

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



In the Matter of the Request for a New Development Agreement for Brundage Estates Subdivision as Required with Annexation of the Property (AZ-13-014, Ord. #14-1594), by Engineering Solutions.

Case No(s). H-2024-0031

For the City Council Hearing Date of: August 20, 2024 (Findings on August 27, 2024)

A. Findings of Fact

1. Hearing Facts (see attached Staff Report for the hearing date of August 20, 2024, incorporated by reference)
2. Process Facts (see attached Staff Report for the hearing date of August 20, 2024, incorporated by reference)
3. Application and Property Facts (see attached Staff Report for the hearing date of August 20, 2024, incorporated by reference)
4. Required Findings per the Unified Development Code (see attached Staff Report for the hearing date of August 20, 2024, 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 August 20, 2024, 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 a new Development Agreement is hereby approved per the provisions in the Staff Report for the hearing date of August 20, 2024, attached as Exhibit A.

D. Notice of Applicable Time Limits

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 August 20, 2024

By action of the City Council at its regular meeting held on the _____ day of _____, 2024.

COUNCIL PRESIDENT LUKE CAVENER VOTED _____

COUNCIL VICE PRESIDENT LIZ STRADER VOTED _____

COUNCIL MEMBER DOUG TAYLOR VOTED _____

COUNCIL MEMBER JOHN OVERTON VOTED _____

COUNCIL MEMBER ANNE LITTLE ROBERTS VOTED _____

COUNCIL MEMBER BRIAN WHITLOCK VOTED _____

MAYOR ROBERT SIMISON VOTED _____
(TIE BREAKER)

Mayor Robert E. Simison

Attest:

Chris Johnson
City Clerk

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

By: _____ Dated: _____
City Clerk's Office

EXHIBIT A

COMMUNITY DEVELOPMENT DEPARTMENT REPORT



HEARING DATE: 8/20/2024

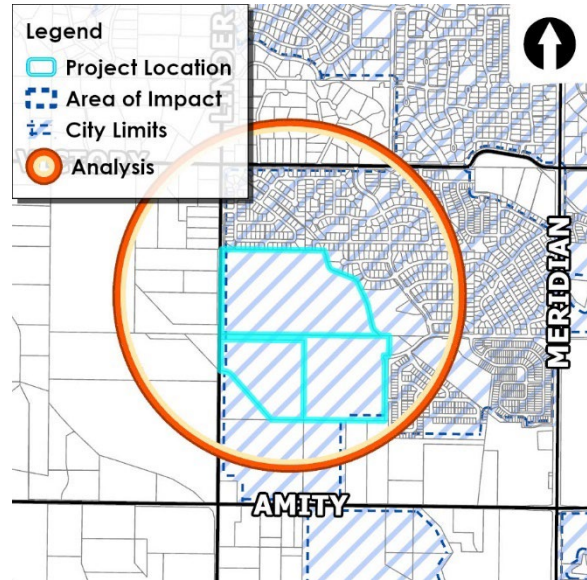
TO: Mayor & City Council

FROM: Sonya Allen, Associate Planner
208-884-5533
sallen@meridiancity.org

APPLICANT: Engineering Solutions

SUBJECT: [H-2024-0031](#)
Brundage Estates – MDA

LOCATION: 3770 S. Linder Rd., in the west ½ of Section 25, T.3N., R.1W.



I. PROJECT OVERVIEW

A. Summary

Request for a new development agreement for Brundage Estates as required with annexation of the property (AZ-13-014, Ord. #14-1594).

B. Issues/Waivers

None

C. Recommendation

Staff: Approval with the provisions included below in Section IV.

D. Decision

Council: Approved the MDA request with the stipulation the Applicant submit revised conceptual elevations as requested by Staff that comply with the minimum design standards in the Architectural Standards Manual for approval by Staff prior to Council approval of the DA. The conceptual elevations included in Section VI.F below are *not* approved – see subsequent Development Agreement for approved elevations.

II. COMMUNITY METRICS

Table 1: Land Use

Description	Details	Map Ref.
Existing Land Use(s)/Proposed Use	There is currently one single-family home on this rural residential/agricultural property	-
Proposed Land Use(s)	A total of 366 single-family homes are entitled to develop on this site	-
Existing Zoning	R-4 (medium low-density residential)	VI.A.2
Future Land Use Designation	LDR (Low-density Residential) & MDR (Medium-density Residential)	VI.A.3

Table 2: Process Facts

Description	Details
Preapplication Meeting date	6/4/2024
Neighborhood Meeting	6/20/2024
Site posting date	8/10/2024

III. STAFF ANALYSIS

Comprehensive Plan and Unified Development Code (UDC)

A. General Overview

This property was annexed in 2014 with the Victory South annexation, which was a Category B annexation of approximately 310.08-acres of land by the City of Meridian ([AZ-13-014](#), Ord. #[14-1594](#)). One of the provisions of the Declaration of Consent to Annexation was that the property owner may not develop (or receive development approval) until such time as the property owners and the City execute a Development Agreement (DA).

A preliminary plat for Brundage Estates Subdivision was approved in 2016, followed by several time extensions, the most recent of which is currently in process. The developer is now nearing submittal of a final plat application, which constitutes “development”; therefore, a DA is requested as required.

The preliminary plat entitles the property to develop with 366 building lots, 20 common lots and one (1) other lot on 136.63-acres of land in the R-4 zoning district as shown in Section VI.C below. An 8-acre City park is planned within the development as well as the extension of W. Harris Street, a mid-mile east/west collector street, from the east boundary of the site to the west to S. Linder Rd. in accord with ACHD’s Master Street Map, which will improve transportation in this area (see landscape plan and conceptual park master plan in Section VI.D below).

