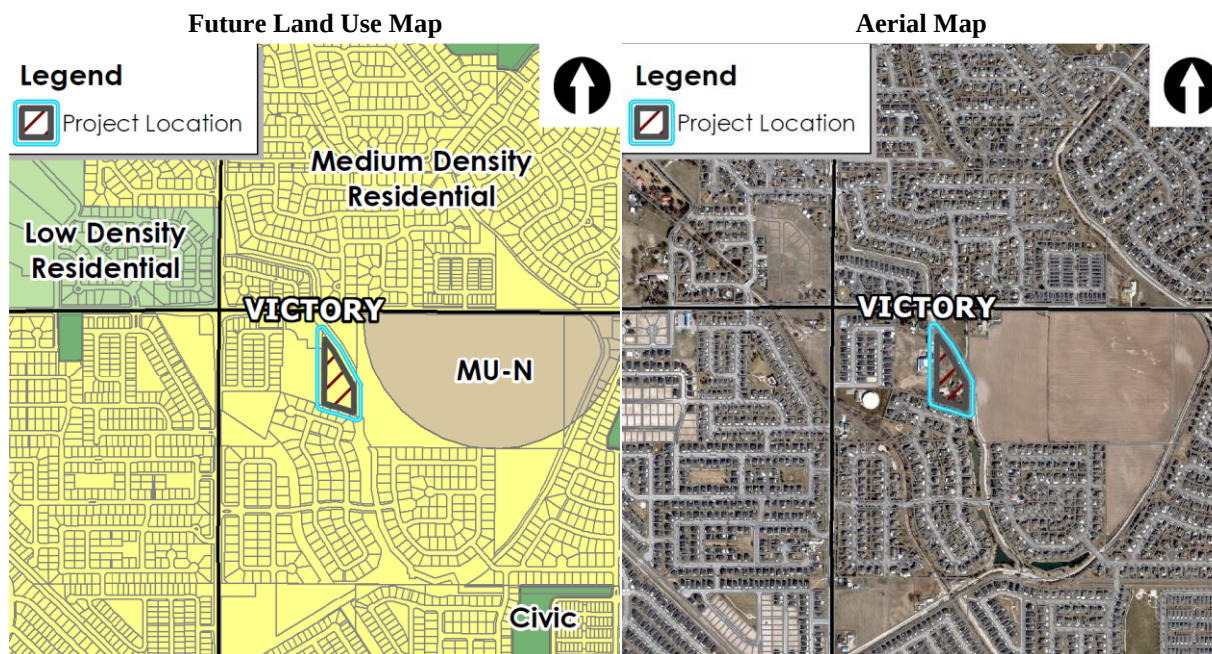
B. Community Metric

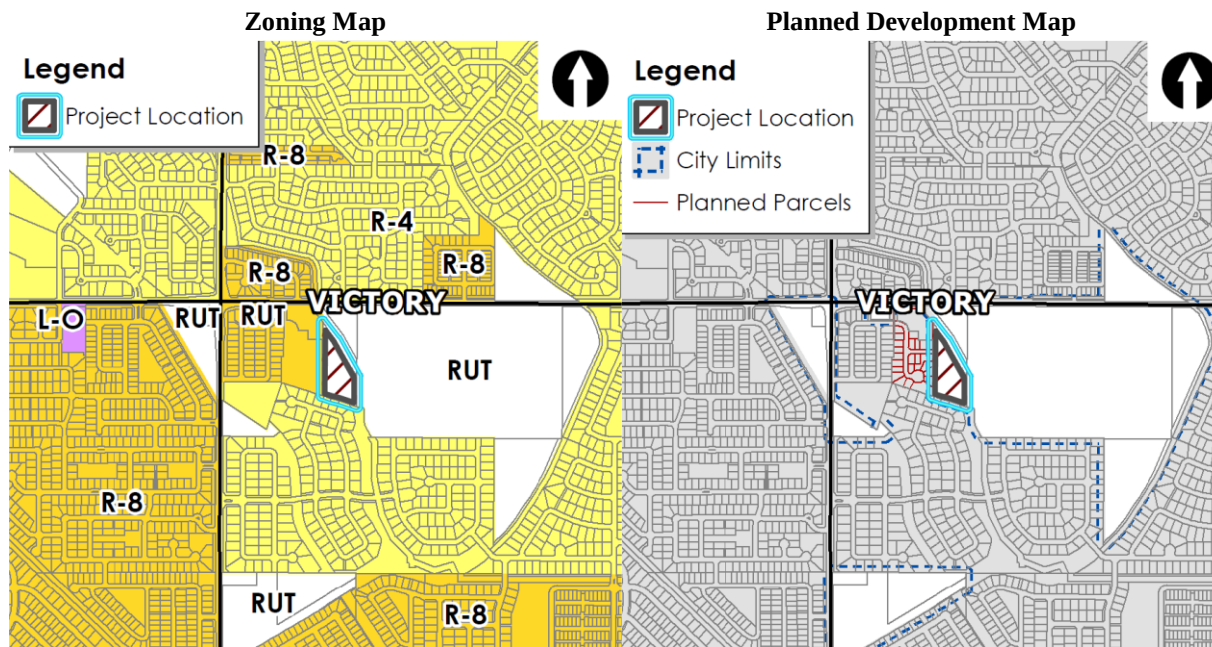
Description	Details
Ada County Highway District	
Staff report (yes/no)	Yes
Requires ACHD Commission Action (yes/no)	No
Existing Conditions	There is one (1) stub street planned to the west boundary of this site with Teakwood Place Subdivision (H-2020-0006).
CIP/IFYWP	Capital Improvements Plan (CIP)/ Integrated Five Year Work Plan (IFYWP): (If no improvements listed/scheduled) There are no roadways, bridges or intersections in the general vicinity of the project that are in the Integrated Five Year Work Plan (IFYWP) or the District's Capital Improvement Plan (CIP). - Victory Road is scheduled in the IFYWP for a corridor improvement project: Victory Corridor B, which includes widening to 3-lanes from Locust Grove Road to Eagle Road and constructing enhanced pedestrian bike facilities with design scheduled for 2025. - The intersection of Victory Road and Locust Grove Road is scheduled in the IFYWP for an intersection project including constructing a multi-lane roundabout, removing, and replacing the existing bridge over the Tenmile creek; with construction in 2023. - Locust Grove Road Bridge # 12 is scheduled in the IFYWP for a bridge improvement project: South Meridian Improvements A, which includes removing and replacing the existing bridge over Ten Mile Creek, with construction in 2026. - The intersection of Victory Road and Locust Grove Road is listed in the CIP to be widened to 4-lanes on the north leg, 4-lanes on the south, 4-lanes east, and 4-lanes on the west leg, and signalized between 2021 and 2025. - Victory Road is listed in the CIP to be widened to 3-lanes from Locust Grove Road to Eagle Road between 2026 and 2030.

