

EXHIBIT B

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



In the Matter of the Request for Annexation of 29.01 Acres of Land with an R-8 Zoning District; and Preliminary Plat Consisting of Ninety-Nine (99) Buildable Lots, Nineteen (19) Common Area Lots and One (1) Other Lot on 27.9 Acres of Land in the R-8 Zoning District for Shelburne South Subdivision, by Shelburne Properties, LLC.

Case No(s). H-2019-0106

For the City Council Hearing Date of: February 18, 2020 (Findings on March 3, 2020)

A. Findings of Fact

1. Hearing Facts (see attached Staff Report for the hearing date of February 18, 2020, incorporated by reference)
2. Process Facts (see attached Staff Report for the hearing date of February 18, 2020, incorporated by reference)
3. Application and Property Facts (see attached Staff Report for the hearing date of February 18, 2020, incorporated by reference)
4. Required Findings per the Unified Development Code (see attached Staff Report for the hearing date of February 18, 2020, 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 at Title 11 Meridian City Code, and all current zoning maps thereof. The City of Meridian has, by ordinance, established the Impact Area and the Amended Comprehensive Plan of the City of Meridian, which was adopted April 19, 2011, Resolution No. 11-784 and Maps.
3. The conditions shall be reviewable by the City Council pursuant to Meridian City Code § 11-5A.
4. Due consideration has been given to the comment(s) received from the governmental subdivisions providing services in the City of Meridian planning jurisdiction.
5. It is found public facilities and services required by the proposed development will not impose expense upon the public if the attached conditions of approval are imposed.
6. That the City has granted an order of approval in accordance with this Decision, which shall be signed by the Mayor and City Clerk and then a copy served by the Clerk upon the applicant, the Community Development Department, the Public Works Department and any affected party requesting notice.

7. That this approval is subject to the Conditions of Approval all in the attached Staff Report for the hearing date of February 18, 2020, 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 with R-8 zoning is hereby approved with the requirement of a Development Agreement; and the Preliminary Plat is hereby approved per the conditions of approval in the Staff Report for the hearing date of February 18, 2020, 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. Notice of Final Action and Right to Regulatory Takings Analysis

1. The Applicant is hereby notified that pursuant to Idaho Code 67-8003, denial of a development application entitles the Owner to request a regulatory taking analysis. Such request must be in writing, and must be filed with the City Clerk not more than twenty-eight (28) days after the final decision concerning the matter at issue. A request for a regulatory takings analysis will toll the time period within which a Petition for Judicial Review may be filed.
2. **Please take notice** that this is a final action of the governing body of the City of Meridian. When applicable and pursuant to Idaho Code § 67-6521, any affected person being a person who has an interest in real property which may be adversely affected by the final action of the governing board may within twenty-eight (28) days after the date of this decision and order seek a judicial review as provided by Chapter 52, Title 67, Idaho Code.

F. Attached: Staff Report for the hearing date of February 18, 2020

By action of the City Council at its regular meeting held on the 3rd day of March, 2020.

COUNCIL PRESIDENT TREG BERNT VOTED Aye

COUNCIL VICE PRESIDENT BRAD HOAGLUN VOTED Aye

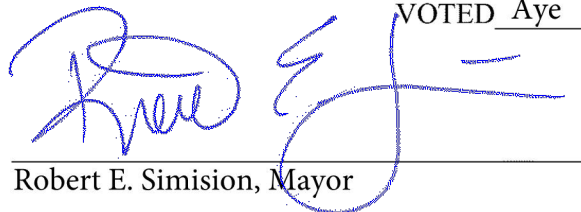
COUNCIL MEMBER JESSICA PERREAULT VOTED Aye

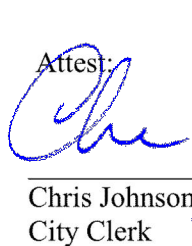
COUNCIL MEMBER LUKE CAVENER VOTED Aye

COUNCIL MEMBER JOE BORTON VOTED Aye

COUNCIL MEMBER LIZ STRADER VOTED Aye

MAYOR ROBERT SIMISON
(TIE BREAKER) VOTED Aye


Robert E. Simision, Mayor

Attest:

Chris Johnson
City Clerk



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

By: Charlene Way Dated: March 3, 2020
City Clerk's Office

EXHIBIT A

STAFF REPORT

COMMUNITY DEVELOPMENT DEPARTMENT



HEARING DATE: 2/18/2020

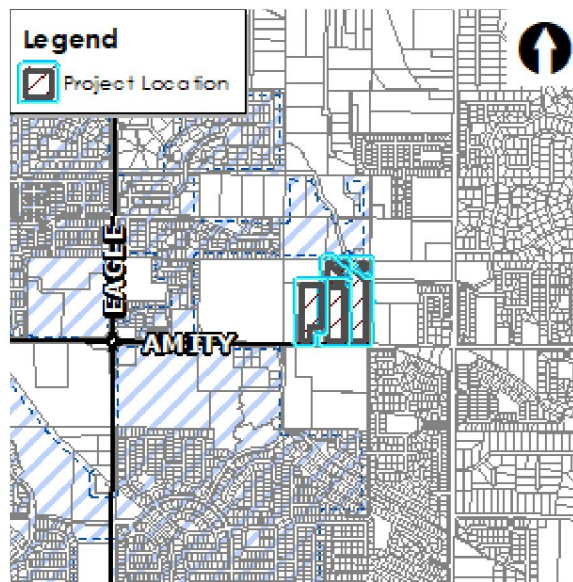
TO: Mayor & City Council

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

Bruce Freckleton, Development
Services Manager
208-887-2211

SUBJECT: H-2019-0106
Shelburne South

LOCATION: North side of E. Amity Rd., ¼ mile west
of S. Cloverdale Rd., in the SE ¼ of
Section 28, T.3N., R.1E.



I. PROJECT DESCRIPTION

Annexation of 29.01 acres of land with an R-8 zoning district; and, Preliminary plat consisting of 99 building lots, 19 common area lots and 1 other lot on 27.9 acres of land in the R-8 zoning district.

II. SUMMARY OF REPORT

A. Project Summary

Description	Details
Acreage	27.9
Future Land Use Designation	MDR (Medium Density Residential: 3-8 units/acre)
Existing Land Use(s)	Rural residential/agricultural (3 homes & accessory structures)
Proposed Land Use(s)	Single-family Residential (SFR)
Lots (# and type; bldg./common)	99 building; 19 common; 1 other
Phasing Plan (# of phases)	Yes - 2 phases
Number of Residential Units (type of units)	99 detached units
Density (gross & net)	3.55 gross/6.23 net
Open Space (acres, total [%]/buffer/qualified)	4.33 acres/15.52%
Amenities	Sports court (pickleball); open waterway; shade structure with picnic tables, bench and bicycle parking
Physical Features (waterways, hazards, flood plain, hillside)	Nine Mile Creek and Ten Mile Feeder Canal cross this site
Neighborhood meeting date; # of attendees:	8/6/2019; 2 attendees

Description	Details
History (previous approvals)	None

B. Community Metrics

Description	Details
Ada County Highway District	
Staff report (yes/no)	Yes (Traffic Impact Study was not required)
Requires ACHD Commission Action (yes/no)	No
Access (Arterial/Collectors/State Hwy/Local)(Existing and Proposed)	Access via E. Amity Rd., an arterial street; and S. Selatir Way, a local street from the north to be constructed with Shelburne East Subdivision
Traffic Level of Service	Eagle Rd. & Amity Rd. – Better than “E”; Cloverdale Rd. – “F” (see ACHD report for more information)
Stub Street/Interconnectivity/Cross Access	Stub streets proposed to west and east for future extension
Existing Road Network	E. Amity Rd., arterial street
Existing Arterial Sidewalks / Buffers	None
Proposed Road Improvements	A center turn lane is required on Amity Rd. at the Amorita Ave. intersection with the 1 st phase of development; or provide a turn lane analysis to ACHD for review. Dedicate ROW to total 37’ from centerline of Amity Rd. & improve Amity to 17’ of pavement from centerline

Fire Service

Distance to Fire Station	2.2 miles (closest to Fire Station #4)
Fire Response Time	3:00 minutes under ideal conditions
Resource Reliability	78% - does <i>not</i> meet the target goal of 80% or greater
Risk Identification	1 (current resources would be adequate to supply service)
Accessibility	Does <i>not</i> meet all required access (see Section VIII.C)
Special/resource needs	An aerial device is not required
Water Supply	1,000 gallons per minute for one hour
Other Resources	See Section VIII.C

Police Service

Distance to Police Station	5 miles
Police Response Time	5 minutes
Calls for Service	145 calls within 1 mile of site (within 12 month period)
% of calls for service split by priority	See Section VIII.D
Accessibility	No issues
Specialty/resource needs	None
Crimes	
Crashes	17 crashed within 1 mile of site (within 12 month period)
Other Reports	No outstanding issues or concerns

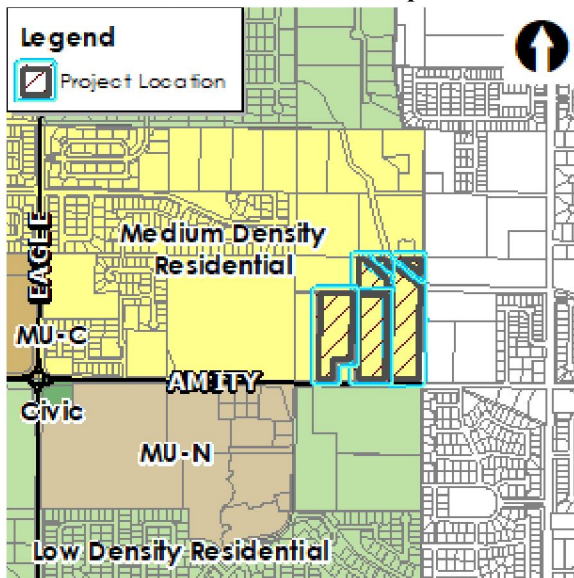
West Ada School District

Distance (elem, ms, hs)	Silver Sage Elementary: 5.1 miles Lake Hazel Middle School: 2.4 miles Mountain View High School: 4.8 miles (Note: Enrollment at Hillsdale Elementary is currently capped; students in this subdivision will attend Silver Sage Elementary until a new school is built.)
Capacity of Schools	Silver Sage Elementary: 405