When the preliminary plat was approved, a step-down in density was approved on the southern portion of the property from medium- to low-density residential to match that on the northern portion of the property. The proposed development will provide larger lot sizes (i.e. average of 10,193 square feet) than is typical these days with an overall gross density of 2.68 units per acre, which is consistent with Policy #2.01.01 in the Comprehensive Plan, which states, “*Encourage diverse housing options suitable for various income levels, household sizes, and lifestyle preferences.*” The provision of a City park is also consistent with Policy #4.02.02, which states, “*Provide a variety of park types (neighborhood parks, community parks, regional parks) with a diversity of uses and activities interspersed throughout the community.*”

Staff recommends the proposed DA include provisions for future development of this property to be consistent with the approved preliminary plat, landscape plan and conceptual park master plan. As conditions of the concurrent time extension application, Staff recommends 10-foot wide detached sidewalks are provided in lieu of 5-foot sidewalks along S. Linder Rd. and W. Harris St. for public safety; and internal local and collector streets align with stub streets to this property. Staff recommends these provisions are also included in the DA.

Conceptual building elevations were approved for future homes within the development with the preliminary plat application as shown in Section VI.E. These approved elevations incorporate a variety of field and accent materials including stucco; a large number of windows/glazing; and lap, board & batten and shake siding with stone accents and architectural elements consisting of corbels to emphasize roof gables, masonry/stone columns at the entries, trim around windows, etc. A variety of color changes are incorporated as well for interest and accents.

Because the developer of this subdivision is different from the original developer, alternate elevations are proposed to be included in the new DA, as shown in Section VI.F below. The proposed elevations lack the variety in materials, colors, and architectural details and elements shared with the community, supported by City Council, and memorialized in the original approvals. Many of these of these

elevations do not meet the minimum, baseline standards in the Architectural Standards Manual (ASM) pertaining to building form, architectural elements and materials, as follows:

Building Form (pp. D-7 & D-8):

- Goal #R3.10 – Articulate building forms, including, but not limited to, massing, walls, and roofs, with appropriately scaled modulations that contribute to the development of visually aesthetic and well-articulated building designs. Applies to building façades visible from a public street or public spaces.

R3.1F – Incorporate visually heavier and more massive elements or materials, such as stone or masonry, primarily at the base of buildings, and lighter elements and materials such as siding, above. This excludes columns, supports, modulated walls, architectural features, and roof elements. *(Applies to the modern cottage and modern farmhouse elevations)*



- Goal #R3.20 – Residential designs should articulate façades into smaller components and break up monotonous wall planes by integrating horizontal and vertical elements.

R3.2A – Use any combination of material, color, modulation, or other articulation to delineate and break up wall planes greater than 20-feet by 10-feet or wall planes exceeding 200 total square feet (whichever is more stringent). Applies to public oriented building façades visible from a public street or public spaces. *(Applies to the modern cottage and modern farmhouse elevations)*

- Goal #R3.40 – Modulate and articulate roof forms to create building profile interest and to reduce the appearance of building mass and scale. Applies to public oriented façades visible from a public street, public spaces, and pedestrian environments.

R3.4D – Sloped roofs shall have a significant pitch, to be no less than 5/12 (22-1/2 deg). *(possibly applies to prairie and prairie elevations)*

R3.4E – Sloped roofs must extend at least 12 inches beyond the face of walls. *(Applies to modern cottage and possibly mid-century modern)*

Architectural Elements (pp. D-13 and D-14): *(applies to most if not all of the elevations)*

- Goal #R4.10 – Use architectural elements and detailing to add interest and contribute to an aesthetic building character. Applies to building façades visible from a public street or public spaces.

R4.1A – Provide detailing that transition or frame façade material changes, and that integrate architectural elements such as lighting, doorways and windows. Examples include but are not limited to: cornice work, decorative caps on brick or stone, decorative lintels, porch railing, transom light, and shutters.

- Goal #R4.20 – Strategically locate focal points as key elements within the building design to enhance architectural character. Applies to building façades visible from a public street or public space.

R4.2A - Provide details that emphasize focal elements such as building corners, entries, or unique features. Detail examples include but are not limited to: quoin or rustication, canopies, and columns, or using roof lines and modulation to direct views. At least one focal element is required and must be accented with a contrast in color, texture, or modulation of the wall or roof plane.