Level of Service	Better than "E" ("E" is acceptable)
Access (Arterial/Collectors/State Hwy/Local)(Existing and Proposed)	Existing access for this parcel is provided via an access easement across the parcel to the northeast of this site (#S1129223005 DeChambeau) via E. Victory Rd. Proposed access is via the extension of E. Richardson St., a local street proposed with Teakwood Subdivision at the west boundary.
Proposed Road Improvements	None (this site doesn't have frontage on Victory Rd.)
Fire Department	
Distance to Fire Station	1.6 miles from Station #4
Resource Reliability	74% (doesn't meet targeted goal of 80% or greater)
Risk Identification	2 (current resources would not be adequate to supply service to this project)
Accessibility	Project meets all required access, road widths & turnarounds.
Special/resource needs	An aerial device is required.
Water Supply	1,000 gallons per minute for one hour

• Other Resources	
Police Service	<i>No comments were received.</i>
West Ada School District	<i>No comments were received.</i>
Wastewater	
• Distance to Sewer Services	Directly adjacent
• Sewer Shed	
• Estimated Project Sewer ERU's	See application
• WRRF Declining Balance	40,880
• Project Consistent with WW Master Plan/Facility Plan	Yes
• Impacts/Concerns	• Flow is committed
Water	
• Distance to Services	Directly adjacent
• Pressure Zone	
• Estimated Project Water ERU's	See application
• Water Quality Concerns	None
• Project Consistent with Water Master Plan	Yes
• Impacts/Concerns	See Public Works' Site-Specific Conditions

C. Project Maps





III. APPLICANT INFORMATION

A. Applicant:

Truman Mathews, Epic Development – 1831 E. Overland Rd., Meridian, ID 83642

B. Owner:

Ted Burke, EDM Partners – 2185 East 3300 South, Salt Lake City, UT 84109

C. Representative:

Same as Applicant

IV. NOTICING

	Planning & Zoning Posting Date	City Council Posting Date
Newspaper notification published in newspaper	1/29/2023	3/5/2023
Radius notification mailed to property owners within 300 feet	1/26/2023	3/3/2023
Public hearing notice sign posted on site	NA (<i>not required as the property is not adjacent to any streets</i>)	NA (<i>not required as the property is not adjacent to any streets</i>)
Nextdoor posting	1/30/2023	3/7/2023

V. COMPREHENSIVE PLAN ANALYSIS

LAND USE: This property is designated as Medium-Density Residential (MDR) on the Future Land Use Map (FLUM) contained in the [Comprehensive Plan](#). This designation allows for dwelling units at gross densities of three (3) to eight (8) dwelling units per acre.

The Applicant proposes a 17-lot subdivision for single-family residential detached homes at a gross density of 4.14 units per acre, consistent with the density desired in the MDR designation. Lots for proposed homes range in size from 4,245 square feet (s.f.) (or 0.10-acre) to 6,799 s.f. (or 0.16-acre); the size of the lot proposed for the existing home is 34,706 s.f. (or 0.80-acre). Although the overall density is consistent with the density desired in the MDR designation, the lot sizes proposed are smaller than typical for the density proposed with the retention of the existing home on a large lot.

TRANSPORTATION: The Master Street Map (MSM) does not depict any collector streets across this property. Local streets are proposed internally for access to the proposed lots. Transit services are not available to this site.

Goals, Objectives, & Action Items: Staff finds the following Comprehensive Plan policies to be applicable to this application and apply to the proposed use of this property (staff analysis in *italics*):

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

The proposed single-family detached dwellings on smaller lots will contribute to the variety of housing types and financial capabilities of future residents available in the City.

- “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)

City water and sewer service is available and can be extended by the developer with development in accord with UDC 11-3A-21.

- “Avoid the concentration of any one housing type or lot size in any geographical area; provide for diverse housing types throughout the City.” (2.01.01G)

This area is concentrated with single-family detached homes on a variety of lot sizes in the R-4 and R-8 zoning districts; there is no diversity in housing types in this area.

- “Require all new development to create a site design compatible with surrounding uses through buffering, screening, transitional densities, and other best site design practices.” (3.07.01A)

*No buffering or screening is proposed as residential is proposed next to residential land uses. The development proposes lot sizes that are 2,000+ s.f. smaller than abutting lots in the development process to the west in Teakwood Subdivision and about twice as small as those to the south in Tuscany Lakes Subdivision. **To provide a better transition to abutting future lots to the west, Staff recommends one (1) lot is removed in the area between Lots 6-8 where portions of three (3) lots about one (1) lot, and another one removed along the south boundary in the area between Lots 11-14.***

- “Encourage compatible uses and site design to minimize conflicts and maximize use of land.” (3.07.00)

The proposed development should be compatible with abutting existing and future single-family residential uses if the applicant revises the plat as recommended above to minimize conflicts.

- “Support infill development that does not negatively impact the abutting, existing development. Infill projects in downtown should develop at higher densities, irrespective of existing development.” (2.02.02C)

The subject property is part of a larger infill area that has not yet redeveloped and is surrounded by City annexed land. The proposed residential development shouldn't have a negative impact on abutting existing development if a better transition in lot sizes and configuration is provided as recommended.

- “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)

The proposed development will connect to City water and sewer systems with development of the subdivision; services are required to be provided to and though this development in accord with current City plans. The existing home that is proposed to remain on a lot in the proposed subdivision is required to connect to City water and sewer service.

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

*The Pathways Master Plan depicts a segment of the City's multi-use pathway system along the west side of the adjacent Eight Mile Lateral adjacent to the northern portion of the east boundary of this site. A micro-path is proposed to the west in the common lot at the southwest corner of the site for connectivity with the adjacent development (Teakwood Subdivision). **The Applicant should coordinate with the adjacent developer to provide a break in the fencing where the common areas adjoin to allow the connectivity between developments and a larger overall open space area to be enjoyed by residents of both developments.***

- “Require urban infrastructure be provided for all new developments, including curb and gutter, sidewalks, water and sewer utilities.” (3.03.03G)

Urban sewer and water infrastructure and curb, gutter and sidewalks are required to be provided with development of the subdivision.

- “Eliminate existing private treatment and septic systems on properties annexed into the City and instead connect users to the City wastewater system; discourage the prolonged use of private treatment septic systems for enclave properties.”

If annexed, the existing home will be required to abandon the existing septic system and connect to the City wastewater system.

- “Maximize public services by prioritizing infill development of vacant and underdeveloped parcels within the City over parcels on the fringe.” (2.02.02)

Development of the subject infill parcel will maximize public services.

VI. STAFF ANALYSIS

A. ANNEXATION (AZ)

The Applicant proposes to annex 4.74 acres of land with an R-8 zoning district, which includes land to the center line of the adjacent Eight Mile Lateral owned by NMID. A legal description and exhibit map for the annexation area is included in Section VIII.A. This property is within the City's Area of City Impact boundary.

There is an existing home and some accessory structures on the site; the existing home is proposed to remain on a lot in the proposed subdivision, the accessory structures will be removed. **As a provision of annexation, the existing home should connect to City water and sewer service within 60 days of it becoming available and disconnect from private service, as set forth in MCC [9-1-4](#) and [9-4-8](#).**

A preliminary plat and conceptual building elevations were submitted showing how the property is proposed to develop with 16 new single-family detached dwellings and retention of the existing home (see Section VIII). The proposed use and density of the development is consistent with the MDR FLUM designation as noted above in Section V.