Description	Details
# of Students Enrolled	Lake Hazel Middle School: 1,000 Mountain View High School: 1,800 Silver Sage Elementary: 295 Lake Hazel Middle School: 1,085 Mountain View High School: 2,277
Wastewater	
Distance to Sewer Services	Contiguous once Shelburne No. 2 is constructed
Sewer Shed	South Black Cat Trunkshed
Estimated Project Sewer ERU's	99 Building Lots
WRRF Declining Balance	13.77
Project Consistent with WW Master Plan/Facility Plan	Yes
Impacts/Concerns	None at this time
Water	
Distance to Water Services	Contiguous once Shelburne East No. 1 is constructed
Pressure Zone	4
Estimated Project Water ERU's	99 Building Lots
Water Quality Concerns	None
Project Consistent with Water Master Plan	Yes
Impacts/Concerns	No redundant connection for homes to the west of Amortia Ave, however development to the west will correct this issue. Water connection from Shelburne East Sub to Amity must be completed by phase 3 of Shelburne East.
COMPASS (Communities in Motion 2040 2.0)	See Section VIII.E

C. Project Area Maps

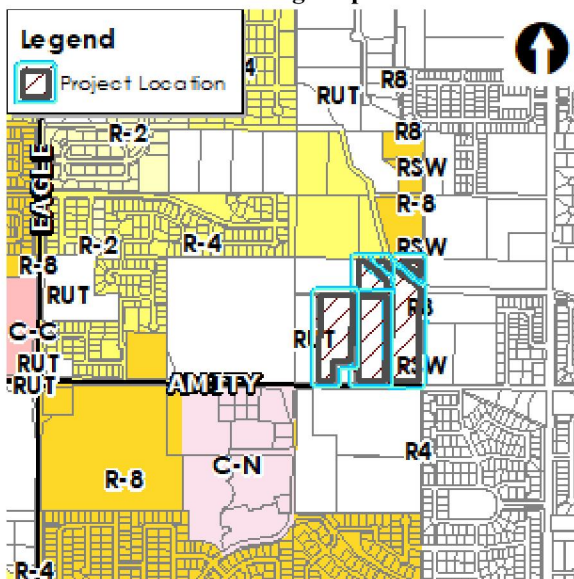
Future Land Use Map



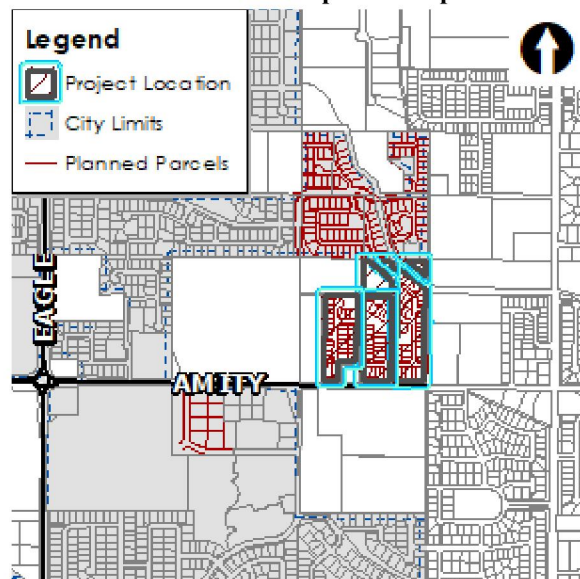
Aerial Map



Zoning Map



Planned Development Map



III. APPLICANT INFORMATION

A. Applicant:

Shelburne Properties, LLC – 7629 E. Pinnacle Peak Rd., #110, Scottsdale, AZ 85255

B. Owners:

Shelburne Properties, LLC – 7629 E. Pinnacle Peak Rd., #110, Scottsdale, AZ 85255

Kenneth A. Williams – 4205 E. Bott Ln., Meridian, ID 83642

Gordon Jay Skinner – 4120 E. Amity Rd., Meridian, ID 83642

C. Representative:

Ben Thomas, Civil Innovations, PLLC – 1043 E. Park Blvd., Ste. 101, Boise, ID 83712

IV. NOTICING

	Planning & Zoning Posting Date	City Council Posting Date
Notification published in newspaper	11/29/2019	1/31/2020
Radius notification mailed to property owners within 300 feet	11/26/2019	1/28/2020
Public hearing notice sign posted on site	1/7/2020	1/16/2020
Nextdoor posting	11/26/2019	1/28/2020

V. STAFF ANALYSIS

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

MDR (Medium Density Residential) – The MDR designation allows smaller lots for residential purposes within City limits. Uses may include single-family homes at gross densities of 3 to 8 dwelling units per acre.

The proposed single-family homes and gross density of 3.55 units per acre is at the low end of the desired density range but is consistent with previous phases of Shelburne Subdivision to the north and west and with the MDR designation.

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

- “Provide for a wide diversity of housing types (single-family, modular, mobile homes and multi-family arrangements) and choices between ownership and rental dwelling units for all income groups in a variety of locations suitable for residential development.” (3.07.03B)
The proposed single-family detached homes will contribute to the diversity in housing types in the City. Staff is unaware if the proposed units will be owner occupied or rental units.
- “Require open space areas within all development.” (6.01.01A)
Qualified open space is required to be provided in accord with the standards listed in UDC 11-3G-3. As proposed, the development exceeds the minimum qualified open space requirement.
- “Permit new development only where urban services can be reasonably provided at the time of final approval and development is contiguous to the City.” (3.01.01F)
Urban services can be provided and this development is contiguous to the City.
- “Restrict private curb cuts and access points on collectors and arterial streets.” (3.06.02D) *One (1) access is proposed via E. Amity Rd., the abutting arterial street; local street access is not available at this time but will be in the future from the north when Shelburne Subdivision No. 2 develops. Stub streets are proposed to the properties to the west and east for future extension and interconnectivity.*
- “Require pedestrian access connectors in all new development to link subdivisions together to promote neighborhood connectivity as part of a community pathway system.” (3.03.03B)
*There are no pedestrian connections proposed to adjacent properties other than sidewalks along stub streets; **Staff recommends a multi-use pathway is constructed along the southwest side of the***

Nine Mile Creek from the east to the northwest boundary of the subdivision for future extension and interconnectivity between neighborhoods and the future school site to the west as noted below; and an easement for a multi-use pathway is provided on the northeast side of the Ten Mile feeder canal for future construction of a pathway if needed.

C. Existing Structures/Site Improvements:

There are three (3) existing homes and accessory structures on this site. Only one (1) of the existing homes will remain on a lot in the proposed subdivision (i.e. Lot 1, Block 4); **the remaining structures should be removed from the site prior to signature on the final plat by the City Engineer for the phase in which they are located. The address for the home to remain will change to be addressed off of W. Selatir Way when constructed.**

The Applicant submitted a conceptual development plan for Lot 1, Block 4 that demonstrates how the site could, but is not required to, redevelop in the future (see Section VIII.F).

D. Preliminary Plat:

There is an out-parcel (#S1128438652, Bunch/Kirkwood property) along the southern boundary of the project site that fronts on E. Amity Rd.; the City Attorney has deemed it be a legally divided parcel from the subject property and as such is not required to be included in the boundary of the proposed subdivision. Public street frontage (E. Grayson St., a local street) is proposed on the plat for future access upon redevelopment of that property so that access via the arterial street (i.e. Amity Rd.) can be terminated in accord with UDC 11-3A-3A in the future.

The proposed minimum lot size is 5,446 square feet (s.f.) and the average lot size is 6,994 s.f.

E. Proposed Use Analysis:

Only single-family lots are proposed; single-family detached dwellings are listed as a principal permitted use in the R-8 zoning district per UDC Table 11-2A-2.

F. Specific Use Standards (*UDC 11-4-3*):

Not applicable (*single-family dwellings are not subject to specific use standards*)

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

All future development is subject to the dimensional standards of the R-8 zoning district set forth in UDC Table 11-2A-6. The existing home that is proposed to remain on Lot 1, Block 4 meets the setback standards of the district. The proposed lots meet the minimum dimensional standards of the district.

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

One (1) public street access is proposed via E. Amity Rd., an arterial street; and one (1) local street access is proposed to be extended from the north with development of Shelburne East Subdivision. One (1) stub street is proposed to the west and two (2) stub streets are proposed to the east for future extension and interconnectivity.

The out-parcel that fronts on E. Amity Rd., an arterial street, will have frontage on an internal local street, E. Grayson St., for future access internally from within the subdivision. **Staff recommends a note is added to the final plat prohibiting direct lot access via E. Amity Rd to all the lots within the subject subdivision.**

One (1) common driveway is proposed on Lot 6, Block 5 for access to Lots 7-9, Block 5 from E. Grayson St., a local street. Common driveways are required to comply with the standards listed in UDC 11-6C-3D which include but are not limited to the following: A perpetual ingress/egress easement is required to be filed with the Ada County Recorder for the common driveway which shall include a requirement for maintenance of a paved surface capable of supporting fire vehicles and equipment – a

copy of which should be submitted to the Planning Division prior to signature on the final plat by the City Engineer; and an exhibit is required to be submitted with the final plat application that depicts the setbacks, fencing, building envelope and orientation of the lots and structures that are accessed by the common driveway. Driveways for abutting properties that aren't taking access from the common driveway(s) shall be depicted on the opposite side of the shared property line away from the common driveway. *Solid fencing adjacent to common driveways is prohibited unless separated by a minimum 5-foot wide landscaped buffer.*

Address signage should be provided at the public street for homes accessed by the common driveway for emergency wayfinding purposes.