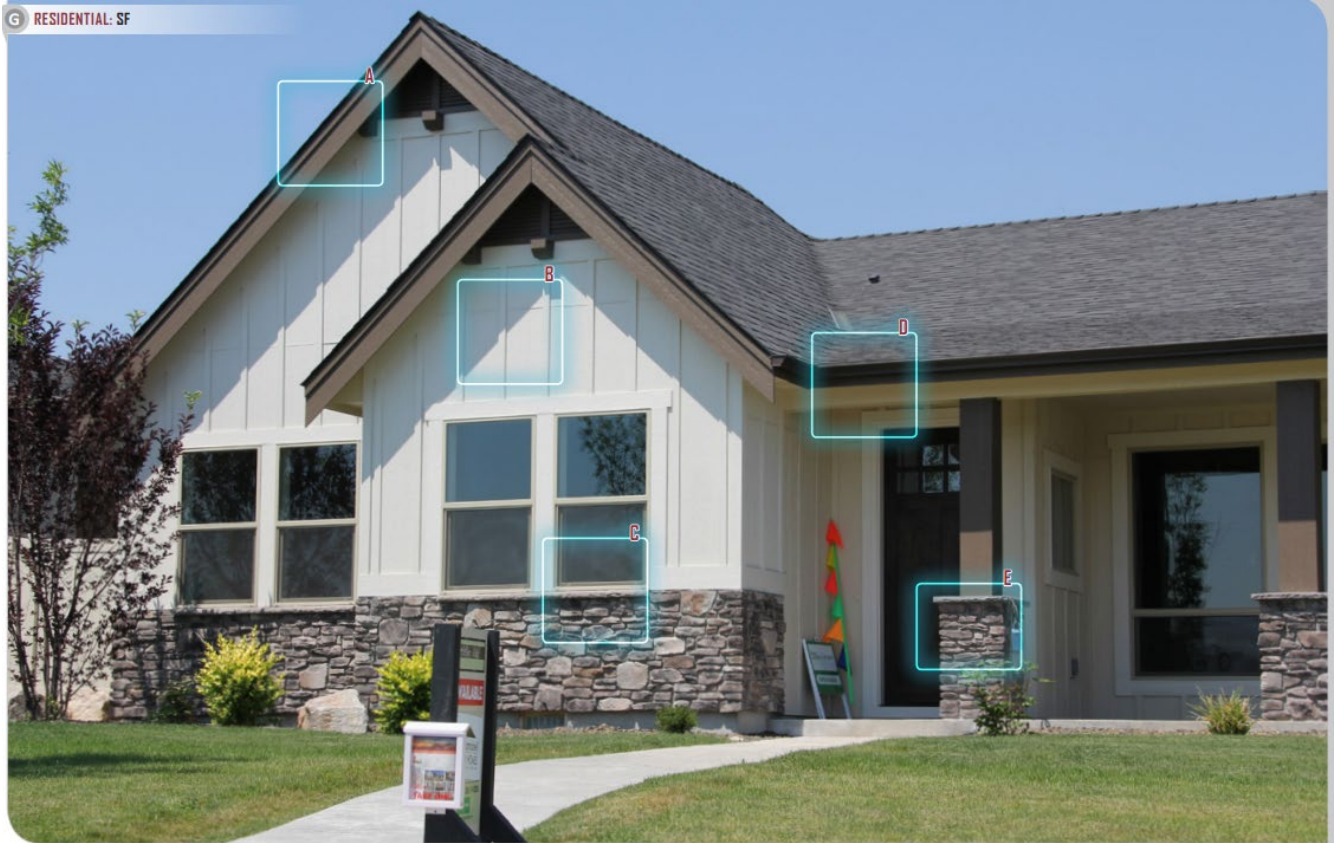
Materials (pp. D-17, D-18, D-19): *(applies to most if not all of the elevations)*

- Goal #R5.20 – Incorporate material and color changes as integrated details of the building design; maintain architectural integrity and promote a quality appearance and character. Applies to building façades visible from a public street, public space, and pedestrian environments.

R5.2A – Use a cohesive color scheme featuring a minimum of two field colors, a trim color, and an accent color or unique material. Garage door colors must coincide with this scheme or other accents.

R5.2B – For each wall plane area greater than 20-feet in length or height, and visible from prescribed areas, incorporate at least two distinct field materials, patterns, or colors in any combination, for at least 25% of the visible area. Windows or portals with qualifying accent materials may count toward this requirement, when meeting overall material requirements for the façade elevation.

- Goal #R5.30 – Use colors that complement building materials and support innovative and good design practices. Applies to building façades visible from a public street, public spaces, and pedestrian environments.
R5.3A – Use of subtle, neutral, or natural tones must be integrated with at least one accent or field material.



» This single-family home contains a number of materials to integrate and relate design elements to another. These include: {A} distinct trim colors; {B} board and batten siding in a neutral field color, to compliment accent colors and stone materials; {C} window trim and stone ledges to integrate windows; {D} gutters colored to match trim; and {E} a stone field material used to anchor the building and transition into other materials, with ledges, trim, and stone caps. All stone

façade materials wrap around outside corners and are finished off with trim or other transitional material. The home also includes a number of roof slopes and ridges coinciding with modulation.

Staff discussed these concerns with the Applicant prior to application submittal and advised the Applicant to heighten the design of their elevations; however, the developer preferred to stay with their established product type. *Note: Although single-family detached dwellings are not typically required to comply with the design standards in the ASM, instead receiving higher level review typical with annexations and preliminary plats, UDC 11-5B-8B.2 does allow compliance to be required with a DA. Previous concepts proposed with the preliminary plat were in closer conformance to these standards; therefore, compliance with the standards was not required.*

Staff finds the existing elevations to be of a higher quality of design in terms of the baseline standards in building form, architectural elements, materials and colors. Therefore, Staff is *not* in support of the proposed modification without changes to the elevations to comply with the design standards noted above. Staff recommends the Applicant make revisions to the elevations to comply *prior* to City Council taking action on this application. This may require continuance of the hearing to a later date if the Applicant is unable to make these changes prior to the Council hearing.

Further, and which is typical of developments along major roadways, because the rear and/or sides of homes facing S. Linder Rd., W. Harris St. and S. Oakbriar Way will be highly visible, Staff recommends a provision in the DA that requires these elevations to 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 homes are exempt from this requirement.*

Table 3: Project Overview

Description	Details
History	AZ-13-014 Victory South (Ord. #14-1594); H-2016-0001 (PP Brundage Estates); A-2018-0231 (1 st time extension); TECC-2020-0001 (2 nd time extension); TECC-2022-0001 (3 rd time extension); TECC-2024-0002 (4 th time extension – currently in process)
Acreage	136.63-acres

B. History and Process

The preliminary plat (H-2016-0001) for this property was approved in 2016. Three (3) previous time extensions have been approved for this subdivision, a fourth is currently in process.