Single-family detached dwellings are listed as a principal permitted use in the R-8 zoning district per UDC [Table 11-2A-2](#). Future development is subject to the dimensional standards listed in UDC [Table 11-2A-6](#) for the R-8 zoning district.

This property and the properties to the north and east are enclaves surrounded by City annexed land with existing and future single-family residential detached homes. As noted above in Section V, development of infill properties is supported provided it doesn't negatively impact the abutting, existing development. Because like uses (i.e. single-family detached residential) are proposed, the proposed development should be compatible with adjacent uses and shouldn't negatively impact them. Removing a lot along the west boundary and the south boundary as noted above in Section V should provide a better transition to abutting lots and not negatively impact them.

Future development should be generally consistent with the development plans submitted with this application and should comply with the conditions included in Section IX.

The City may require a development agreement (DA) in conjunction with an annexation pursuant to Idaho Code section 67-6511A. **If this property is annexed, Staff recommends a DA is required with the provisions discussed herein and included in Section IX.A.**

B. PRELIMINARY PLAT (PP):

The proposed preliminary plat consists of 17 building lots and 2 common lots on 4.14 acres of land in the proposed R-8 zoning district (see Section VIII.B). Proposed lots range in size from 4,245 square feet (s.f.) (or 0.10-acre) to 6,799 s.f. (or 0.16-acre) with a 34,706 square foot (or 0.80-acre) lot where the existing home is proposed to remain. The subdivision is proposed to develop in one phase.

Existing Structures/Site Improvements: There is an existing home and accessory structures on this site. The home is proposed to remain on a lot in the proposed subdivision; the accessory structures will be removed. **Prior to the City Engineer's signature on the final plat, all existing structures that do not conform to the setbacks of the district are required to be removed.**

Dimensional Standards (UDC [11-2](#)): The proposed plat and subsequent development is required to comply with the dimensional standards listed in UDC [Table 11-2A-6](#) for the R-8 zoning district. **The proposed plat appears to comply with the dimensional standards of the district although a curve table was not included on the plat to ensure compliance. Lot numbers in each block should be consecutive; revise accordingly.**

Access: Access is proposed via the extension of E. Richardson St., a local street planned to stub to the west boundary of the site with development of Teakwood Subdivision. Emergency access is proposed via the driveway for the existing home at the east boundary of the site from Victory Rd. ~~and to the north through Lot 1.~~ **Bollards are required to be placed across the emergency access driveway from Victory Rd., 30 feet from the right-of-way of Victory Rd., to prohibit public access; bollards shall meet the Fire Dept. requirements as either knock over or two bollards with a heavy chain and knox padlock.**

ACHD is requiring right-of-way (ROW) to be dedicated (but the street not constructed) for the future extension of Richardson St. from the east side of Tamayo Ct. to the east property line upon redevelopment of the property to the east. This unimproved area may be landscaped if desired through a license agreement with ACHD.

A local street (Tamayo Ct.) is proposed off Richardson St. to the south terminating in a cul-de-sac. No other stub streets exist to this site that require extension and no other stub streets are required to be provided to adjacent properties. The proposed dead-end street/cul-de-sac complies with the standards listed in UDC [11-6C-3B.4](#).

The access for the existing home via an easement from Victory Rd. shall terminate and sole access should be provided internally from Tamayo Ct.; emergency access only may be provided from this driveway. The address for the existing home is required to change since access will no longer be provided via Victory Rd.

Common Driveways (UDC [11-6C-3D](#)): All common driveways are required to be designed and constructed per the standards listed in UDC 11-6C-3D. Two (2) common driveways are proposed on the plat.

All properties that abut a common driveway shall take access from the driveway; however, if an abutting property (i.e. Lot 12) has the required minimum street frontage, that property is not required to take access from the common driveway. In this situation, the abutting property's driveway shall be on the opposite side of the shared property line; away from the common driveway. Solid fencing adjacent to common driveways shall be prohibited, unless separated by a minimum five-foot wide landscaped buffer planted with shrubs, lawn or other vegetative groundcover. ~~A revised detail for the common driveways should be submitted that depicts the setbacks, fencing, building envelope (including parking pad), landscaping and orientation of the lots and structures.~~

A perpetual ingress/egress easement shall be filed with the Ada County Recorder, which shall include a requirement for maintenance of a paved surface capable of supporting fire vehicles and equipment. The easement may be depicted on the plat with a note including the required specifications or in a separate easement. **If a separate easement is submitted, a copy of the recorded easement shall be submitted prior to City Engineer signature on the final plat.**

Landscaping (UDC [11-3B](#)): No street buffers are required to be provided in this subdivision as only local streets are proposed, which don't require buffers per UDC [Table 11-2A-6](#).

Landscaping is required along all pathways per the standards listed in UDC [11-3B-12C](#); **the landscape plan should be revised to include landscaping along the micro-path in the common lot at the southwest corner of the site and along the multi-use pathway along the northern portion of the east boundary of the site. Calculations should be included demonstrating compliance with these standards.**

Landscaping is proposed in common open space areas in accord with the standards listed in UDC 11-3G-5B.3. Include calculations on the plan that demonstrate compliance.

There are a lot of existing trees on this site, many of which are proposed to be preserved and protected as depicted on the landscape plan. **Mitigation is required for trees being removed from the site per the standards listed in UDC [11-3B-10C.5](#) and should be depicted on the landscape plan.**

The landscape plan incorrectly depicts an irrigation easement over the common lot at the east boundary of the site; the plan should be revised to remove the easement.

Common Open Space & Site Amenities (UDC [11-3G-3](#)): Common open space and site amenities are required to be provided with development of properties of 5 acres or more in area per the standards listed in UDC [11-3G-3](#). This site consists of 4.11 acres of land; therefore, minimum open space & site amenity

standards do not apply. A total of 0.27-acre (or 7%) of common open space is proposed consisting of a 0.18-acre common area with a 30' x 40' tot lot along the west boundary of the site with a pathway that connects to common open in the abutting future development to the west (Teakwood subdivision) and another 0.08-acre common lot on the northeast portion of the site. Additional common open space (approximately 0.20-acre) will be provided with the provision of a common lot for the multi-use pathway along the east boundary of the site. Total common open space provided within the development will be approximately 0.55-acre (or 13.5%).

Pathways: The Pathways Master Plan depicts a multi-use pathway along the eastern boundary of this site adjacent to the Eight Mile Lateral; the “working” version of the plan has been updated to depict the pathway crossing the lateral at the existing bridge and then continuing to the south on the east side of the lateral. **The landscape plan should be revised to include a 10-foot wide multi-use pathway with a 5-foot wide strip on each side of the pathway, landscaped per the standards listed in UDC [11-3B-12C](#), in the common lot along the east boundary of the site on the portion of the site north of the bridge; the common lot proposed to the south of the bridge is not needed and the area should be absorbed into adjacent building lots. The pathway should be constructed per the standards listed in UDC [11-3A-8](#). A 14-foot wide public pedestrian easement shall be submitted to the Planning Division for the pathway prior to signature on the final plat by the City Engineer.**

The Park’s Dept. recommends the off-site bridge across the Eight Mile Lateral be widened or a separate pedestrian bridge constructed to accommodate the 10-foot wide multi-use with NMID’s consent.