Note: If desired, the Applicant could provide a common driveway north of E. Davin St. for access to Lots 48-51, Block 4 if approved by the Fire Dept. as set forth in UDC 11-6C-3D.3; this would allow an increase in the adjacent common area. Revised plans should be submitted at least 10 days prior to the Council meeting if the change is desired.

Access is currently provided to the existing home proposed to remain on Lot 1, Block 4 (the Williams' property) and to the abutting property to the west that is not a part of this development (Parcel #S1128438580, owned by the Freeman's) via S. Selatir Ln, a private lane, from E. Bott Ln. to the north; access to the Freeman property via Selatir Ln. is obtained across the William's property. **To ensure access is still provided to the Freeman property once Shelburne East develops to the north and S. Selatir Ln. is removed, Staff recommends a cross-access easement for a minimum 20-foot wide driveway is required to that property across Lot 1, Block 4. This easement should remain in effect until such time as the Freeman property redevelops and public street access is provided to that property.**

Development of this project is limited to 30 building lots until such time as two (2) separate approved Fire Dept. access points are completed.

I. Parking ([UDC 11-3C](#)):

Off-street parking is required to be provided for the proposed use as set forth in UDC Table 11-3C-6 based on the number of bedrooms per unit. On-street parking is also available along local streets within the development for guest/additional parking.

J. Pathways ([UDC 11-3A-8](#)):

An internal 5-foot wide pathway is proposed through Block 4 along the south side of the Nine Mile Creek. **At the recommendation of the Park's Department, Staff recommends this pathway is constructed at 10 feet in width in a 14-foot wide public pedestrian easement and serves as a segment of the City's multi-use pathway system; this pathway should extend from the east to the northwest perimeter boundary of the subdivision for future extension and interconnectivity with adjacent neighborhoods and to the future school site to the west.** The pathway should be constructed in accord with the standards listed in UDC 11-3A-8 and landscaping should be installed adjacent to the pathway in accord with the standards listed in UDC 11-3B-12C.

The Pathways Master Plan depicts a segment of the City's multi-use pathway system along the northeast side of the Ten Mile Feeder Canal, located at the northeast corner of the site. **As this area is not accessible from this development without a pedestrian bridge and is at the east boundary of the City's Area of Impact, the Park's Department is not recommending a multi-use pathway is constructed at this time; however, a 14-foot wide public pedestrian easement should be dedicated to allow the pathway to be constructed in the future if needed.**

K. Sidewalks ([UDC 11-3A-17](#)):

Sidewalks are required to be provided with development along both sides of all public streets in accord with the standards set forth in UDC 11-3A-17. Minimum 5-foot wide detached sidewalks are required along E. Amity Rd., an arterial street; and attached sidewalks are required along all internal local streets as proposed.

L. Parkways ([UDC 11-3A-17](#)):

Eight-foot wide parkways are proposed at the entry of the development adjacent to S. Amorita Ave landscaped with Class II trees per the standards listed in UDC 11-3A-17.

M. Landscaping ([UDC 11-3B](#)):

Landscaping is required in accord with the standards listed in UDC 11-3B as follows:

Street buffers: A 35-foot wide street buffer is required and proposed along E. Amity Rd., an entryway corridor, per UDC Table 11-2A-6, landscaped per the standards listed in UDC 11-3B-7C; trees in *excess* of the minimum standards are proposed.

Parkways: Parkways are required to comply with the standards listed in UDC 11-3A-17E and be landscaped per the standards listed in UDC 11-3B-7C; **calculations should be depicted in the Landscape Calculations table on the landscape plan demonstrating compliance with these standards.**

Common open space: Common areas are required to be landscaped per the standards listed in UDC 11-3G-3E. Trees are proposed in *excess* of the minimum required. *See the Qualified Open Space section below for more information.*

Pathways: Landscaping is required adjacent to pathways in accord with the standards listed in UDC 11-3B-12C. A pathway is proposed through Block 4 along the south side of the Nine Mile Creek; **calculations should be included in the Landscape Calculations table on the landscape plan demonstrating compliance with the standards in UDC 11-3B-12C.2.**

Mitigation: Mitigation is required for all existing trees, 4" caliper and greater in size, that are removed from the site as set forth in UDC 11-3B-10C.5. The landscape plan depicts 30+/- trees that are proposed to be removed that may require mitigation; **the applicant should coordinate with Elroy Huff, the City Arborist, at 208-371-1755 to determine mitigation requirements. The landscape plan includes a note stating, "extra trees provided above those required for mitigation: 272 trees (2" cal.) = 544 cal. Inches" which *should* satisfy the mitigation requirements; however, that will be determined after the City Arborist's inspection.**

N. Qualified Open Space ([UDC 11-3G](#)):

A minimum of 10% qualified open space is required to be provided. Based on a total of 27.9 acres of land, a minimum of 2.79 acres is required that complies with the standards listed in UDC 11-3G-3.

The proposed qualified open space consists of the street buffer along E. Amity Rd., an arterial street (50% = 0.42 of an acre); a centrally located linear open space area along the Nine Mile Creek that includes a water feature (2.84 acres); a 110' x 113' common area near the southeast corner of the site on Lot 3, Block 2 (0.29 of an acre); and parkways (0.04 acre) adjacent to S. Amorita Ave. at the entry of the development from Amity Rd. totaling 3.59 acres in *excess* of the minimum standard. A few other open grassy areas depicted on the open space exhibit in Section VII.D do not qualify as they are below 50' x 100' in area; however, the project meets the minimum standards without these areas.

Staff recommends a note is placed on the final plat restricting Lot 1, Block 8 to a non-buildable lot.

Note: The Applicant does not plan to improve the common area on the east side of the Ten Mile Feeder Canal as it is not accessible by this development.

O. Qualified Site Amenities (UDC [11-3G](#)):

A minimum of one (1) qualified site amenity is required per 20 acres of development area. Therefore, based on 27.9 acres, a minimum of one (1) amenity is required.

The following amenities are proposed: a sports court (i.e. pickleball) from the Recreation category; and a picnic area with a 20' x 20' shade structure, picnic tables and bench from the Quality of Life category in accord with UDC standards. See detail in Section VII.D.

Although not a “qualified” amenity, a pathway is proposed along the southwest side of the Nine Mile Creek which will provide an additional recreation amenity for residents. **Staff recommends this pathway is extended to the east and north boundaries of the site along the creek for future extension in accord with the Comprehensive Plan as discussed above and based on Park Department’s comments (see Section VIII.E).**

P. Waterways (UDC [11-3A-6](#)):

The Ten Mile Feeder Canal crosses the northeast corner of the site and the Nine Mile Creek crosses the site further to the southwest; both of these waterways are proposed to remain open in accord with the standards listed in UDC 11-3A-6B.

Q. Fencing (UDC [11-3A-6](#), [11-3A-7](#)):

Fencing is required to comply with the standards listed in UDC 11-3A-6 and 11-3A-7.

A 6-foot tall solid vinyl fence is depicted on the landscape plan along the perimeter boundary of the subdivision except for adjacent to the Ten Mile feeder canal where 5-foot tall open vision lattice top vinyl fence is proposed; open vision fencing is also proposed adjacent to internal common areas. There is not a detail for open vision lattice top vinyl fence, only 5-foot tall wrought iron fence (see Sheet L6); **staff recommends the legend is revised to reflect that described on the detail on Sheet L6.**

Staff recommends the Applicant provide details at the public hearing in regard to the depth and slope (i.e. horizontal:vertical) of the Nine Mile Creek in order for the Commission/Council to determine if fencing should be required adjacent to the waterway to preserve public safety. *Note: UDC 11-3A-6C states fencing shall not prevent access to natural waterways such as creeks; in limited circumstances and in the interest of public safety, larger open water systems may require fencing as determined by City Council, the Director and/or Public Works Director.*

R. Utilities (UDC [11-3A-21](#)):

Connection to City water and sewer services is proposed; all utilities are stubbed to the northern site boundary from the previous Shelburne East development. Street lighting is required to be installed in accord with the City’s adopted standards, specifications and ordinances.

See Section VIII-B below for Public Works comments/conditions.

S. Pressure Irrigation (UDC [11-3A-15](#)):

An underground pressurized irrigation system is required to be provided for each lot within the development. The Ten Mile Feeder Canal will provide irrigation water for the project. A pump station

was installed as part of Shelburne East Sub. 1 which was sized to serve Shelburne East and this development.

T. 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.

U. Building Elevations (UDC [11-3A-19](#) | [Architectural Standards Manual](#)):

Conceptual building elevations were submitted that depict a variety of architectural styles for single-family detached homes planned to be constructed within this development as shown in Section VII.E. The architecture style is proposed to be a continuation of that in the previous Shelburne developments to the north and west and consist of a mix of contemporary forms and modern farmhouse styles with materials ranging from stone to stucco and board-and-batten siding materials with natural colors. Homes will range in size from 1,600 to 2,200 square feet and a large percentage of the homes will be single-story. *Single-family detached homes are not subject to Design Review per UDC 11-5B-8B.2.*

VI. DECISION

A. Staff:

Staff recommends approval of the proposed annexation and preliminary plat applications with the requirement of a Development Agreement per the comments and conditions listed in Section VIII in accord with the Findings in Section IX.