IV. CITY/AGENCY COMMENTS & CONDITIONS

Staff recommends the Applicant make revisions to the proposed elevations to comply with the design standards noted above in Section III prior to City Council taking action on this application. *This may require continuance of the hearing to a later date if the Applicant is unable to make these changes prior to the Council hearing.*

A. Meridian Planning Division

1. A Development Agreement (DA) is required as a provision of annexation of this property and shall be entered into between the City of Meridian, the property owner(s), and the developer. The DA shall be signed by the property owner and returned to the Planning Division within six (6) months of the date of City Council approval of the Findings of Fact, Conclusions of Law and Decision & Order for the subject application. A final plat application shall not be submitted until the DA has been recorded. 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 park master plan approved with H-2016-0001 and the associated conditions of approval, including those associated with subsequent time extension applications (i.e. A-2018-0231, TECC-2020-0001, TECC-2022-0001, TECC-2024-0002).
 - b. A 10-foot wide detached sidewalk shall be constructed within the required street buffers along S. Linder Rd. and W. Harris St. as required with TECC-2024-0002.
 - c. All internal local and collector streets shall align with stub streets to this property.
 - d. The rear and/or sides of homes facing S. Linder Rd., W. Harris St. and S. Oakbriar Way shall incorporate articulation through changes in two or more of the following: modulation (e.g. projections, recesses, step-backs, pop-outs), bays, banding, porches, balconies, material types, or

other integrated architectural elements to break up monotonous wall planes and roof lines that are visible from the subject public streets. *Single-story homes are exempt from this requirement.*

Other Agency comments may be accessed in the [project file](#), included in the public record.

V. ACTION

A. Staff:

Staff recommends approval of the proposed MDA application per the analysis in Section III, including changes to the elevations to comply with the design standards in the ASM, and the recommended provisions in Section IV above.

A. City Council:

The Meridian City Council heard this item on August 20, 2024. At the public hearing, the Council moved to approve the subject MDA request.

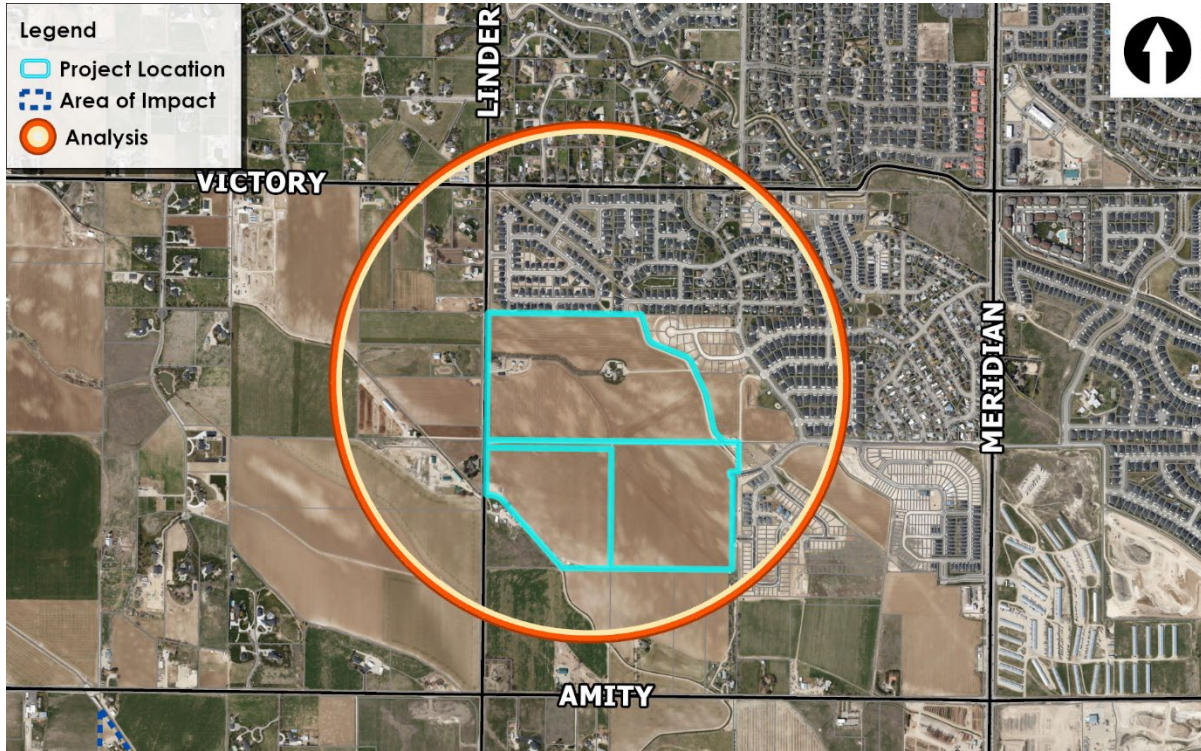
1. Summary of the City Council public hearing:
 - a. In favor: Becky McKay, Engineering Solutions
 - b. In opposition: None
 - c. Commenting: None
 - d. Written testimony: None
 - e. Staff presenting application: Sonya Allen
 - f. Other Staff commenting on application: None
2. Key issue(s) of public testimony:
 - a. None
3. Key issue(s) of discussion by City Council:
 - a. Agreement with Staff that the conceptual elevations need to be revised to comply with the minimum design standards and the process for such.
4. City Council change(s) to Commission recommendation:
 - a. Council approved the MDA request with the stipulation the Applicant submit revised conceptual elevations as requested by Staff that comply with the minimum design standards in the Architectural Standards Manual for approval by Staff prior to Council approval of the DA. *The elevations included herein are not approved.*