Sidewalks ([11-3A-17](#)): A 5-foot wide attached sidewalk is required along internal local streets as proposed. **Sidewalks and curbing are not required along common driveways; remove from the plan.**

Waterways: The Eight Mile Lateral runs off-site along the eastern boundary of the site within property owned by Nampa-Meridian Irrigation District.

Fencing: All fencing is required to be comply with the standards listed in UDC [11-3A-6C](#) and [11-3A-7](#). A 6-foot tall closed vision fence is proposed along the perimeter boundary of the development and around common open space areas visible from the street. A 4-foot tall open vision fence is proposed adjacent to the multi-use pathway and canal along the east boundary of the site. A 6-foot tall open vision fence (wrought iron) should be installed between the pathway and the lateral for public safety in accord with the Park’s Dept. comments in Section IX. A detail(s) of the proposed fencing should be included on a revised landscape plan submitted with the final plat application.

The Applicant should coordinate with the adjacent developer of Teakwood Subdivision to the west to provide a break in the fencing where the common areas adjoin to allow the connectivity between developments and a larger overall open space area to be enjoyed by residents of both developments.

Utilities ([UDC 11-3A-21](#)): Connection to City water and sewer services is required in accord with UDC 11-3A-21. The existing home proposed to remain on Lot 3, Block 2 is required to connect to City water and sewer service within 60 days of it becoming available as set forth in MCC [9-1-4](#) and [9-4-8](#).

Street lighting is required to be installed in accord with the City’s adopted standards, specifications and ordinances.

Pressurized Irrigation System ([UDC 11-3A-15](#)): Underground pressurized irrigation water is required to be provided to each lot within the subdivision as set forth in UDC 11-3A-15.

Storm Drainage ([UDC 11-3A-18](#)): An adequate storm drainage system is required in all developments in accord with the City’s adopted standards, specifications and ordinances. Design and construction shall

follow best management practice as adopted by the City as set forth in UDC 11-3A-18. A [geotechnical report](#) was submitted with this subdivision.

Building Elevations: Six (6) conceptual building elevation photos were submitted that demonstrate what future homes in this development will look like (see Section VIII.E). A mix of single-story and 2-story homes are proposed with a mix of building materials, including stone veneer accents, and architectural elements. **Future structures should be generally consistent with the proposed elevations.**

VII. DECISION

A. Staff:

Staff recommends approval of the proposed annexation with the requirement of a Development Agreement, and preliminary plat per the provisions in Section IX in accord with the Findings in Section X.

B. The Meridian Planning & Zoning Commission heard these items on February 16, 2023. At the public hearing, the Commission moved to recommend approval of the subject AZ and PP requests.

1. Summary of Commission public hearing:

- a. In favor: Todd Lakey (applicant's Representative)
- b. In opposition: None
- c. Commenting: Mary DeChambeau
- d. Written testimony: Delaine McLafferty – opposed the project due to traffic concerns
- e. Staff presenting application: Bill Parsons
- f. Other Staff commenting on application: None

2. Key issue(s) of public testimony:

- a. None

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

- a. Transitional lots sizes on the west and south boundary.
- b. Continued use of the vehicular bridge as a pedestrian bridge.
- c. Relocating or eliminating one lot from taking access from the common driveway in the southeast corner of the development.

4. Commission change(s) to Staff recommendation:

- a. At Staff's request, include a provision in the DA as follows: "Construction traffic for the re-development of this property shall access the site via the future extension of Richardson Street; access via the existing easement from E. Victory Rd. is prohibited."
- b. At Staff's request, include a preliminary plat condition of approval for the final plat to be amended consistent with the lot configurations depicted on the revised common driveway exhibit in Section VIII.D."
- c. At the applicant's request, the Commission included a DA provision to limit the homes on the southern lots to single story only.
- d. Commission struck condition 2A removing the requirement to lose lots along the west and south boundary.
- e. Modified condition #10 - Coordinate with the Parks Department to determine if the existing bridge can be used for a pedestrian crossing.

5. Outstanding issue(s) for City Council:

- a. None

C. The Meridian City Council heard these items on March 21, 2023. At the public hearing, the Council moved to approve the subject AZ and PP requests.

1. Summary of the City Council public hearing:
 - a. In favor: Todd Lakey, Applicant's Representative
 - b. In opposition: None
 - c. Commenting: Monty Morgner; Mary DeChambeau
 - d. Written testimony: Monty Morgner, Mary DeChambeau
 - e. Staff presenting application: Sonya Allen
 - f. Other Staff commenting on application: Garrett White, Park's Dept.; Joe Bongiorno, Fire Dept.
2. Key issue(s) of public testimony:
 - a. Historical issues between this property and the neighboring DeChambeau property in regard to Ada County's previous approval of an access easement/road through their property benefitting the subject property (i.e. irrigation, drainage, access road, etc.);
 - b. Traffic concerns related to the proposed development; the access easement that exists across the DeChambeau property that provides access to this property; objecting to the existing home remaining on the property because it doesn't fit in with the surrounding neighborhood; request for the pathway along the northeast side of the development to be fenced off from the waterway & the property to the east; the height of the homes along the east boundary of the development don't fit with the rest of the neighborhood; and concerns pertaining to light impacts from the development on the property to the east;
 - c. Fire Dept. testified they felt comfortable using the existing bridge for emergency access.
3. Key issue(s) of discussion by City Council:
 - a. The pedestrian pathway and bridge required across the lateral;
 - b. Possibility of using the other access easement that exists to the west approved with the Teakwood development for secondary access to this property rather than using the existing one across the DeChambeau property and vacate the one across the DeChambeau property.
4. City Council change(s) to Commission recommendation:
 - a. The Council added a DA provision requiring all homes within the development to be fire sprinklered unless an access easement can be provided that allows for emergency access only to be provided across the DeChambeau property (see Section IX.A.1e).
 - b. At the recommendation of Staff, Council added a DA provision at the recommendation of Staff requiring a "no trespassing" sign to be installed at the end of the multi-use pathway along the east boundary of the site that stubs to the DeChambeau property (see Section IX.A.1f).