B. The Meridian Planning & Zoning Commission heard these items on December 19, 2019 and January 6, 2020. At the public hearing on January 6th, the Commission moved to recommend approval of the subject AZ and PP requests.

1. Summary of Commission public hearing:

- a. In favor: Deb Nelson, Givens Pursley
- b. In opposition: None
- c. Commenting: Brian Wilson
- d. Written testimony: Applicant (response to the staff report); Ann Kirkwood, David Palumbo
- e. Staff presenting application: Sonya Allen
- f. Other Staff commenting on application: None

2. Key issue(s) of public testimony:

- a. Location of multi-use pathway along the Ten Mile Feeder Canal - Developer of property to the east stated they were required to provide a pathway along the southwest side of the canal in Ada County; the Pathways Master Plan depicts the pathway on the northeast side of the canal.

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

- a. Location of access easement to the Freeman property via Selatir ;
- b. Confirmation by the Applicant that the amenities in the previous Shelburne and Shelburne East Subdivisions will be shared with this development and will all be under the same HOA;
- c. Type of fencing proposed in place of wrought iron (i.e. 5' open vision lattice top vinyl) – agreeable to vinyl as long as it complies with UDC standards for open vision fencing (i.e. can't restrict vision through the fence by more than 20%);
- d. Request for the Applicant to consider of a different style of picnic shelter that is less commercial in appearance that will fit in more with the design of homes;

- e. Concern from neighbor (Kirkwood) pertaining to access to their back pasture; Applicant agreed to install a gate in the fence for access to the pasture via Grayson Street.
 - f. If someone else (i.e. the developer to the east) wants to construct a pedestrian bridge across the Ten Mile Feeder Canal for access to the pathway easement on this property, it would be okay with the Applicant;
 - g. The width (5' vs. 10') of the pathway through this site adjacent to the Nine Mile Creek;
 - h. Lot 1, Block 8 should be called out as a common lot rather than "non-buildable";
 - i. Concern pertaining to traffic congestion in this area and not having a Traffic Impact Study for any of the developments in this area because the preliminary plats all contained under 100 homes (over 100 triggers a TIS) – desire for road infrastructure to be in place to handle the additional traffic before more developments are approved.
 - 4. Commission change(s) to Staff recommendation:
 - a. Modify condition #A.3d in Section VIII to reflect replacement of the 5' tall open vision iron fence with 5' tall open vision lattice top vinyl fence that complies with UDC standards for open vision fencing (see UDC 11-1A-1);
 - b. Modify condition #A.3e in Section VIII to reflect a 5' instead of a 10' wide pathway along the southwest side of the Nine Mile Creek within an 8' wide easement.
 - c. Modify conditions #A.2c and A.10 in Section VIII to remove the specific Lot and Block number for the access easement for the Freeman parcel to allow that previously agreed upon with the Freeman's through Shelburne East Subdivision via S. Selatir Way;
 - d. Modify condition #A.2a in Section VIII to include Lot 1, Block 8 in the plat notes as a common lot rather than a non-buildable lot; and,
 - e. Add a condition for the Applicant to consider alternate styles for a picnic shelter to match the neighborhood development and design (see condition #A.12 in Section VIII).
 - 5. Outstanding issue(s) for City Council:
 - a. Staff recommended the Applicant provide details at the public hearing in regard to the depth and slope (i.e. horizontal;vertical) of the Nine Mile Creek in order for the Council to determine if fencing should be required adjacent to the waterway to preserve public safety as set forth in UDC 11-3A-6C.1.
- C. The Meridian City Council heard these items on February 18, 2020. 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: Deb Nelson, Givens Pursley
 - b. In opposition: None
 - c. Commenting: Brian Wilson
 - d. Written testimony: Applicant
 - e. Staff presenting application: Sonya Allen
 - f. Other Staff commenting on application: None
 - 2. Key issue(s) of public testimony:
 - a. Question pertaining to which side of the Ten Mile Feeder Canal the Board of Control's access is on.
 - 3. Key issue(s) of discussion by City Council:
 - a. Concern pertaining to the lack of improvements proposed on Lot 1, Block 8 that it will create a weed problem and result in lack of maintenance;
 - b. Preference for the appearance of the shelter proposed as "Option 2";
 - c. Desire to know the number of children that are estimated to attend area schools in developments that have been approved but not yet constructed that are not accounted for in the school district's calculations.
 - 4. City Council change(s) to Commission recommendation:

- a. Council preferred the picnic shelter in Option #2 included in Sections VII.C and D (delete condition #A.12 in Section VIII as it's no longer applicable);
- b. Include a condition for Lot 1, Block 8 to be improved with grass and irrigation and for it be maintained by the HOA as agreed upon by the Applicant (see condition #A.3h);
- c. Based on the slope exhibit submitted by the Applicant showing a typical 3:1 slope of the Nine Mile Creek, the Council did *not* require fencing to be installed along the waterway (see condition #A.3f in Section VIII).

VII. EXHIBITS

A. Annexation & Zoning Legal Description and Exhibit Map

Legal Description for Annexation Shelburne South Subdivision

A parcel of land being located in the SW $\frac{1}{4}$ of the SE $\frac{1}{4}$ of Section 28, Township 3 North, Range 1 East, Boise Meridian, Ada County, Idaho, and more particularly described as follows:

Commencing at a Brass Cap monument marking the southwest corner of the SE $\frac{1}{4}$ of said Section 28, from which an Aluminum Cap monument marking the southeast corner of said SE $\frac{1}{4}$ bears S $89^{\circ}14'43''$ E a distance of 2660.54 feet;

Thence S $89^{\circ}14'43''$ E along the southerly boundary of said SE $\frac{1}{4}$ a distance of 238.00 feet to the **POINT OF BEGINNING**;

Thence N $0^{\circ}31'20''$ E a distance of 965.92 feet to a point;

Thence S $89^{\circ}19'33''$ E a distance of 398.08 feet to a point;

Thence N $0^{\circ}31'18''$ E a distance of 358.85 feet to a point on the north boundary of the SE $\frac{1}{4}$ of said Section 28;

Thence S $89^{\circ}19'52''$ E along said north boundary a distance of 693.19 feet to the northeast corner of the SW $\frac{1}{4}$ of the SE $\frac{1}{4}$ of said Section 28;

Thence S $0^{\circ}28'36''$ W along the east boundary of said SW $\frac{1}{4}$ of the SE $\frac{1}{4}$ a distance of 1326.37 feet to the southeast corner of the SW $\frac{1}{4}$ of the SE $\frac{1}{4}$ of said Section 28;

Thence along the south boundary of said SW $\frac{1}{4}$ of the SE $\frac{1}{4}$ N $89^{\circ}14'43''$ W a distance of 706.23 feet to a point;

Thence leaving said south boundary N $0^{\circ}31'18''$ E a distance of 220.00 feet to a point;

Thence N $89^{\circ}14'43''$ W a distance of 186.00 feet to a point;

Thence S $0^{\circ}31'17''$ W a distance of 220.00 feet to a point on the south boundary of the SW $\frac{1}{4}$ of the SE $\frac{1}{4}$ of said Section 28;

Thence along said south boundary N $89^{\circ}14'43''$ W a distance of 200.09 feet to the **POINT OF BEGINNING**.

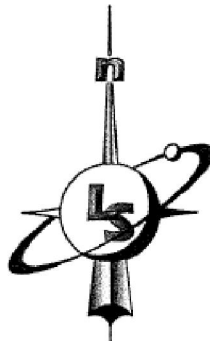
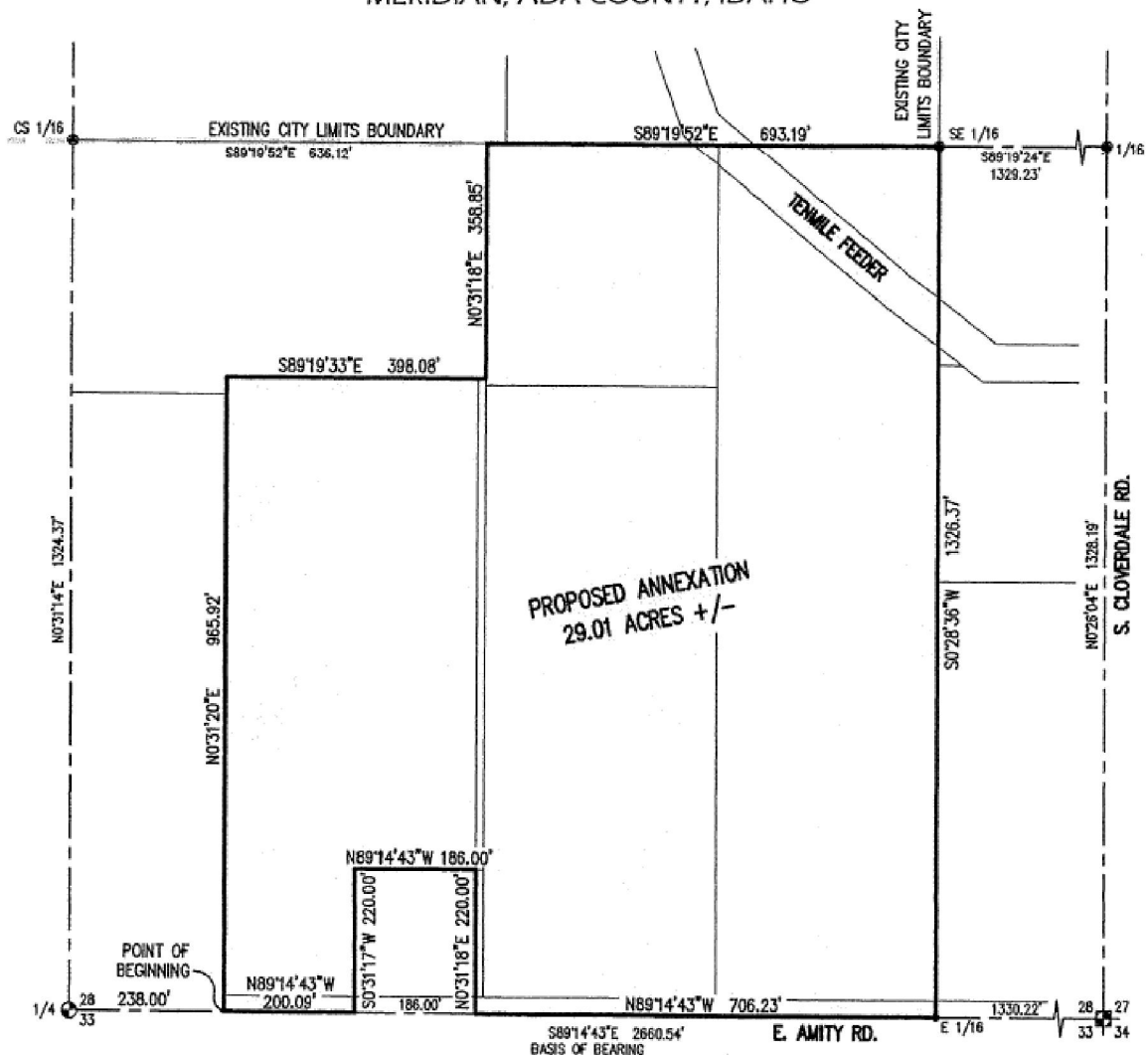
This parcel contains 29.01 acres.

