

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



In the Matter of the Request for Annexation & Zoning of 2.88 acres of land with an R-2 zoning district and a preliminary plat consisting of 6 single-family residential lots, by HomeFound Group.

Case No(s). H-2020-0124

For the City Council Hearing Date of: March 23, 2021 & April 20, 2021 (Findings on May 4, 2021)

A. Findings of Fact

1. Hearing Facts (see attached Staff Report for the hearing date of March 23, 2021, incorporated by reference)
2. Process Facts (see attached Staff Report for the hearing date of March 23, 2021, incorporated by reference)
3. Application and Property Facts (see attached Staff Report for the hearing date of March 23, 2021, incorporated by reference)
4. Required Findings per the Unified Development Code (see attached Staff Report for the hearing date of March 23, 2021, incorporated by reference)

B. Conclusions of Law

1. The City of Meridian shall exercise the powers conferred upon it by the "Local Land Use Planning Act of 1975," codified at Chapter 65, Title 67, Idaho Code (I.C. §67-6503).
2. The Meridian City Council takes judicial notice of its Unified Development Code codified as Title 11 Meridian City Code, and all current zoning maps thereof. The City of Meridian has, by ordinance, established the Impact Area and the Comprehensive Plan of the City of Meridian, which was adopted December 17, 2019, Resolution No. 19-2179 and Maps.
3. The conditions shall be reviewable by the City Council pursuant to Meridian City Code § 11-5A.
4. Due consideration has been given to the comment(s) received from the governmental subdivisions providing services in the City of Meridian planning jurisdiction.
5. It is found public facilities and services required by the proposed development will not impose expense upon the public if the attached conditions of approval are imposed.
6. That the City has granted an order of approval in accordance with this Decision, which shall be signed by the Mayor and City Clerk and then a copy served by the Clerk upon the applicant, the Community Development Department, the Public Works Department and any affected party requesting notice.
7. That this approval is subject to the Conditions of Approval all in the attached Staff Report for the hearing date of March 23, 2021, incorporated by reference. The conditions are concluded to be

reasonable and the applicant shall meet such requirements as a condition of approval of the application.

C. Decision and Order

Pursuant to the City Council's authority as provided in Meridian City Code § 11-5A and based upon the above and foregoing Findings of Fact which are herein adopted, it is hereby ordered that:

1. The applicant's request for Annexation and Zoning and Preliminary Plat is hereby approved per the conditions of approval in the Staff Report for the hearing date of March 23, 2021, attached as Exhibit A.

D. Notice of Applicable Time Limits

Notice of Preliminary Plat Duration

Please take notice that approval of a preliminary plat, combined preliminary and final plat, or short plat shall become null and void if the applicant fails to obtain the city engineer's signature on the final plat within two (2) years of the approval of the preliminary plat or the combined preliminary and final plat or short plat (UDC 11-6B-7A).

In the event that the development of the preliminary plat is made in successive phases in an orderly and reasonable manner, and conforms substantially to the approved preliminary plat, such segments, if submitted within successive intervals of two (2) years, may be considered for final approval without resubmission for preliminary plat approval (UDC 11-6B-7B).

Upon written request and filed by the applicant prior to the termination of the period in accord with 11-6B-7.A, the Director may authorize a single extension of time to obtain the City Engineer's signature on the final plat not to exceed two (2) years. Additional time extensions up to two (2) years as determined and approved by the City Council may be granted. With all extensions, the Director or City Council may require the preliminary plat, combined preliminary and final plat or short plat to comply with the current provisions of Meridian City Code Title 11. If the above timetable is not met and the applicant does not receive a time extension, the property shall be required to go through the platting procedure again (UDC 11-6B-7C).

Notice of Conditional Use Permit Duration

Please take notice that the conditional use permit, when granted, shall be valid for a maximum period of two (2) years unless otherwise approved by the City. During this time, the applicant shall commence the use as permitted in accord with the conditions of approval, satisfy the requirements set forth in the conditions of approval, and acquire building permits and commence construction of permanent footings or structures on or in the ground. For conditional use permits that also require platting, the final plat must be signed by the City Engineer within this two (2) year period.

Upon written request and filed by the applicant prior to the termination of the period in accord with 11-5B-6.G.1, the Director may authorize a single extension of the time to commence the use not to exceed one (1) two (2) year period. Additional time extensions up to two (2) years as determined and approved by the City Council may be granted. With all extensions, the Director or City Council may require the conditional use comply with the current provisions of Meridian

City Code Title 11(UDC 11-5B-6F).

