

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



In the Matter of the Request for a Two (2) Year Time Extension on the Preliminary Plat (H-2016-0001), by Engineering Solutions.

Case No(s). TECC-2024-0002

For the City Council Hearing Date of: August 20, 2024 (Findings on September 3, 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 time extension on the preliminary plat is hereby approved per the conditions of approval in the Staff Report for the hearing date of August 20, 2024, 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).

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

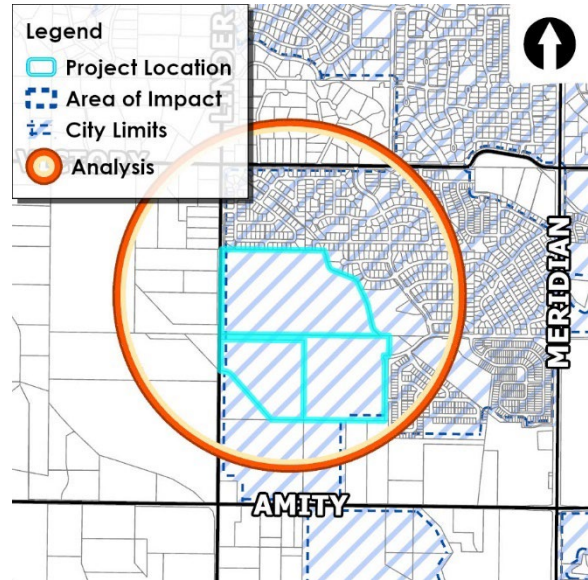
TO: Mayor & City Council

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

APPLICANT: Engineering Solutions

SUBJECT: [TECC-2024-0002](#)
Brundage Estates – TECC

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



I. PROJECT OVERVIEW

A. Summary

Two (2) year time extension on the preliminary plat (H-2016-0001) to obtain the City Engineer’s signature on the first phase final plat.

B. Issues/Waivers

None

C. Recommendation

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

D. Decision

Council: Approval as recommended by Staff.

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)	VII.A.2
Future Land Use Designation	LDR (Low-density Residential) & MDR (Medium-density Residential)	VII.A.3

Table 2: Process Facts

Description	Details
Preapplication Meeting date	6/4/2024
Neighborhood Meeting	6/20/2024

Description	Details
Site posting date	7/10/2024

Table 3: Community Metrics

Agency / Element	Description / Issue	Reference
Ada County Highway District		
• Comments Received	Yes	-
• Commission Action Required	No	-

See City/Agency Comments and Conditions in Section IV and in the public record for all comments received.

III. STAFF ANALYSIS

Comprehensive Plan and Unified Development Code (UDC)

A. General Overview

The UDC states that 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. If phased, each phase must be signed by the City Engineer within two (2) year successive intervals. The Applicant may request an extension of time of up to two (2) years if such request is filed prior to the termination period. With all extensions, the City Council may require the preliminary plat to comply with the current provisions of the UDC. See UDC [11-6B-7C](#) for more information.

A two (2) year time extension is requested on the preliminary plat (H-2016-0001) in order to obtain the City Engineer's signature on the first phase final plat. The extension would give the Applicant until July 26, 2026 to obtain signature on the final plat.

The reason for delay in moving forward with this development in the past is that the developer has been focused on development of the adjacent Biltmore Estates (Oakwood) and Graycliff Estates subdivisions. There were no new conditions of approval placed on the development with the previous time extensions as the project was determined to be in compliance with the UDC standards in effect at that time, including open space and site amenity standards.

The delay since the last time extension is due to improvements to Harris Street (to the east) being completed with Stapleton Subdivision and the City of Meridian extending sewer south in Linder Rd. from Fall Creek Subdivision. Since that time, Stapleton Subdivision has been partially constructed and construction of surrounding developments have necessitated some design changes to match adjacent improvements. The Applicant is currently in the design process of phases 1 and 2 of Brundage Estates. Completed plans are anticipated to be submitted to agencies for review in September of this year; construction of the subdivision improvements is planned for November or December of this year with paving in the Spring or Summer of 2025. **As conditions of the subject time extension, 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.** Note: A 5-foot wide detached sidewalk has already been constructed along most of S. Oakbriar Way along the eastern boundary of the site with development of Graycliff Estates subdivision to the east.

The development includes private open space areas with playgrounds, picnic shelter and pathways. A 10-foot wide multi-use pathway and landscaping is planned through the Williams' Pipeline easement corridor and an 8-acre City park is planned within the development. Services are available at the site for extension with development. Development of this subdivision will allow Harris Street, a mid-mile collector, to be extended from the east boundary through the site to Linder Rd. in accord with ACHD's Master Street Map.