Clinton W. Hansen, PLS
Land Solutions, PC
August 14, 2019



Shelburne South Subdivision Annexation
Job No. 19-08
Page 1 of 1

LOCATED IN THE SW 1/4 OF THE SE 1/4 OF SECTION 28, T.3N., R.1E., B.M.
MERIDIAN, ADA COUNTY, IDAHO

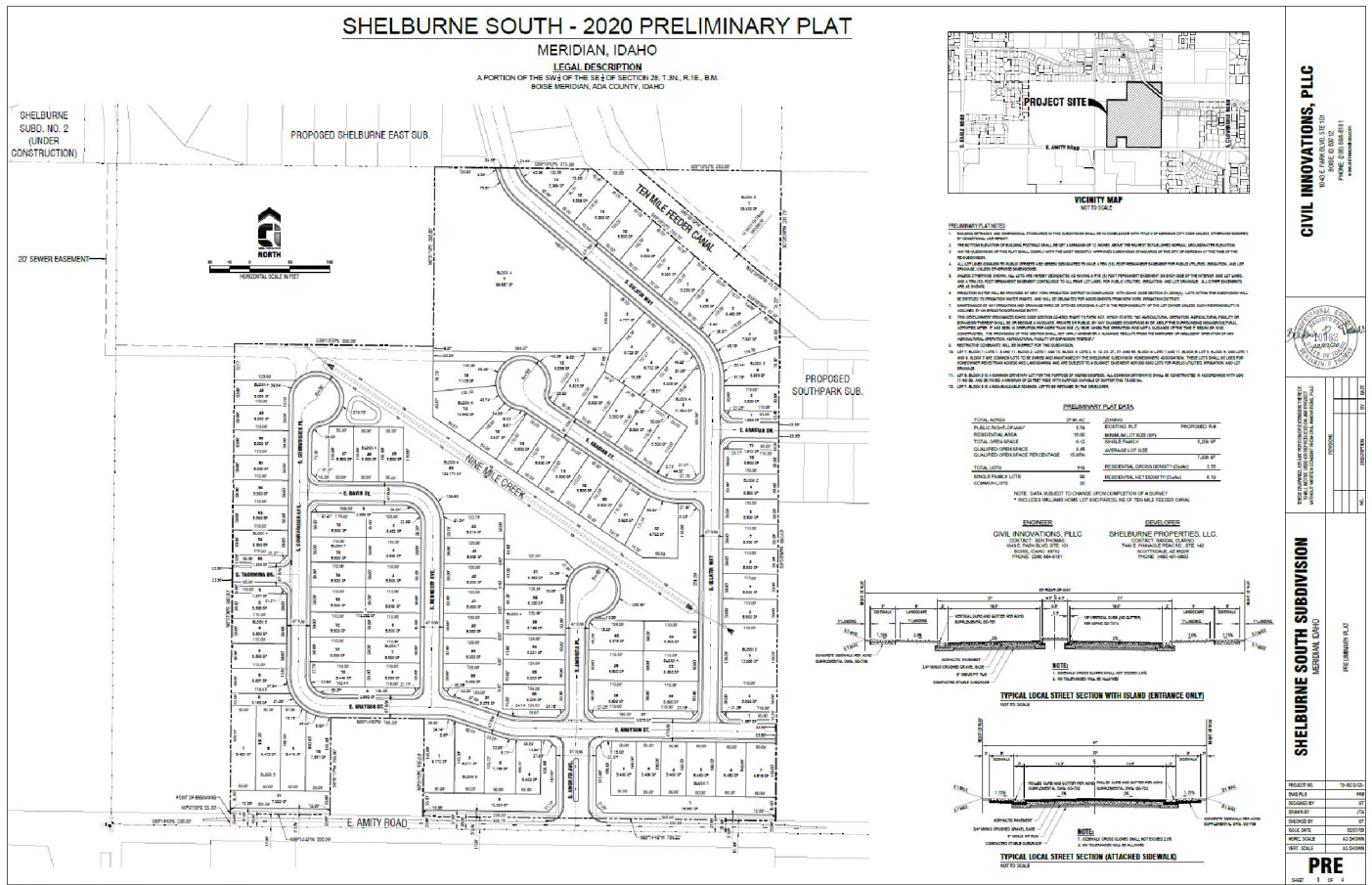


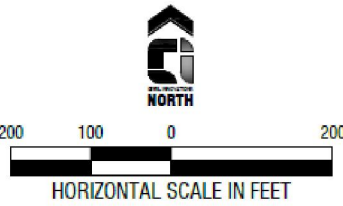
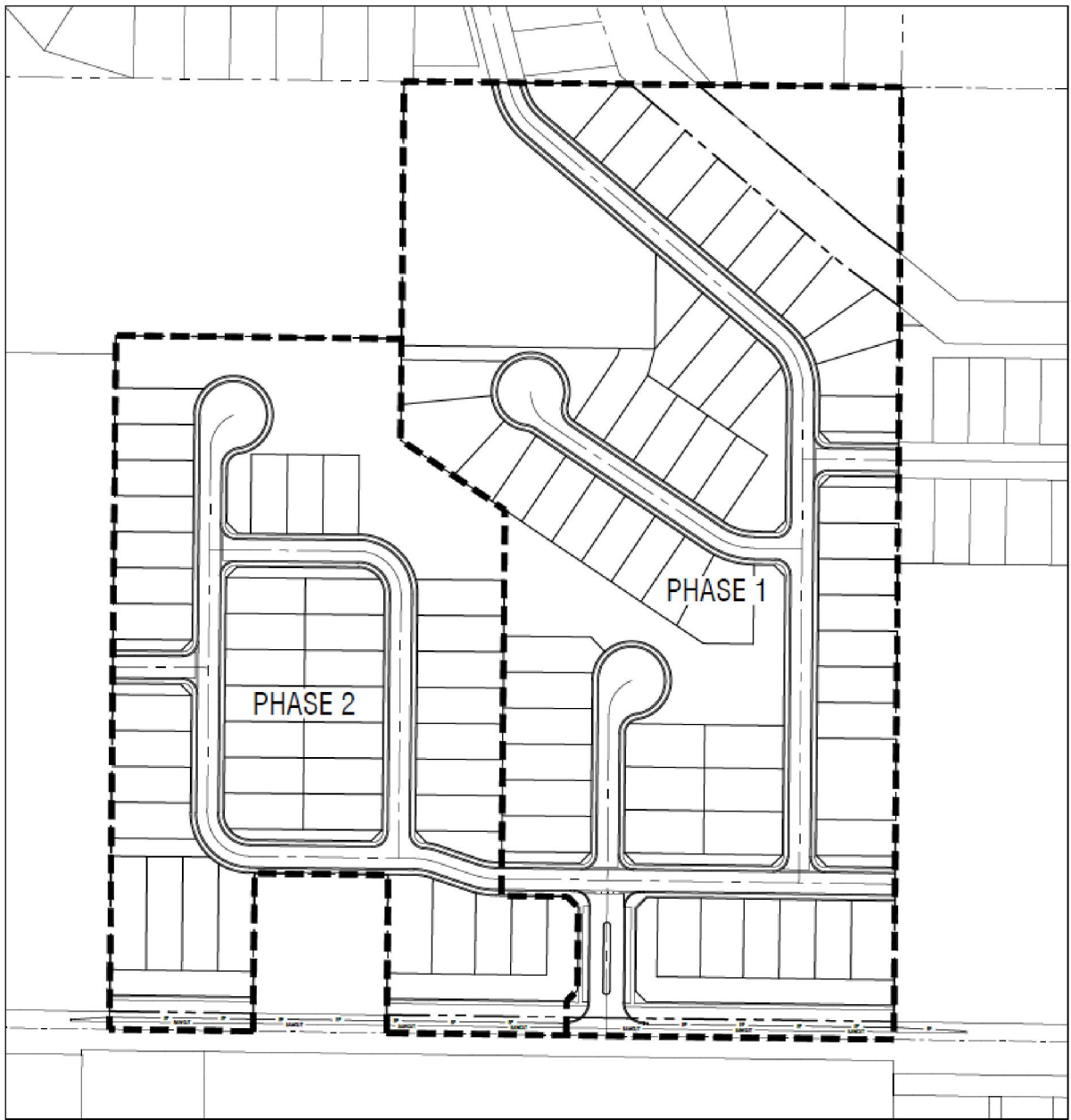
LandSolutions
Land Surveying and Consulting