Notice of Development Agreement Duration

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

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

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

E. Notice of Final Action and Right to Regulatory Takings Analysis

1. **Please take notice** that this is a final action of the governing body of the City of Meridian. When applicable and pursuant to Idaho Code § 67-6521, any affected person being a person who has an interest in real property which may be adversely affected by the final action of the governing board may within twenty-eight (28) days after the date of this decision and order seek a judicial review as provided by Chapter 52, Title 67, Idaho Code.

F. Attached: Staff Report for the hearing date of March 23, 2021.

By action of the City Council at its regular meeting held on the 4th day of May, 2021.

COUNCIL PRESIDENT TREG BERNT

VOTED AYE

COUNCIL VICE PRESIDENT BRAD HOAGLUN

VOTED AYE

COUNCIL MEMBER JESSICA PERREAULT

VOTED _____

COUNCIL MEMBER LUKE CAVENER

VOTED AYE

COUNCIL MEMBER JOE BORTON

VOTED AYE

COUNCIL MEMBER LIZ STRADER

VOTED AYE

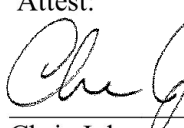
MAYOR ROBERT SIMISON
(TIE BREAKER)

VOTED _____



Mayor Robert E. Simison 5-4-2021

Attest:



Chris Johnson
City Clerk



5-4-2021

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

By: 

City Clerk's Office

Dated: 5-4-2021

STAFF REPORT

COMMUNITY DEVELOPMENT DEPARTMENT



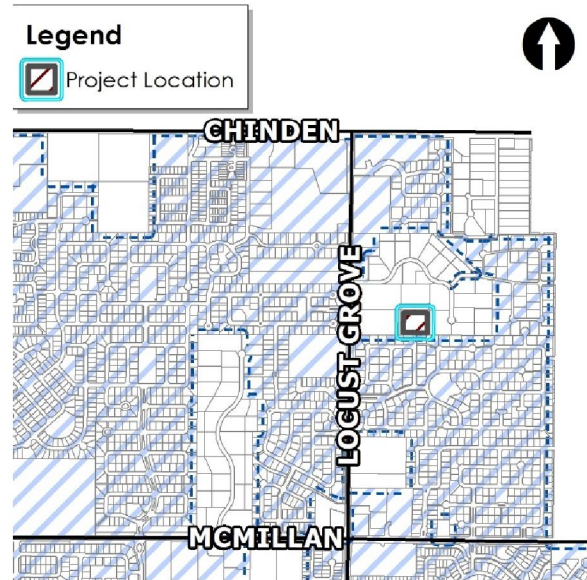
HEARING DATE: 3/23/2021

TO: Mayor & City Council

FROM: Joe Dodson, Associate Planner
208-884-5533

SUBJECT: H-2020-0124
Ambles Run Subdivision

LOCATION: The site is located on Lot 26, Block 1 of the county Dunwoody Subdivision, approximately ¼ mile east of N. Locust Grove Road and a ½ mile south of Chinden Boulevard, in the SW ¼ of the NW ¼ of Section 29, Township 4N., Range 1E.



I. PROJECT DESCRIPTION

Annexation & Zoning of 2.88 acres of land with an R-2 zoning district and a preliminary plat consisting of 6 single-family residential lots, by HomeFound Group.