VI. EXHIBITS

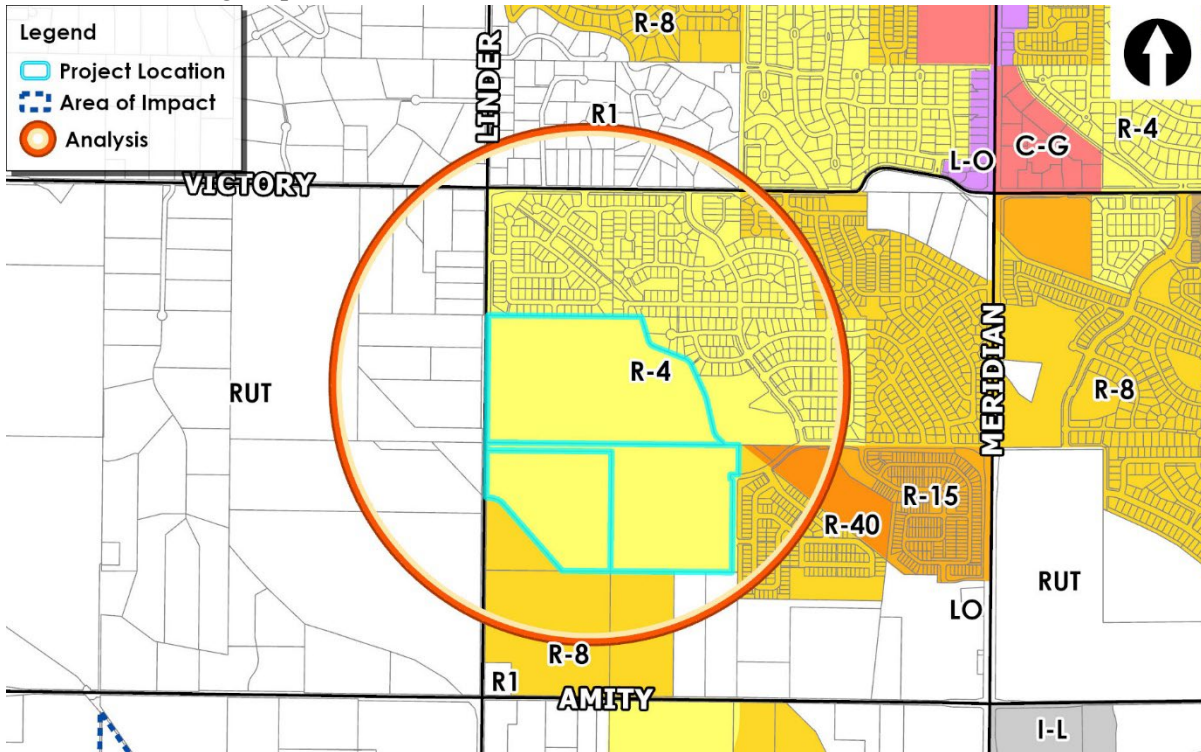
A. Project Area Maps

(link to [Project Overview](#))