231 E. 5TH ST., STE. A
MERIDIAN, ID 83642
(208) 288-2040 (208) 288-2557 fax
www.landsolutions.biz

JOB NO. 19-08

B. Preliminary Plat (dated: ~~9/5/2019~~ 2/7/20) & Phasing Plan





PROJECT NO.	19-0813-SS
DWG FILE	PHASING
DESIGNED BY	BT
DRAWN BY	JTA
CHECKED BY	BT
ISSUE DATE	1/09/2020
SCALE	AS SHOWN
SHEET	1 OF 1

SHELburne SOUTH SUBDIVISION
MERIDIAN, IDAHO

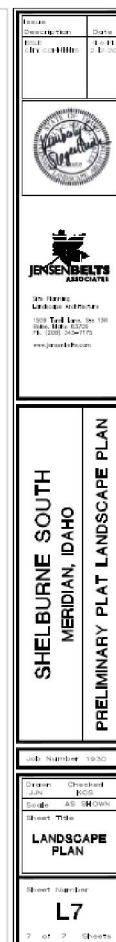
PHASING PLAN

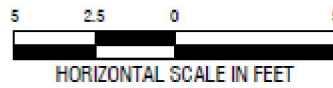
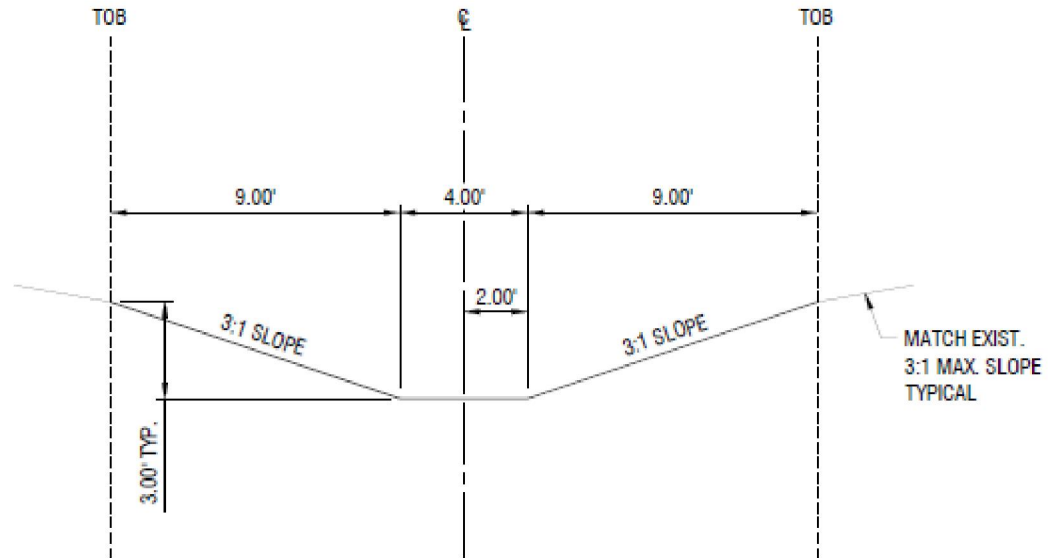
CIVIL INNOVATIONS, PLLC

1043 E. PARK BLVD STE 101
BOISE, ID 83712 PHONE: (208)
884-8181
www.civil-innovations.com

Project: Description: Date:	Sheet: of
	
 JENSEN & BELTS ASSOCIATES 201.744.0000 201.744.0001 201.744.0002 www.jensenbelts.com	
SHELburne SOUTH MERIDIAN, IDAHO PRELIMINARY FLAT LANDSCAPE PLAN	
Job Number: 1230	
Project: Location: Draw Title:	Client: Date: Scale:
LANDSCAPE PLAN	
Sheet Number:	
L1	
1 of 2 Sheets	

[illegible]





PROJECT NO.	19-0613-05
DWG FILE	X-SEC
DESIGNED BY	BT
DRAWN BY	JTA
CHECKED BY	BT
ISSUE DATE	02/11/2020
SCALE	AS SHOWN
SHEET	1 OF 1

SHELBURNE SOUTH SUBDIVISION MERIDIAN, IDAHO

NINE MILE CREEK TYPICAL CROSS-SECTION

CIVIL INNOVATIONS, PLLC

1043 E. PARK BLVD STE 101
BOISE, ID 83712
PHONE: (208) 854-8101
WWW.CIVILINNOVATIONS.COM

D. Qualified Open Space Exhibit and Amenities Detail

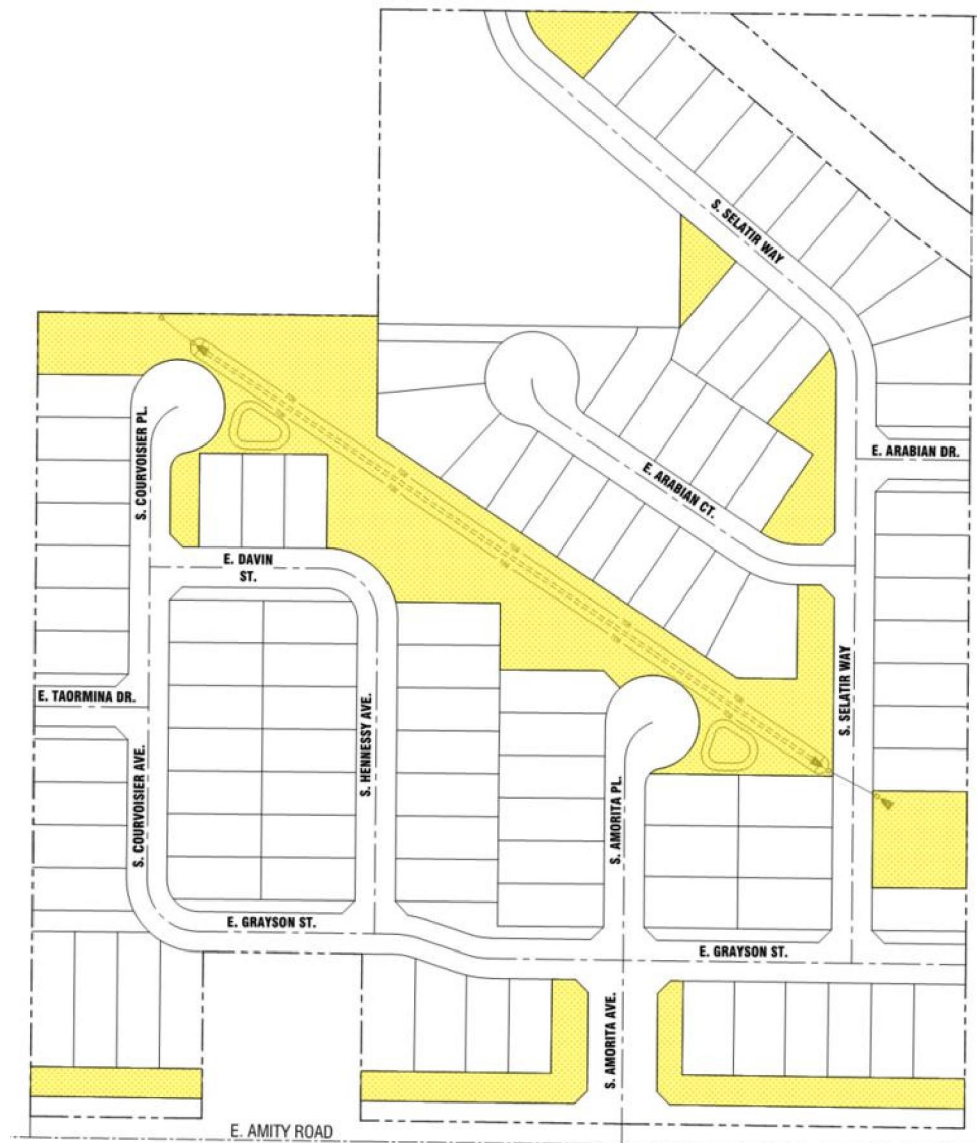


Table 2: Open space calculation breakdown

PRELIMINARY PLAT DATA			
TOTAL ACRES	27.90 AC	ZONING	
PUBLIC RIGHT-OF-WAY	6.00	EXISTING: RUT	PROPOSED: R-8
RESIDENTIAL AREA	15.90	MINIMUM LOT SIZE (SF)	
TOTAL OPEN SPACE	6.00	SINGLE FAMILY	5,446 SF
QUALIFIED OPEN SPACE	4.33	AVERAGE LOT SIZE	
QUALIFIED OPEN SPACE PERCENTAGE	15.52%		6,994 SF
TOTAL LOTS	119	RESIDENTIAL GROSS DENSITY (Du/Ac)	3.55
SINGLE FAMILY LOTS	99	RESIDENTIAL NET DENSITY (Du/Ac)	6.23
COMMON LOTS	20		