VIII. EXHIBITS

A. Annexation Legal Description and Exhibit Map - Revised

ANNEXATION MILLWOOD SUB
EXHIBIT A
PROPERTY DESCRIPTION

A parcel of land lying in the NW 1/4 of the NW 1/4 of Section 29, Township 3 North, Range 1 East, Boise Meridian, Ada County, Idaho, said parcel being more particularly described as follows:

Commencing at an aluminum cap marking the North 1/4 Corner of said Section 29; thence N.89°49'00"W. along the North line of said Section 29 a distance of 1340.37 feet to a 5/8" iron pin; thence S.00°01'15"W. a distance of 629.36 feet more or less to a point lying on the Centerline of Eight Mile Lateral, said pin also being the POINT OF BEGINNING;

Thence S.00°01'15"W. a distance of 390.73 feet to a 5/8" iron pin;

Thence N.73°02'00"W. a distance of 354.80 feet to a 5/8" iron pin;

Thence N.00°01'30"W. a distance of 791.62 feet more or less to a point on the Centerline of Eight Mile Lateral;

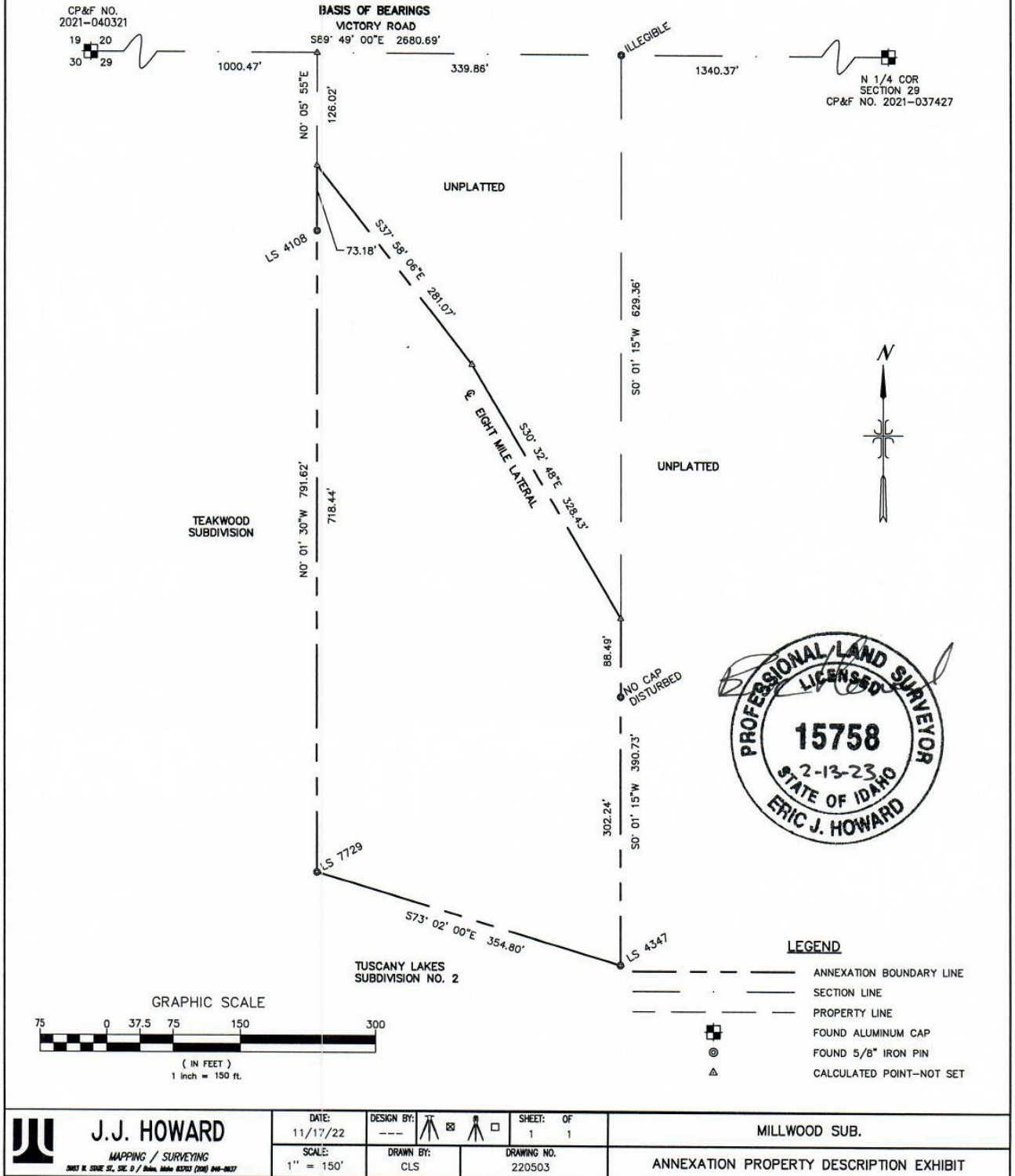
Thence along the Centerline of Eight Mile Lateral S.37°58'06"E. a distance of 281.07 feet to a point;

Thence continuing along said centerline S.30°32'48"E. a distance of 328.43 feet to a point also being the POINT OF BEGINNING.