Approval of the subject time extension will allow the Applicant to move forward with development as entitled without having to go back through the preliminary plat process again.

The proposed low-density 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.*”

Table 4: 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)
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, the last of which would have expired on July 26, 2024 had the subject time extension request not been submitted.

IV. CITY/AGENCY COMMENTS & CONDITIONS

A. Meridian Planning Division

1. The Applicant shall comply with all previous conditions of approval associated with this development (i.e. AZ-13-014 Victory South; H-2016-0001 (Brundage Estates PP); A-2018-0231, TECC-2020-0001, TECC-2022-0001 Brundage Estates) as well as those listed below.
2. Ten (10) foot wide detached sidewalks shall be constructed along S. Linder Rd. and W. Harris St.
3. Internal local and collector streets shall align with stub streets to this property.
4. The Applicant shall obtain the City Engineer’s signature on the first phase final plat on or before July 26, 2026; or, apply for a time extension prior to that date as set forth in UDC [11-6B-7](#) in order for the preliminary plat to remain valid.

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 TECC application and finds it in conformance with the Comprehensive Plan and the UDC with the conditions included in Section IV.

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 TECC request.

1. Summary of the City Council public hearing:
 - a. In favor: Becky McKay, Engineering Solutions
 - b. In opposition: None
 - c. Commenting: None

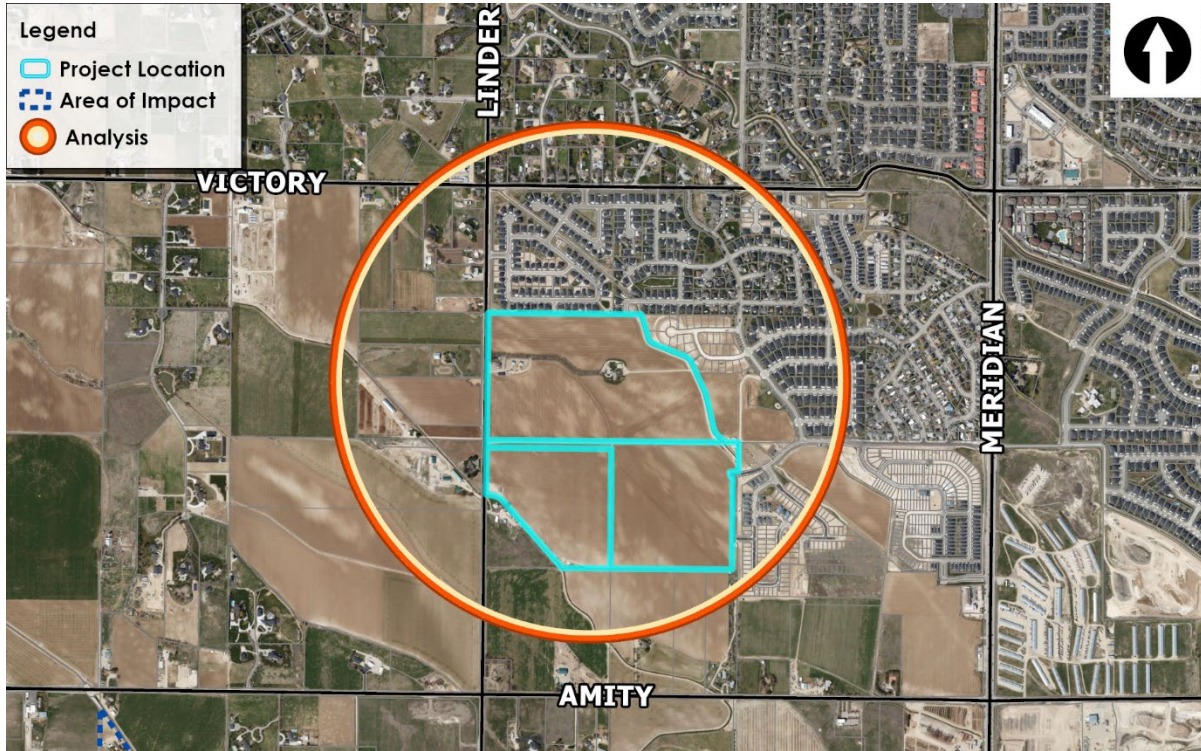
- d. Written testimony: None
- e. Staff presenting application: Sonya Allen
- f. Other Staff commenting on application: None
- 2. Key issue(s) of public testimony:
 - a. None
- 3. Key issue(s) of discussion by City Council:
 - a. None
- 4. City Council change(s) to Staff recommendation:
 - a. None