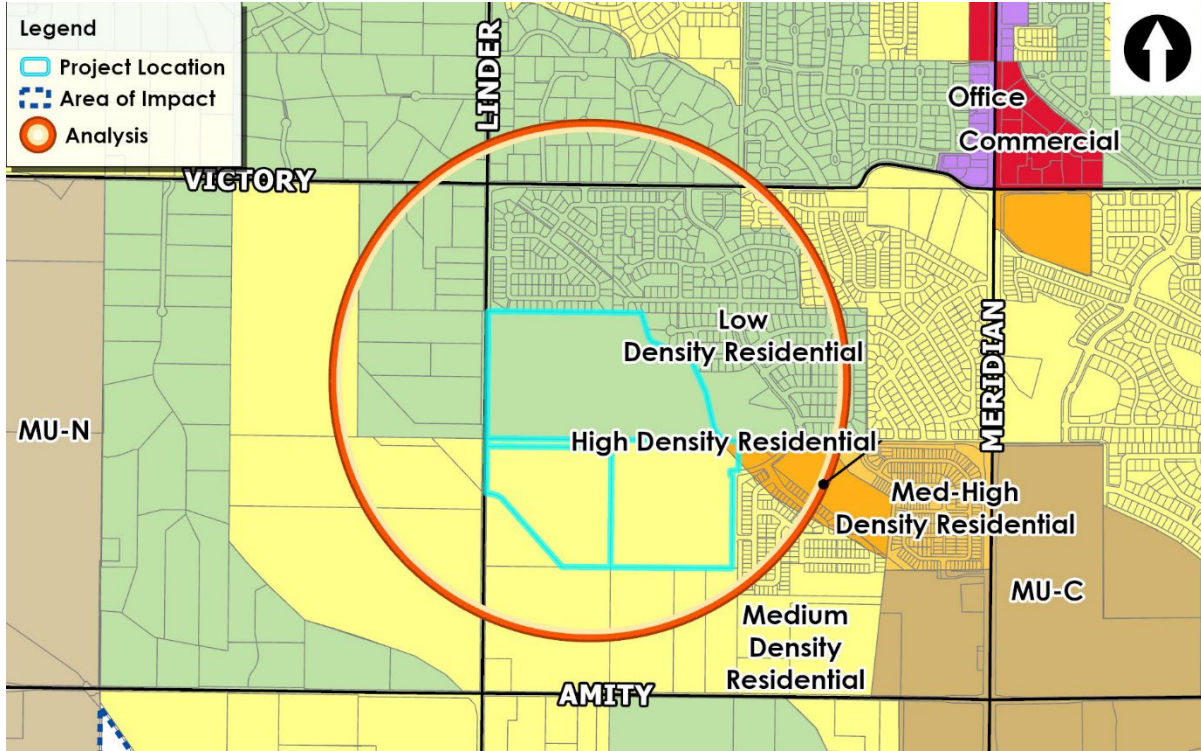
1. Aerial



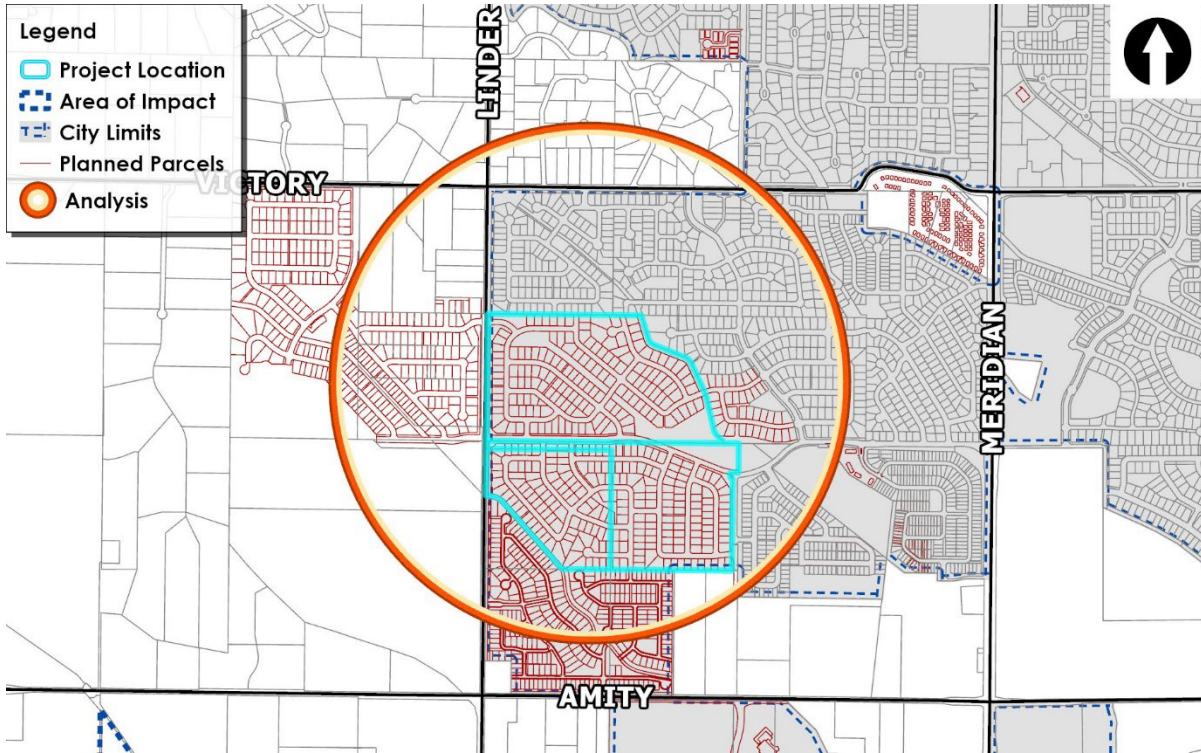
2. Zoning Map



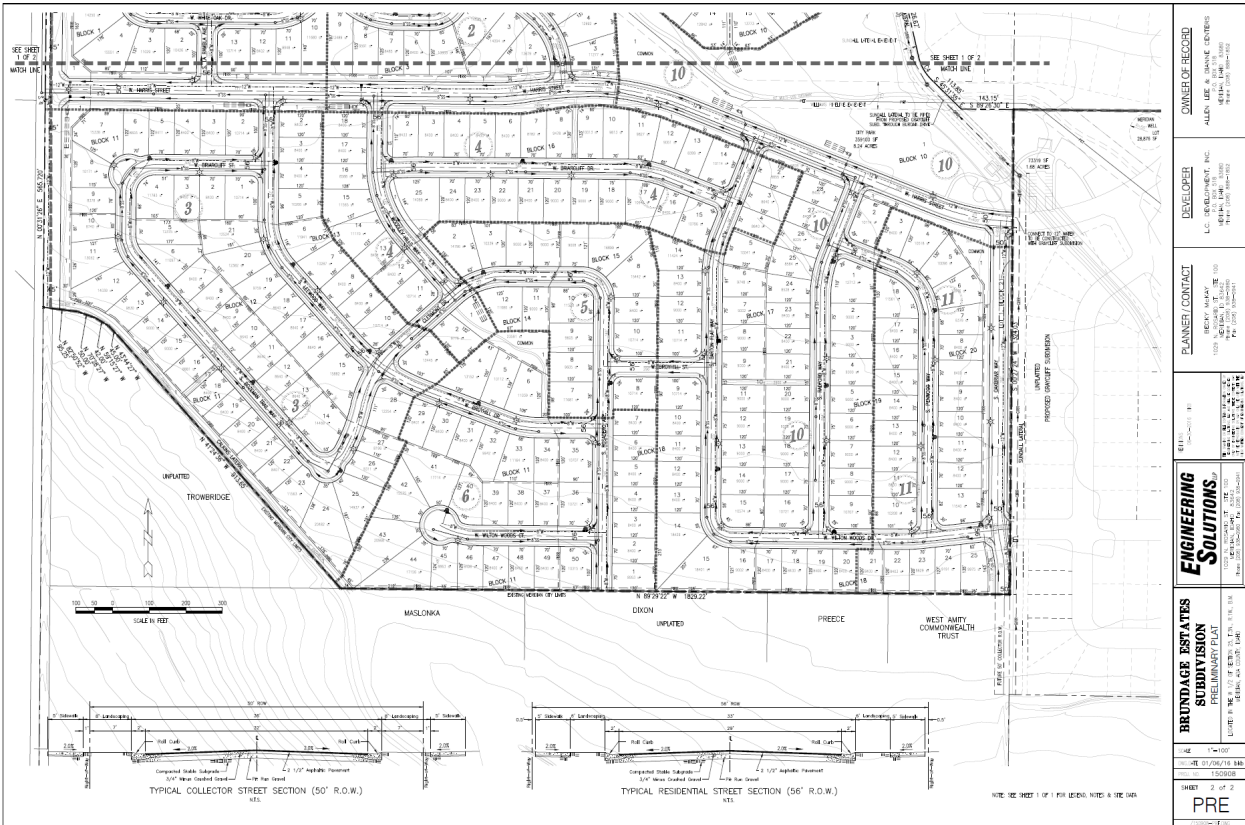
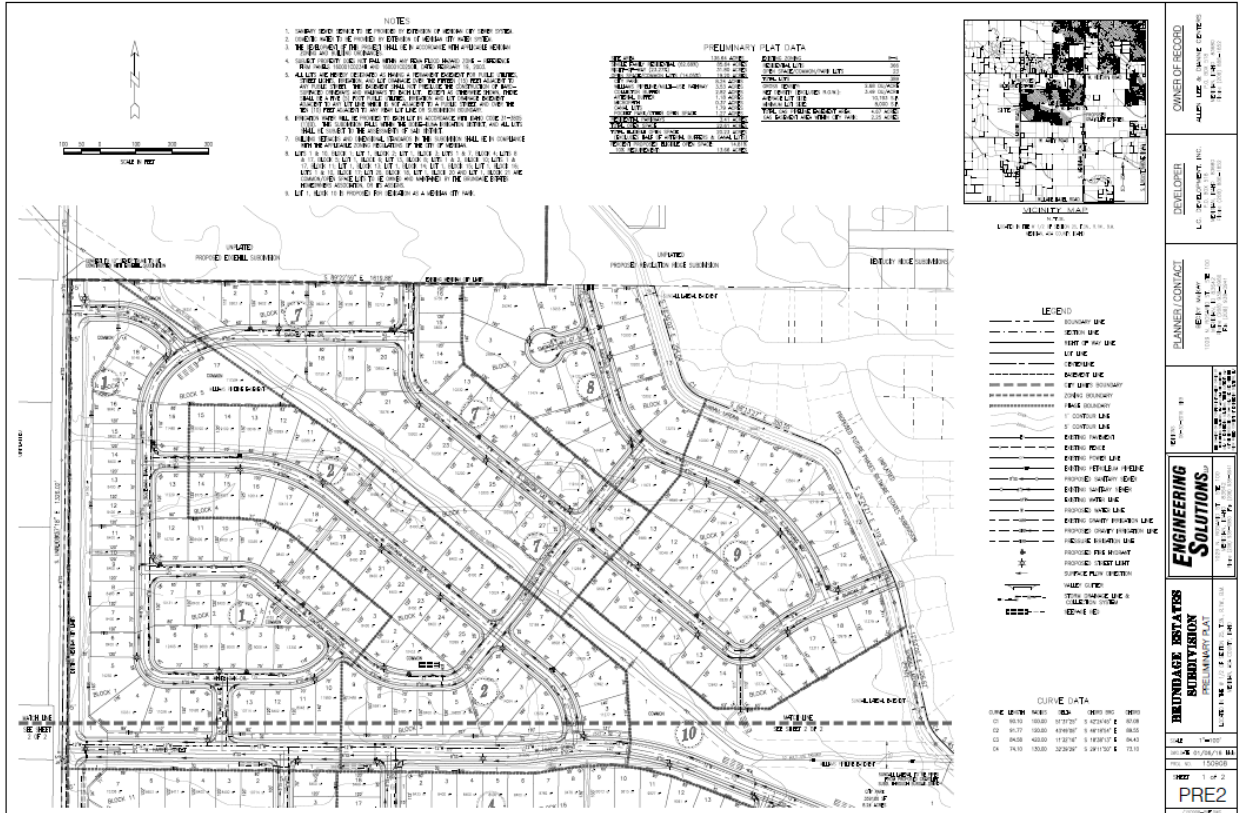
3. Future Land Use