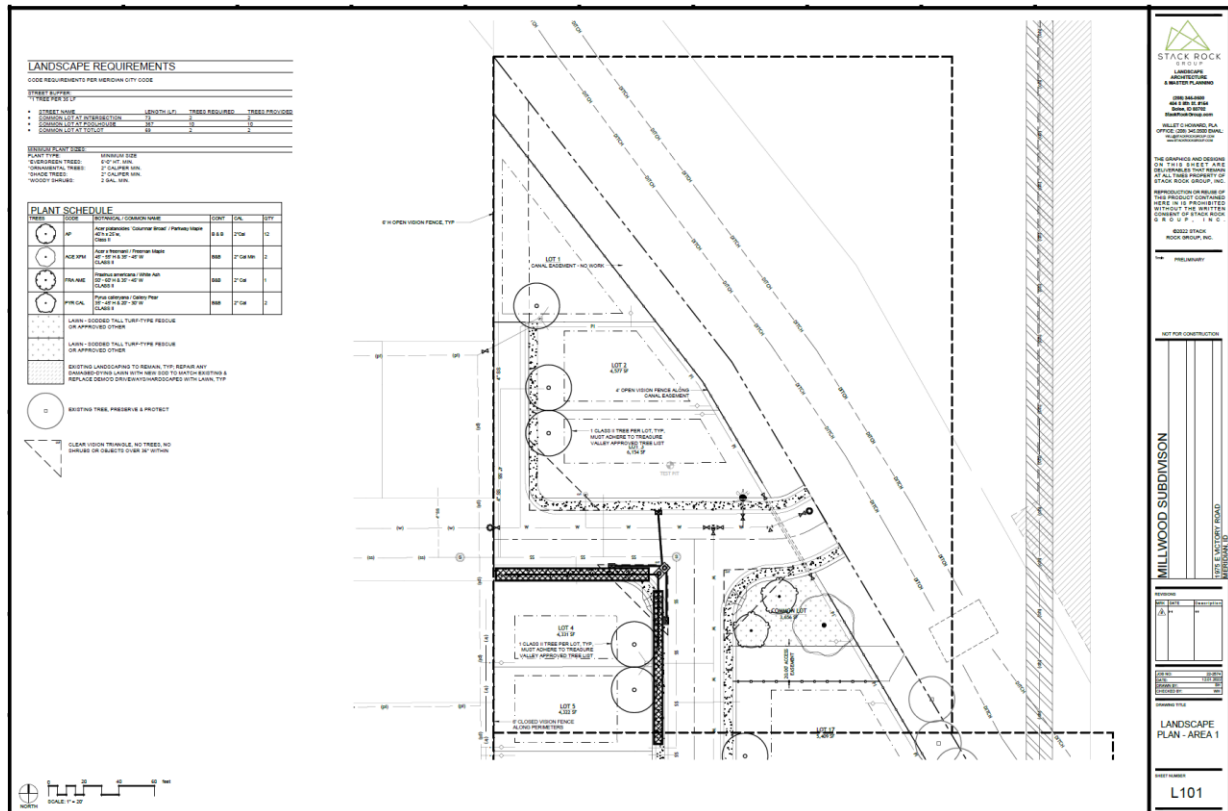
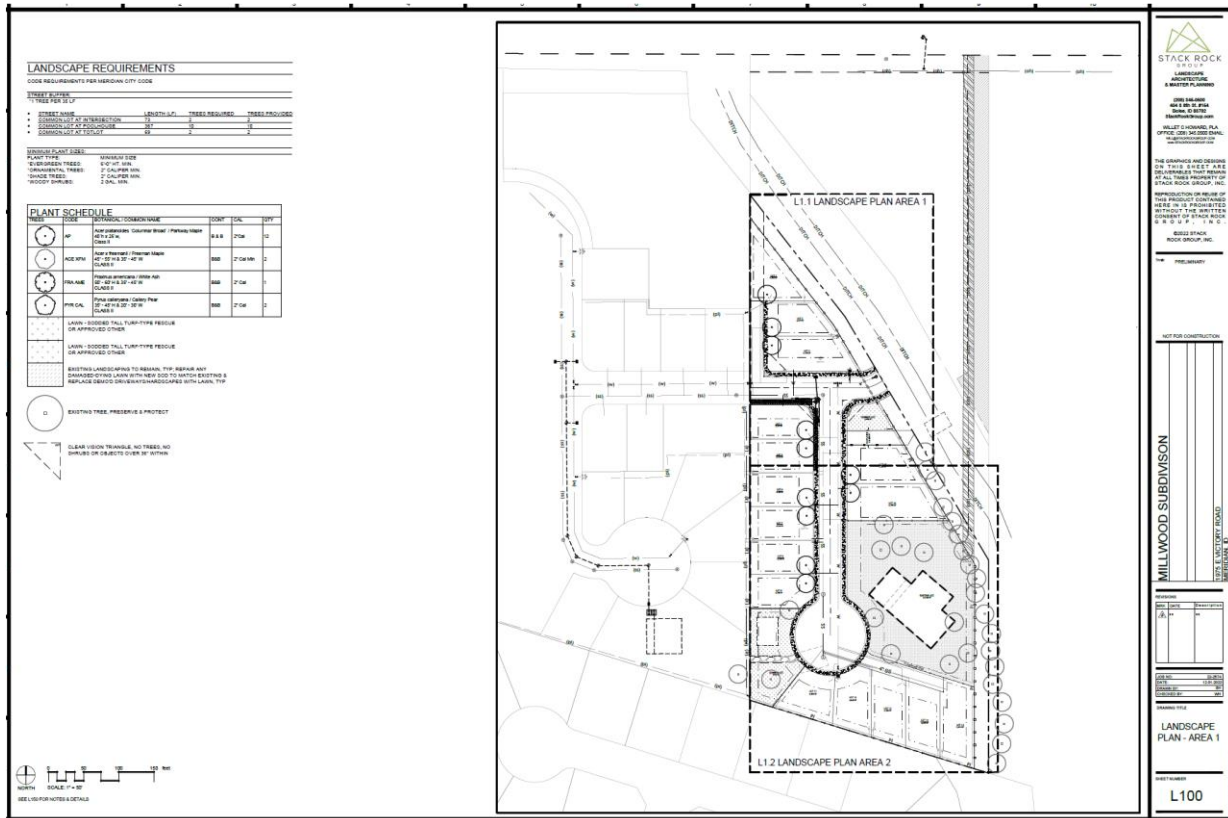
Said parcel contains 4.74 acres, more or less, and is subject to all existing easements and rights-of-ways of record or implied.

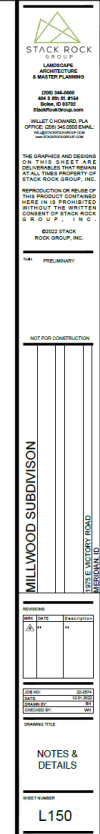
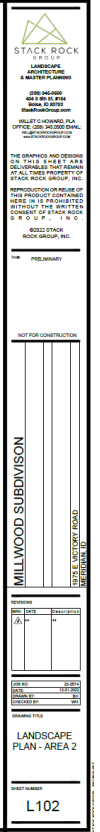


EXHIBIT B
ANNEXATION FOR MILLWOOD SUB.
PORTION OF THE NW1/4 OF THE NW1/4, SECTION 29,
TOWNSHIP 3 NORTH, RANGE 1 EAST, BOISE MERIDIAN,
ADA COUNTY, IDAHO