VI. EXHIBITS

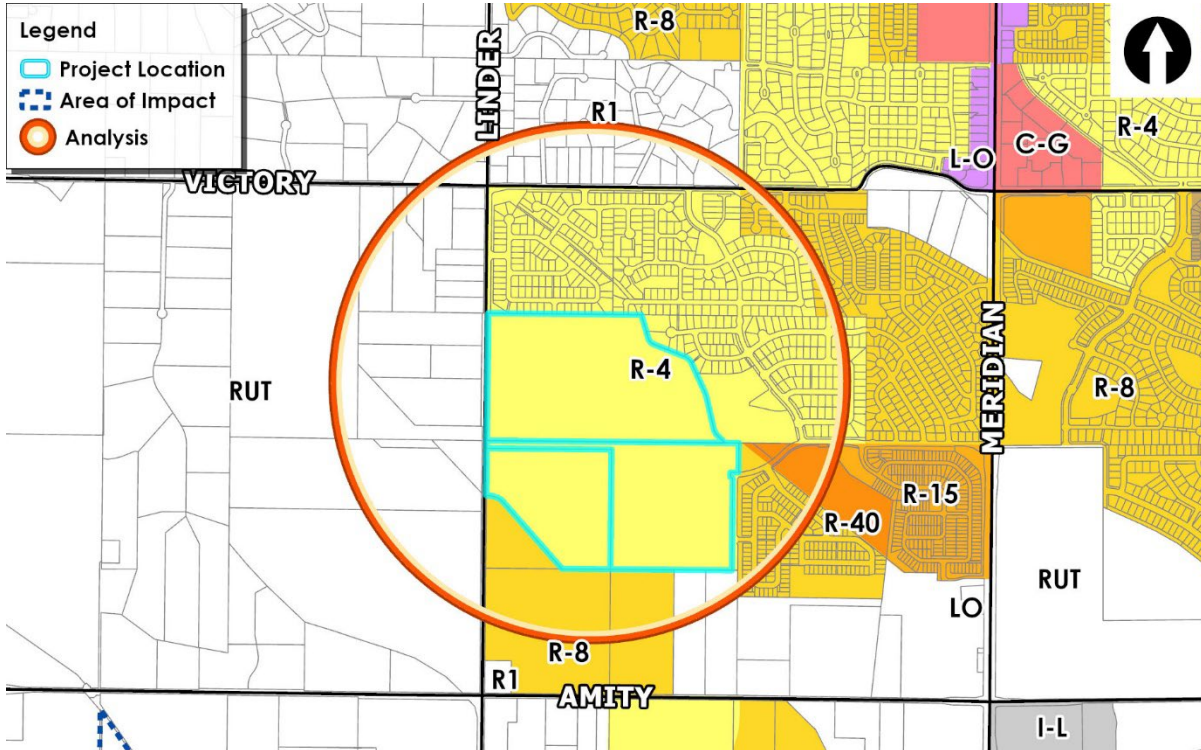
A. Project Area Maps

(link to [Project Overview](#))