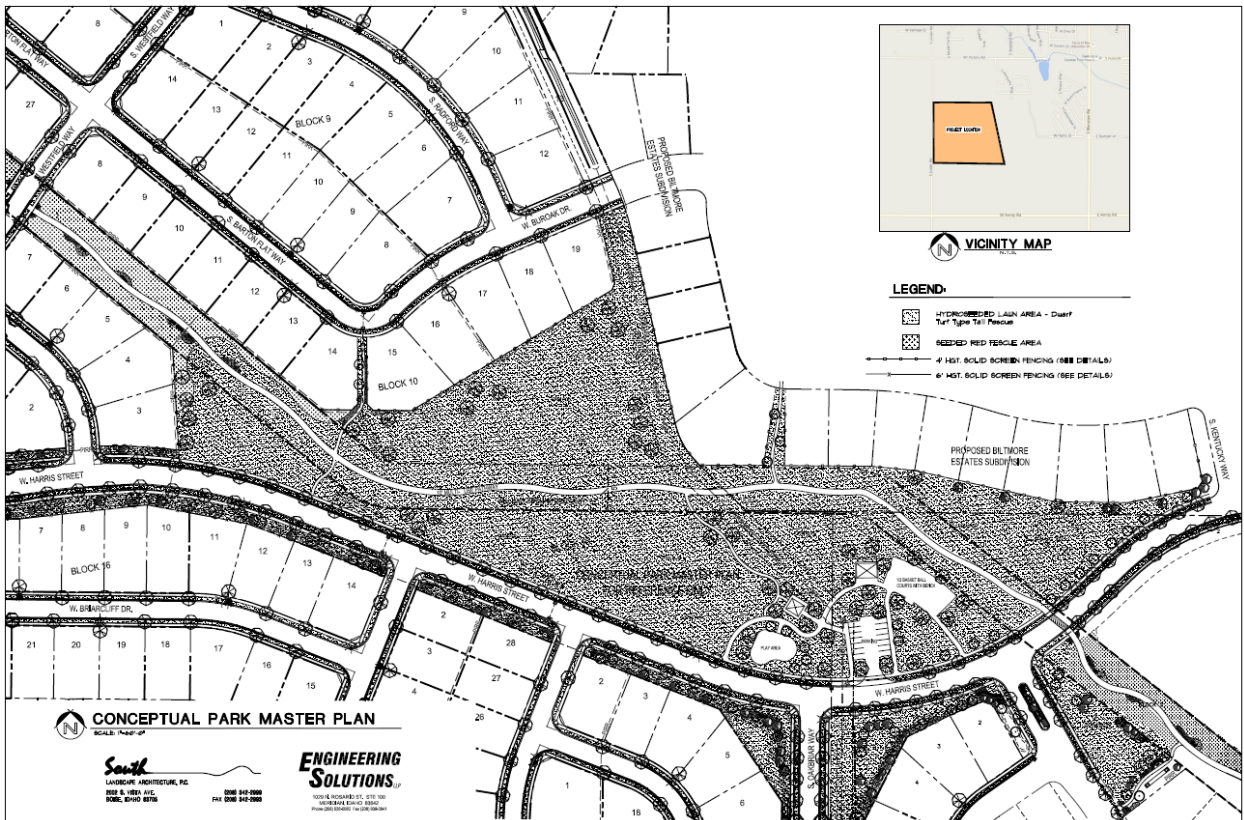
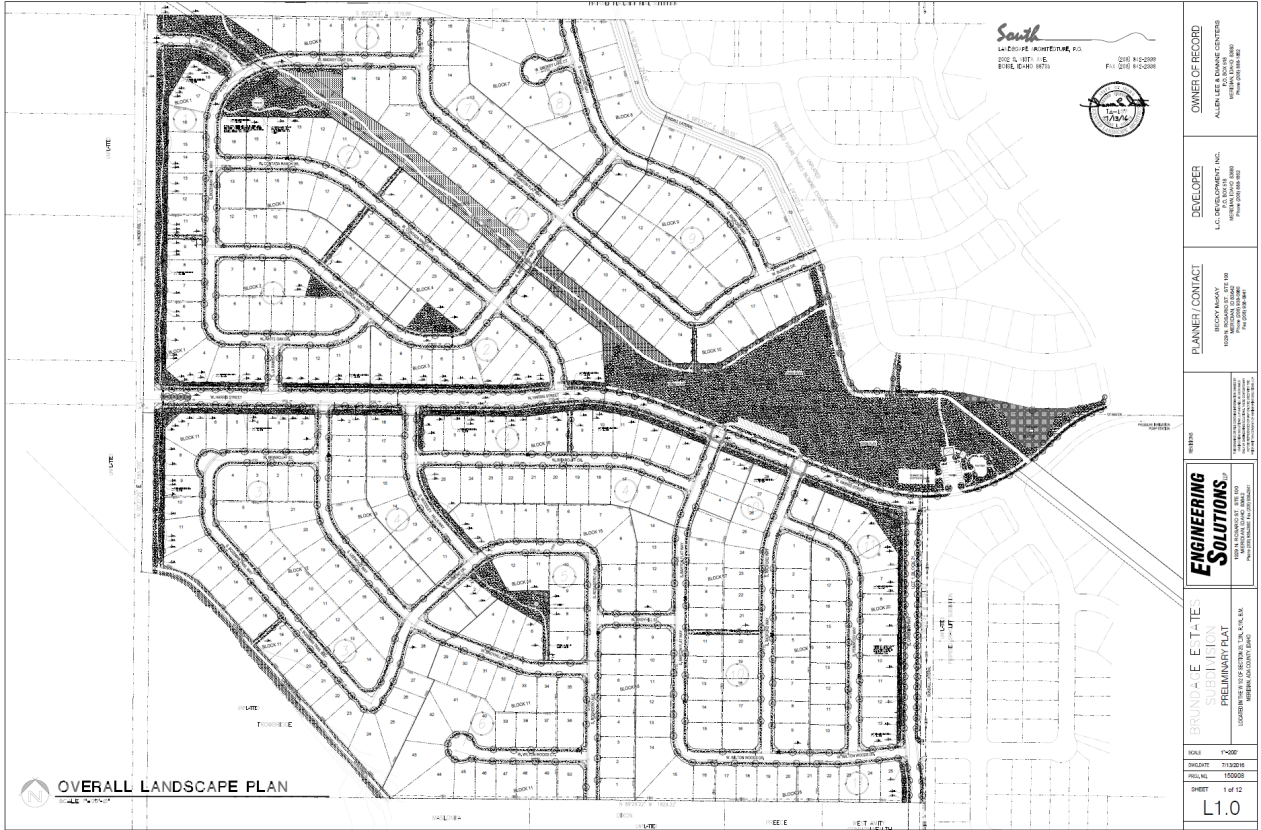
4. Planned Development Map