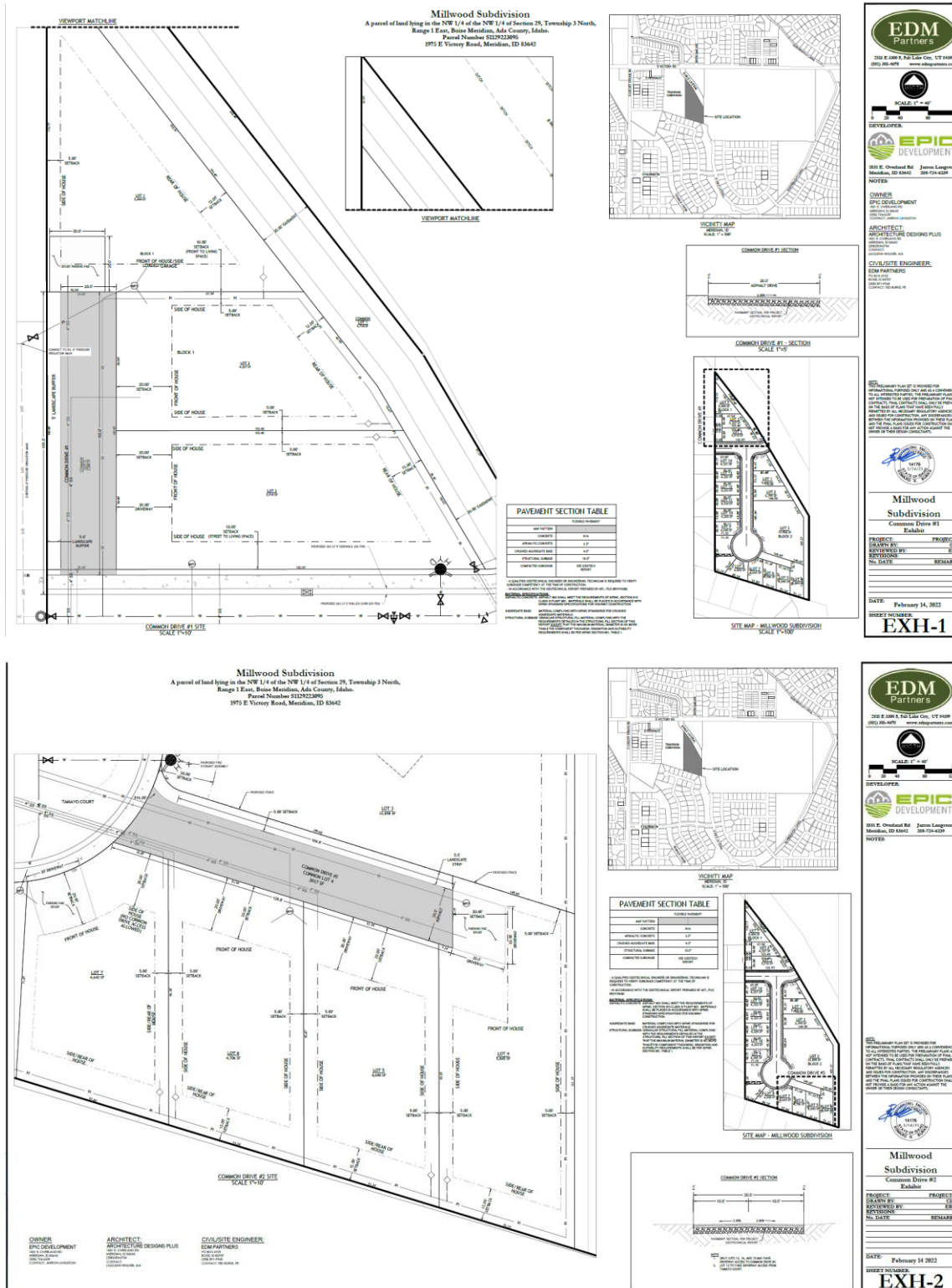


C. Landscape Plan (dated: 12/1/2022)





D. Common Driveway Exhibit



Note: If the common lot to the east of Lot 4, Block 2 is removed, a greater setback may be required if a wider easement is required along the subdivision boundary.

E. Conceptual Building Elevation Photos



IX. 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 included in Section VIII and the provisions contained herein.
 - b. The existing home proposed to remain on a lot in the subdivision shall be required to connect to City water and sewer service within 60 days of it becoming available and disconnect from private service, as set forth in MCC [9-1-4](#) and [9-4-8](#).
 - c. Construction traffic for the re-development of this property shall access the site via the future extension of Richardson Street; access via the existing easement from E. Victory Rd. is prohibited.
 - d. The homes constructed on Lots 4-8, Block 1 shall be restricted to single story only.
 - e. The Developer shall install fire sprinklers in all homes within the subdivision, including the existing home; or, with submittal of the final plat application, submit written documentation that demonstrates the existing access easement via E. Victory Road across the DeChambeau property (Parcel #S1129120742) may be used for emergency access only for the development – in this case, fire sprinklers are not required.
 - f. The Developer shall install a “no trespassing” sign at the end of the multi-use pathway along the east boundary of the site that stubs to the DeChambeau property (parcel #S1129120742).
2. The final plat shall include the following revisions:
 - a. ~~Remove a minimum of one (1) lot along the west boundary in the area between Lots 6-8 where portions of three (3) lots abut one (1) lot; and remove a minimum of one (1) lot along the south boundary in the area between Lots 11-14 in order to provide a better transition in lot sizes to adjacent properties.~~
 - b. Right-of-way is required to be dedicated from the east side of Tamayo Ct. to the east property line to allow for future construction of a stub street (Richardson St.). No improvements are required in this area at this time, per the ACHD staff report (condition #2).
 - c. Remove the sidewalks and curbing along common driveways.
 - d. Include a curve table.
 - e. Revise lot numbers in each block to be consecutive.
 - f. Remove the common lot for the pathway along the eastern boundary of this site south of the existing bridge as the pathway is planned to cross the bridge and continue off-site to the south. This area can be absorbed by adjacent lots.
 - g. Amend the plat consistent with the lot configurations depicted on the revised common driveway exhibit in Section VIII.D.

3. The landscape plan submitted with the final plat shall include the following revisions:
 - a. Revise the lot configuration as required in conditions #2a and #2f above.
 - b. Depict landscaping if desired in the right-of-way required to be dedicated for the future extension of Richardson St. from Tamayo Ct. to the east property line (no improvements are required in this area). A license agreement will be required with ACHD for landscaping within this area per the ACHD staff report (condition #2).
 - c. Depict a 10-foot wide multi-use pathway with a 5-foot wide strip on each side of the pathway in the common lot along the northern portion of the east boundary of the site (north of the existing bridge across the Eight Mile Lateral adjacent to Lots 1-3, Block 1 and Lot 3, Block 2), in accord with the “working” version of the Pathways Master Plan, landscaped per the standards listed in UDC [11-3B-12C](#).
 - d. Include mitigation calculations on the plan for existing trees that are proposed to be removed in accord with the standards listed in UDC [11-3B-10C.5](#).
 - e. Include calculations that demonstrate compliance with the common open space standards listed in UDC [11-3G-5B.3](#) and the pathway standards listed in UDC [11-3B-12C](#).
 - f. Include a detail for each of the proposed fencing types and for the children’s play equipment proposed for the tot lot.
 - g. Remove the perimeter fencing along the west boundary of the common lot at the southwest corner of the development where it adjoins common area in Teakwood Subdivision *if* the Applicant is able to coordinate with the adjacent developer to arrange no fencing on that development in the same area.
 - h. If the easement for the access road across the DeChambeau property (parcel #S1129120742) is determined eligible to be used for emergency access only and consent from the property owner is obtained, Depict bollards across the emergency access driveway 30 feet from the right-of-way of Victory Rd. to prohibit public access; bollards shall meet the Fire Dept. requirements as either knock over or two bollards with a heavy chain and knox padlock.
 - i. Remove the irrigation easement depicted over the common lot along the east boundary of the site as there is no easement over that area.
 - j. Depict a 6-foot tall open vision fence (wrought iron) fence between the pathway and the lateral for public safety in accord with the Park’s Dept. comments in Section IX.E.
4. The Applicant should coordinate with the adjacent developer of Teakwood Subdivision to the west to provide a break in the fencing where the common areas adjoin to allow the connectivity between developments and a larger overall open space area to be enjoyed by residents of both developments.
5. Prior to the City Engineer’s signature on the final plat, all existing structures that do not conform to the setbacks of the R-8 zoning district shall be removed.
6. The address for the existing home is required to change since access will no longer be provided from E. Victory Rd. The Applicant should coordinate the new address with the Land Development Dept. (tricks@meridiancity.org).
7. Access for the existing home shall be provided solely from internal local streets; the existing driveway via E. Victory Rd. shall be used solely for emergency access.
8. Submit a 14-foot wide public pedestrian easement for the multi-use pathway required along the northern portion of the east boundary of the site prior to City Engineer signature on the final plat.

9. All common driveways shall be designed and constructed per the standards listed in UDC [11-6C-3D](#) and shall be consistent with the exhibit in Section VIII.D. ~~Submit a detail for each of the common driveways with the final plat application that depicts the setbacks, fencing, building envelope (including parking pad), landscaping and orientation of the lots and structures that complies with the aforementioned standards. Make any changes necessary to the preliminary plat and landscape plan to comply with these standards.~~
10. The applicant shall coordinate with the Parks Department to determine if the existing bridge can be used as a pedestrian crossing. The bridge across the Eight Mile Lateral shall be widened or a separate pedestrian bridge constructed to accommodate the 10-foot wide multi-use pathway as required by the Park's Dept. with the NMID's consent.
11. Approval of a preliminary 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. Upon written request and filing by the applicant prior to the termination of the period in accord with subsections (A) and (B) of UDC 11-6B-7, 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 this title.