NOTE: DATA SUBJECT TO CHANGE UPON COMPLETION OF A SURVEY

* INCLUDES WILLIAMS HOME LOT AND PARCEL NE OF TEN MILE FEEDER CANAL

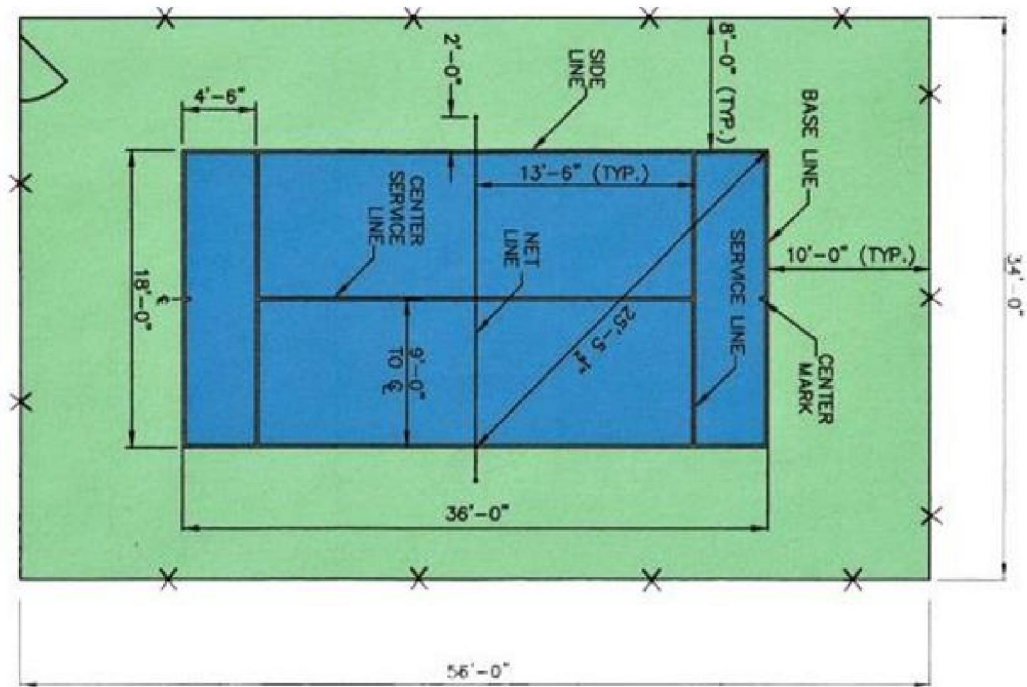
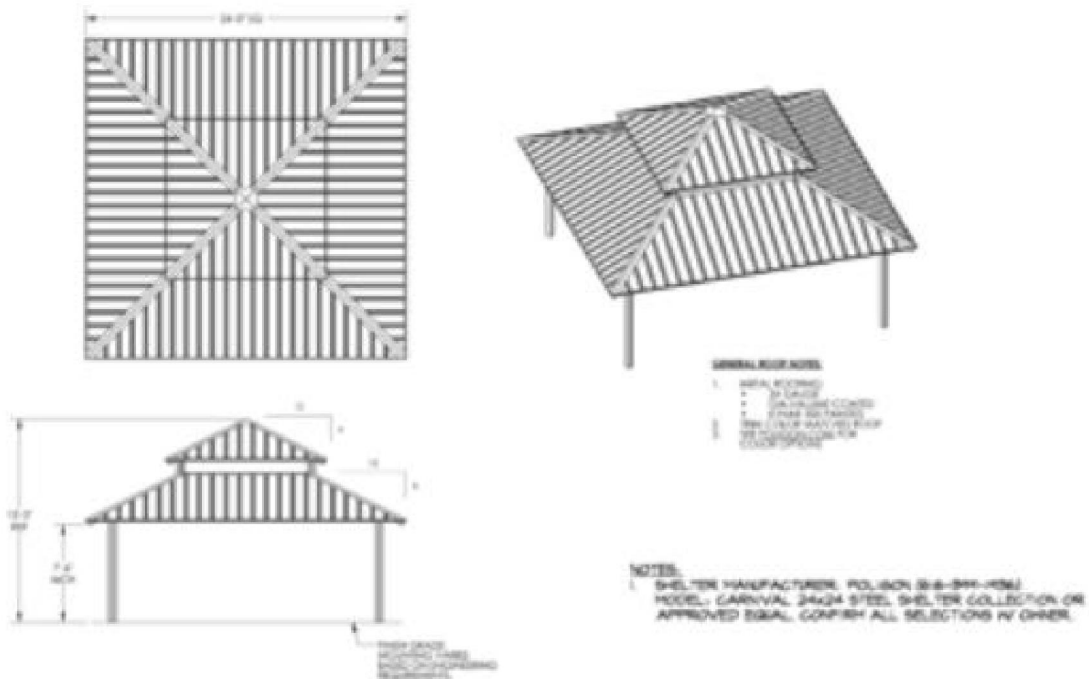


Figure 5: Pickleball Court

Option #2



E. Building Elevations/Architectural Elements

ARCHITECTURAL ELEMENTS AND SINGLE-FAMILY HOUSING

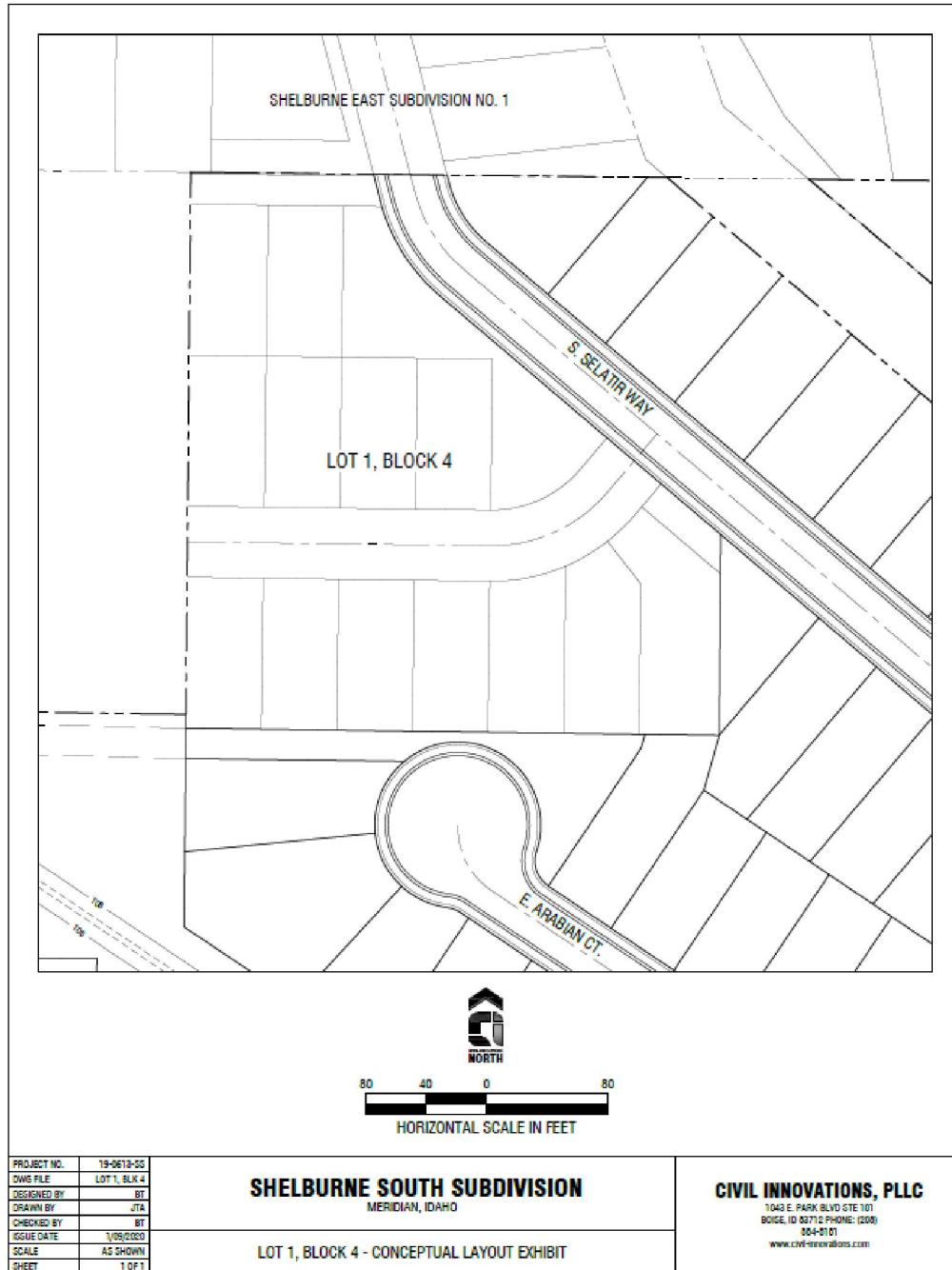
The architecture style of the Project will largely be a continuation of the existing Shelburne No. 1 and No. 2, and Shelburne East neighborhoods with a mix of contemporary forms and modern farmhouse styles. A rich blend of materials ranging from stone to stucco and board-and-batten siding materials is planned with enriched natural colors. Home sizes will range from 1,600 square feet to 2,200 square feet. Similar to the homes in Shelburne No. 1, Shelburne No. 2 and Shelburne East, a large percentage of homes in Shelburne South will be single story. Maximum building height will be 35 feet. Representative building elevations and floor plans are shown in Appendix D.