C. Approved Preliminary Plat (dated: 1/6/16)



D. Approved Landscape Plan & Conceptual Park Master Plan



E. Approved Conceptual Building Elevations/Photos



F. Proposed Conceptual Building Elevations – *NOT APPROVED* (See Development Agreement for approved elevations)

JUNIPER COLLECTION



PRAIRIE



MODERN FARMHOUSE



CASCADE

BROOKSIDE COLLECTION



MODERN COUNTRY



MID-CENTURY MODERN



PRAIRIE



MODERN FARMHOUSE

RIVERBEND COLLECTION



MODERN FARMHOUSE



ESCAPE



PRARIE

G. Service Accessibility Report

PARCEL S1225233910 SERVICE ACCESSIBILITY

Overall Score: 22	11th Percentile
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Criteria	Description	Indicator
Location	In City Limits	GREEN
Extension Sewer	Trunkshed mains < 500 ft. from parcel	GREEN
Floodplain	Either not within the 100 yr floodplain or > 2 acres	GREEN
Emergency Services Fire	Response time > 9 min.	RED
Emergency Services Police	Meets response time goals most of the time	GREEN
Pathways	Within 1/4 mile of current pathways	GREEN
Transit	Not within 1/4 of current or future transit route	RED
Arterial Road Buildout Status	Ultimate configuration (# of lanes in master streets plan) > existing (# of lanes) & road IS in 5 yr work plan	YELLOW
School Walking Proximity	From 1/2 to 1 mile walking	YELLOW
School Drivability	Not within 2 miles driving of existing or future school	RED
Park Walkability	No park within walking distance by park type	RED

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