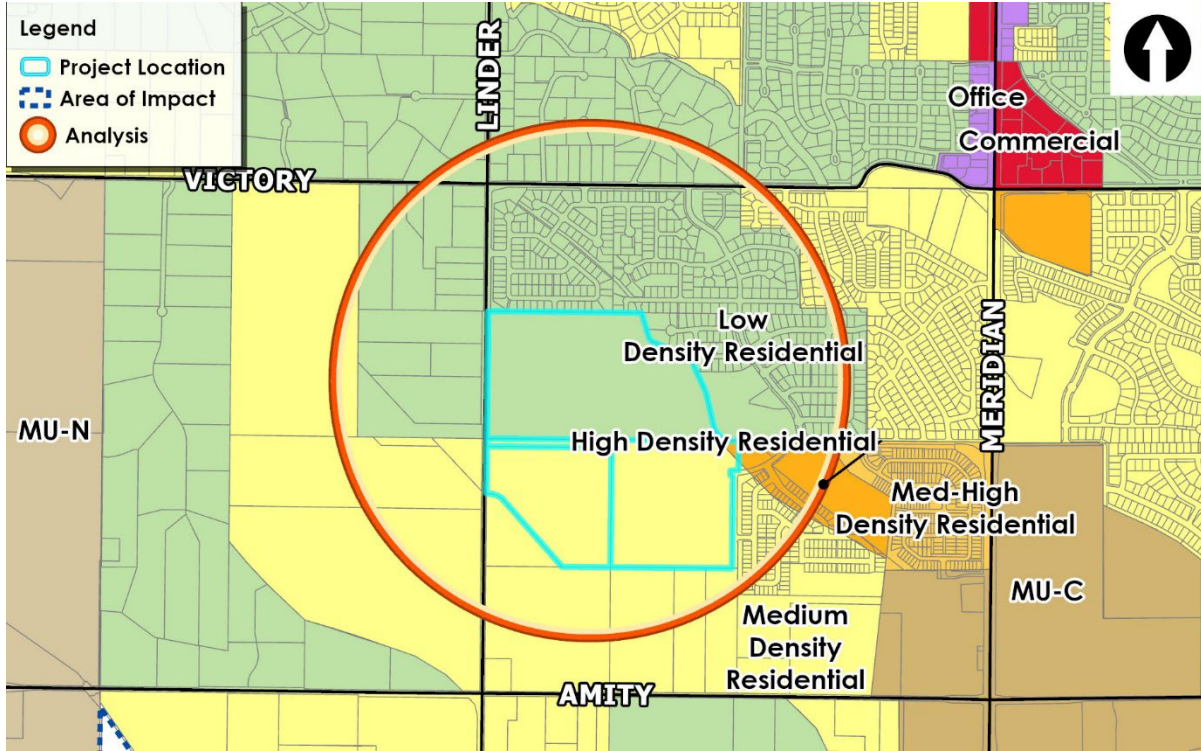
1. Aerial



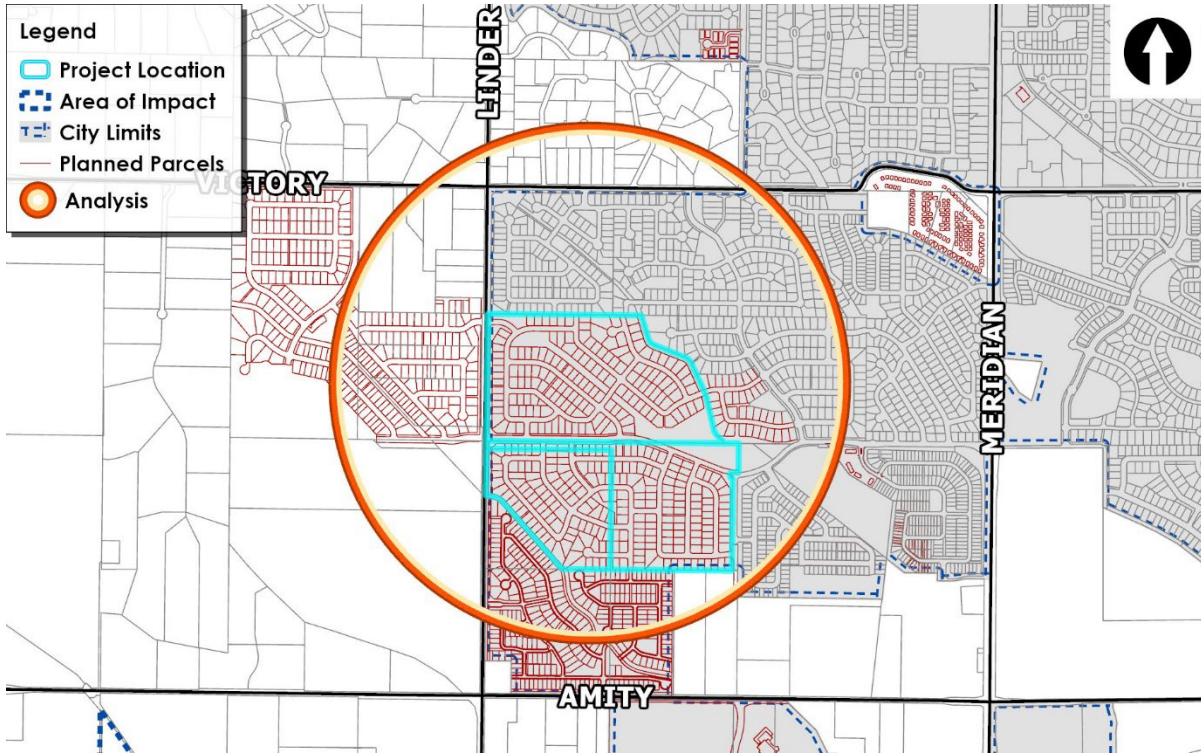
2. Zoning Map



3. Future Land Use



4. Planned Development Map



D. 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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