B. PUBLIC WORKS

1. Site Specific Conditions of Approval

- 1.1 As per the Pre-con notes, applicant to provide water main to property boundary along this southeast portion (need to provide to-and-through to 2015 E VICTORY RD).
- 1.2 Water mains are not allowed in common driveways.
- 1.3 Mains require 20' easement with no permanent structures which includes trees.
- 1.4 Provide hydrant or 4" blow-off at eastern property boundary.

2. General Conditions of Approval

- 2.1 Applicant shall coordinate water and sewer main size and routing with the Public Works Department, and execute standard forms of easements for any mains that are required to provide service outside of a public right-of-way. Minimum cover over sewer mains is three feet, if cover from top of pipe to sub-grade is less than three feet than alternate materials shall be used in conformance of City of Meridian Public Works Departments Standard Specifications.
- 2.2 Per Meridian City Code (MCC), the applicant shall be responsible to install sewer and water mains to and through this development. Applicant may be eligible for a reimbursement agreement for infrastructure enhancement per MCC 8-6-5.
- 2.3 The applicant shall provide easement(s) for all public water/sewer mains outside of public right of way (include all water services and hydrants). The easement widths shall be 20-feet wide for a single utility, or 30-feet wide for two. The easements shall not be dedicated via the plat, but rather dedicated outside the plat process using the City of Meridian's standard forms. The easement shall be graphically depicted on the plat for reference purposes. Submit an executed easement (on the form available from Public Works), a legal description prepared by an Idaho Licensed Professional Land Surveyor, which must include the area of the easement (marked EXHIBIT A) and an 8 1/2" x 11" map with bearings and distances (marked EXHIBIT B) for review. Both exhibits must be sealed, signed and dated by a Professional Land Surveyor. DO

NOT RECORD. Add a note to the plat referencing this document. All easements must be submitted, reviewed, and approved prior to development plan approval.

- 2.4 The City of Meridian requires that pressurized irrigation systems be supplied by a year-round source of water (MCC 9-1-28.C). The applicant should be required to use any existing surface or well water for the primary source. If a surface or well source is not available, a single-point connection to the culinary water system shall be required. If a single-point connection is utilized, the developer will be responsible for the payment of assessments for the common areas prior to receiving development plan approval.
- 2.5 All existing structures that are required to be removed shall be prior to signature on the final plat by the City Engineer. Any structures that are allowed to remain shall be subject to evaluation and possible reassignment of street addressing to be in compliance with MCC.
- 2.6 All irrigation ditches, canals, laterals, or drains, exclusive of natural waterways, intersecting, crossing or laying adjacent and contiguous to the area being subdivided shall be addressed per UDC 11-3A-6. In performing such work, the applicant shall comply with Idaho Code 42-1207 and any other applicable law or regulation.
- 2.7 Any 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.
- 2.8 Any existing septic systems within this project shall be removed from service per City Ordinance Section 9-1-4 and 9 4 8. Contact Central District Health for abandonment procedures and inspections (208)375-5211.
- 2.9 Street signs are to be in place, sanitary sewer and water system shall be approved and activated, road base approved by the Ada County Highway District and the Final Plat for this subdivision shall be recorded, prior to applying for building permits.
- 2.10 A letter of credit or cash surety in the amount of 110% will be required for all uncompleted fencing, landscaping, amenities, etc., prior to signature on the final plat.
- 2.11 All improvements related to public life, safety and health shall be completed prior to occupancy of the structures. Where approved by the City Engineer, an owner may post a performance surety for such improvements in order to obtain City Engineer signature on the final plat as set forth in UDC 11-5C-3B.
- 2.12 Applicant shall be required to pay Public Works development plan review, and construction inspection fees, as determined during the plan review process, prior to the issuance of a plan approval letter.
- 2.13 It shall be the responsibility of the applicant to ensure that all development features comply with the Americans with Disabilities Act and the Fair Housing Act.
- 2.14 Applicant shall be responsible for application and compliance with any Section 404 Permitting that may be required by the Army Corps of Engineers.
- 2.15 Developer shall coordinate mailbox locations with the Meridian Post Office.
- 2.16 Compaction test results shall be submitted to the Meridian Building Department for all building pads receiving engineered backfill, where footing would sit atop fill material.

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

C. FIRE DEPARTMENT

<https://weblink.meridiancity.org/WebLink/DocView.aspx?id=286468&dbid=0&repo=MeridianCity&cr=1>

D. POLICE DEPARTMENT

No comments were submitted.

E. PARK'S DEPARTMENT - REVISED

<https://weblink.meridiancity.org/WebLink/DocView.aspx?id=289312&dbid=0&repo=MeridianCity>

F. NAMPA & MERIDIAN IRRIGATION DISTRICT (NMID)

<https://weblink.meridiancity.org/WebLink/DocView.aspx?id=287221&dbid=0&repo=MeridianCity>

G. WEST ADA SCHOOL DISTRICT (WASD)

No comments were submitted.

H. DEPARTMENT OF ENVIRONMENTAL QUALITY (DEQ)

<https://weblink.meridiancity.org/WebLink/DocView.aspx?id=287891&dbid=0&repo=MeridianCity&cr=1>

I. IDAHO TRANSPORTATION DEPARTMENT (ITD)

<https://weblink.meridiancity.org/WebLink/DocView.aspx?id=287900&dbid=0&repo=MeridianCity>

J. ADA COUNTY DEVELOPMENT SERVICES

<https://weblink.meridiancity.org/WebLink/DocView.aspx?id=288769&dbid=0&repo=MeridianCity>

K. ADA COUNTY HIGHWAY DISTRICT (ACHD)

<https://weblink.meridiancity.org/WebLink/DocView.aspx?id=288769&dbid=0&repo=MeridianCity>

X. 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;
The City Council finds the Applicant's request to annex the subject property with R-8 zoning and develop single-family detached dwellings on the site at a gross density of 4.14 units per acre is consistent with the density desired in the MDR designation for this property.
2. The map amendment complies with the regulations outlined for the proposed district, specifically the purpose statement;
The City Council finds the proposed map amendment to R-8 and development generally complies with the purpose statement of the residential districts in that it will contribute to the range of housing opportunities available in the City consistent with the Comprehensive Plan.
3. The map amendment shall not be materially detrimental to the public health, safety, and welfare;
The City Council finds the proposed map amendment should not be detrimental to the public health, safety and welfare as the proposed residential uses should be compatible with adjacent single-family residential homes/uses in the area.
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
The City Council finds City services are available to be provided to this development. Comments were not received from WASD on this application so Staff is unable to determine impacts to the school district.

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

The City Council finds the proposed annexation is in the best interest of the city.

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)

The City Council finds the proposed plat is generally in conformance with the UDC and the Comprehensive Plan.

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

The City 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;

The City Council finds the plat is in conformance with scheduled public improvements for this area in accord with the City's CIP.

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

The City 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

The City 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 City Council is unaware of any significant natural, scenic or historic features that need to be preserved with this development.