Figure 3. Example of House Architecture



F. Conceptual Redevelopment Plan for Lot 1, Block 4



VIII. 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, phasing plan, landscape plan and conceptual building elevations included in Section VII and the provisions contained herein.
 - b. The existing home proposed to remain on Lot 1, Block 4 shall hook up to City water and sewer services at the developers expense within 60 calendar days of such services becoming available in accord with MCC 9-1-4 and 9-4-8. At such time, the septic tank shall be abandoned and the well solely used for irrigation purposes.
 - c. The address of the existing home on Lot 1, Block 4 shall change to be addressed off of S. Selatir Way when that road is constructed.
2. The final plat shall include the following changes from the preliminary plat included in Section VII.B, dated ~~9/5/19~~ 2/7/20, as follows:
 - a. ~~A note shall be placed on the face of the plat restricting~~ Include Lot 1, Block 8 as a non-buildable common lot in Note #10.
 - b. Add a note stating direct lot access via E. Amity Rd. is prohibited.
 - c. Graphically depict a minimum 20-foot wide access easement from S. Selatir Way ~~across Lot 1, Block 4~~ to the Freeman property (Parcel #S1128438580); the final plat should include a note referencing the recorded instrument number of this easement.
 3. The landscape plan included in Section VII.C, dated ~~9/6/19~~ 2/12/20, shall be revised with submittal of the final plat application as follows:
 - a. Depict mitigation trees and calculations on the plan in accord with the standards listed in UDC 11-3B-10C.5. *Coordinate with Elroy Huff, the City Arborist, at 208-371-1755 to determine mitigation requirements.*
 - b. Include calculations in the Landscape Calculations table for trees within the parkways at the entry of the development from E. Amity Rd. adjacent to S. Amorita Ave. demonstrating compliance with the standards listed in UDC 11-3A-17E and 11-3B-7C.
 - c. Include calculations in the Landscape Calculations table for the trees along the pathway on the south side of the Nine Mile Creek in Block 4 demonstrating compliance with the standards listed in UDC 11-3B-12C.2.
 - d. ~~Correct the description of the 5' open vision lattice top vinyl fence along common areas noted in the Plant Palette table to reflect that depicted on the detail on Sheet L6 (i.e. 5' open vision lattice top vinyl wrought iron fence).~~ Replace the detail (#5 on Sheet L6) for the open vision iron fence with a 5' tall open vision lattice top vinyl fence as called out in the Plant Palette that complies with UDC standards for open vision fencing (see UDC 11-1A-1).

- e. ~~Widen~~ The 5-foot wide pathway depicted in Lot 23, Block 4 from 5 to 10 feet and shall extend ~~it~~ to the north and east (through Lot 3, Block 2) boundaries of the subdivision within an 8-foot wide public pedestrian easement for future extension and interconnectivity between neighborhoods.
 - f. ~~The Applicant shall provide details at the public hearing in regard to the depth and slope (i.e. horizontal:vertical) of the Nine Mile Creek in order for the Commission/Council to determine if fencing should be required adjacent to the waterway to preserve public safety as set forth in UDC 11-3A-6C.1.~~ *The Applicant submitted an exhibit, included in Section VIII.C, depicting a 3:1 typical slope of the Nine Mile Creek; based on this exhibit, the Council did not require fencing to be constructed adjacent to the creek.*
 - g. Depict 5-foot wide landscape strips on each side of the multi-use pathway that comply with the standards listed in UDC 11-3B-12C.
 - h. Lot 1, Block 8 shall be improved with grass and irrigation and be maintained by the Homeowner's Association as agreed upon by the Applicant.
4. For lots accessed by the common driveway on Lot 6, Block 5, an exhibit shall be submitted with the final plat application that depicts the setbacks, fencing, building envelope and orientation of the lots and structures. Driveways for abutting properties that aren't taking access from the common driveway(s) shall be depicted on the opposite side of the shared property line away from the common driveway. *Solid fencing adjacent to common driveways is prohibited unless separated by a minimum 5-foot wide landscaped buffer.*
 5. Provide address signage for homes accessed by the common driveway on Lot 6, Block 5 for emergency wayfinding purposes.
 6. A perpetual ingress/egress easement is required to be filed with the Ada County Recorder for the common driveway on Lot 6, Block 5 which shall include a requirement for maintenance of a paved surface capable of supporting fire vehicles and equipment. **A copy of the recorded easement should be submitted to the Planning Division prior to signature on the final plat by the City Engineer.**
 7. **Development shall be limited to 30 building lots until such time as a secondary access that meets International Fire Code (IFC) is built and approved by the Fire Dept.**
 8. **A public pedestrian easement shall be submitted to the Planning Division as required by the Park's Department prior to signature on the final plat(s) by the City Engineer for the multi-use pathway along the southwest side of the Nine Mile Creek from the east to the northwest (along the creek to the north boundary and along the access road to the west boundary) perimeter boundaries of the subdivision and along the northeast side of the Ten Mile Feeder Canal on the subject property.**
 9. Off-street parking is required to be provided for the proposed use as set forth in UDC Table 11-3C-6 based on the number of bedrooms per unit.
 10. To ensure access is still provided to the Freeman property (Parcel #S1128438580) once Shelburne East develops to the north and S. Selatir Ln. is removed, a cross-access easement for a minimum 20-foot wide driveway shall be required to that property across Lot 1, Block 4. **The preliminary plat shall be revised prior to the Council meeting to graphically reflect this easement. A copy of the recorded easement shall be submitted prior to signature on the final plat by the City Engineer.**

11. All existing structures on the site that are not proposed to remain on a lot in the proposed subdivision shall be removed prior to City Engineer signature on the final plat phase in which they are located.
- ~~12. The Applicant shall consider alternate picnic shelter styles to match the neighborhood development and design.~~

B. PUBLIC WORKS

1. Site Specific Conditions of Approval

- 1.1 A street light plan will need to be included in the final plat application. Street light plan requirements are listed in section 6-7 of the City's Design Standards. A copy of the standards can be found at http://www.meridiancity.org/public_works.aspx?id=272.
- 1.2 There will be no redundant water mainline connection for homes to the west of Amortia Ave, however development to the west will correct this issue. Water connection from Shelburne East Sub to Amity must be completed by phase 3 of Shelburne East.
- 1.3 Applicant to provide sanitary sewer and water services to Lot 1, Block 4, and the outparcel between Blocks 5 and 6.
- 1.4 Applicant shall modify their utility designs to exclude sewer and water mainlines within common drive Lot 6, Block 5. Services will need to extend from the mains in the public right-of-way.
- 1.5 Preliminary engineering submitted with this application does not show a water mainline extension in E. Amity Road to and through the project. This mainline is required, and needs to be included.
- 1.6 The water mainline extensions in the two eastern stub streets can be removed as the west boundary of this development is the extent of Meridian's service area.
- 1.7 Applicant shall provide a water mainline easement parallel with the sanitary sewer easement from the S. Courvoisier Place cul-de-sac to the north subdivision boundary for possible future water mainline connection to the neighboring north parcel.

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 then 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 12-13-8.3). The applicant should be required to use any existing surface or well water for the primary source. If a surface or well source is not available, a single-point connection to the culinary water system shall be required. If a single-point connection is utilized, the developer will be responsible for the payment of assessments for the common areas prior to 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 existing domestic well system within this project shall be removed from domestic service per City Ordinance Section 9-1-4 and 9 4 8 contact the City of Meridian Engineering Department at (208)898-5500 for inspections of disconnection of services. Wells may be used for non-domestic purposes such as landscape irrigation if approved by Idaho Department of Water Resources Contact Robert B. Whitney at (208)334-2190.
- 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 All grading of the site shall be performed in conformance with MCC 11-12-3H.
- 2.17 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.
- 2.18 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.

- 2.19 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.
- 2.20 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.
- 2.21 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.
- 2.22 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.
- 2.23 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

<http://weblink.meridiancity.org/WebLink8/0/doc/179010/Page1.aspx>

D. POLICE DEPARTMENT

<http://weblink.meridiancity.org/weblink8/0/doc/180523/Page1.aspx>

E. PARK'S DEPARTMENT

<http://weblink.meridiancity.org/weblink8/0/doc/182020/Page1.aspx>

F. COMMUNITY PLANNING ASSOCIATION OF SOUTHWEST IDAHO (COMPASS)

<http://weblink.meridiancity.org/weblink8/0/doc/179920/Page1.aspx>

G. BOISE PROJECT BOARD OF CONTROL

<http://weblink.meridiancity.org/WebLink8/0/doc/179277/Page1.aspx>

H. NAMPA & MERIDIAN IRRIGATION DISTRICT

<http://weblink.meridiancity.org/weblink8/0/doc/179149/Page1.aspx>

I. CENTRAL DISTRICT HEALTH DEPARTMENT

<http://weblink.meridiancity.org/weblink8/0/doc/179729/Page1.aspx>

J. DEPARTMENT OF ENVIRONMENTAL QUALITY (DEQ)

<http://weblink.meridiancity.org/weblink8/0/doc/179275/Page1.aspx>

K. WEST ADA SCHOOL DISTRICT (WASD)

<http://weblink.meridiancity.org/weblink8/0/doc/179848/Page1.aspx>

L. ADA COUNTY HIGHWAY DISTRICT (ACHD)

<http://weblink.meridiancity.org/weblink8/0/doc/181794/Page1.aspx>

IX. 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 is proposing to annex and develop the subject property with 99 single-family residential dwellings in the R-8 zoning consistent with the MDR FLUM designation. (See Section V above for more information.)

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 and development complies with the purpose statement of the residential districts in that it will contribute toward the range of housing opportunities available within 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 medium density residential uses should be compatible with adjacent existing and future residential uses.

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. **The School District has submitted comments, included in Section VIII.K that currently show student enrollment is below capacity for the elementary (i.e. Silver Sage, although Hillsdale is currently capped) and above capacity for the middle and high school.***

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 if the Applicant complies with the conditions in Section VIII.

B. Preliminary Plat (UDC 11-6B-6)

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 if the Applicant complies with the conditions of approval in Section VIII.

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

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

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.