II. SUMMARY OF REPORT

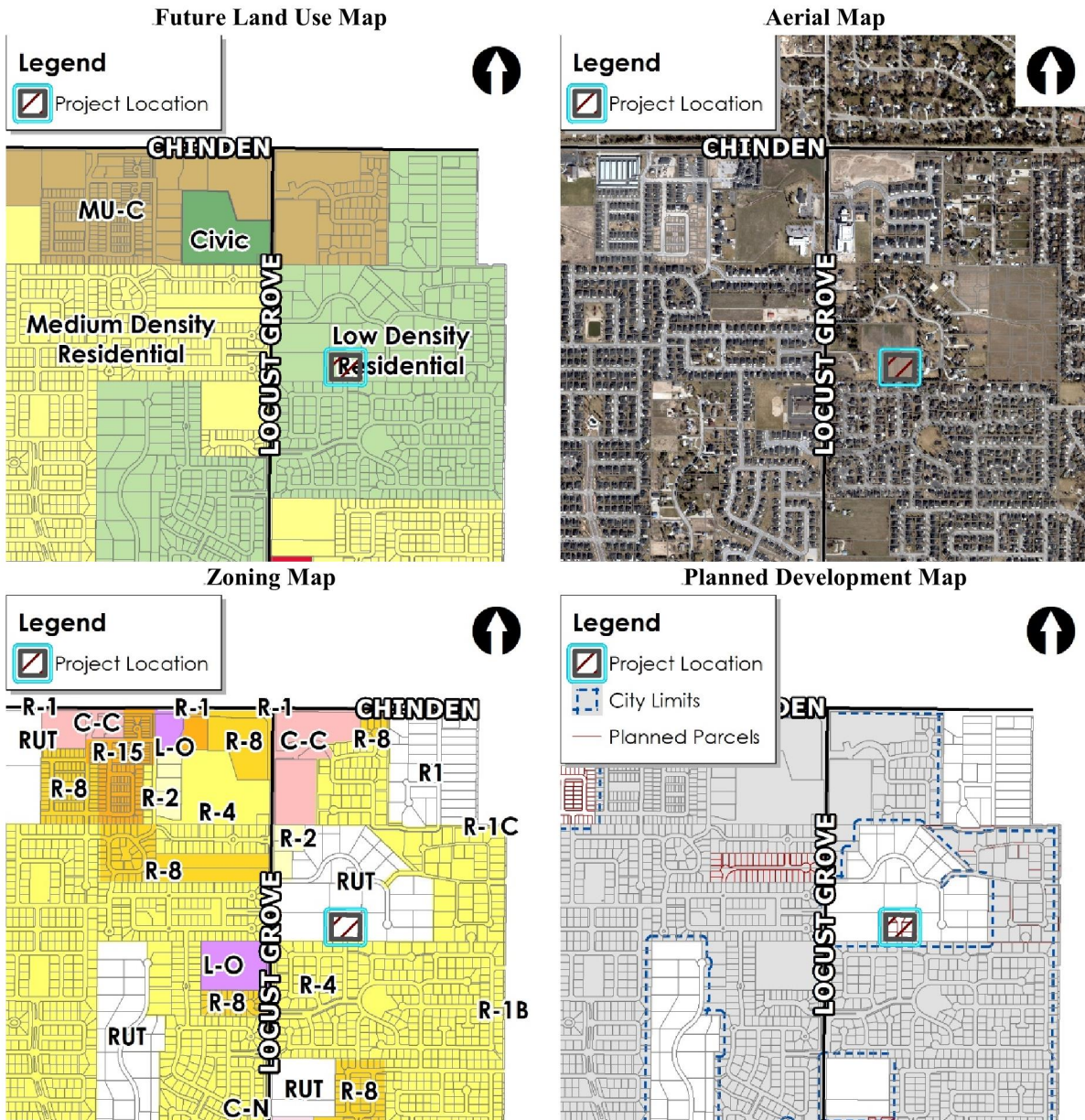
A. Project Summary

Description	Details	Page
Acreage	2.88	
Future Land Use Designation	Low Density Residential (0-3 du/ac)	
Existing Land Use(s)	Vacant land	
Proposed Land Use(s)	Detached Single-family Residential	
Lots (# and type; bldg./common)	6 residential building lots	
Phasing Plan (# of phases)	Proposed as one phase	
Number of Residential Units (type of units)	6 single-family units	
Density (gross & net)	Gross – 2.08 du/ac.; Net – 2.49 du/ac.	
Open Space (acres, total [%]/buffer/qualified)	N/A – property is not at least 5 acres in size	
Amenities	N/A – property is not at least 5 acres in size	
Neighborhood meeting date; # of attendees:	November 9, 2020 – 10 attendees;	
History (previous approvals)	No history with the City	

B. Community Metrics

Description	Details	Page
Ada County Highway District		
• Staff report (yes/no)	Yes	
• Requires ACHD Commission Action (yes/no)	No	
Access (Arterial/Collectors/State Hwy/Local) (Existing and Proposed)	Access is proposed via Chopin Avenue, an existing local street stubbed to the southern boundary of the subject property.	
Stub Street/Interconnectivity/Cross Access	Applicant is proposing to continue Chopin Ave. through the project in its current alignment and stub it to their northern boundary, terminating in a cul-de-sac.	
Existing Road Network	No	
Existing Arterial Sidewalks / Buffers	N/A	
Proposed Road Improvements	No road improvements are proposed or required other than extending Chopin Ave. into the site.	
Distance to nearest City Park (+ size)	1.2 miles to Charles F. McDevitt Youth Sports Complex (City of Boise)	
Fire Service		
• Distance to Fire Station	1.5 miles from Fire Station #3	
• Fire Response Time	This project lies within the Meridian Fire response time goal of 5 minutes.	
• Resource Reliability	Fire Station #3 reliability is 78% (below the goal of 80%)	
• Risk Identification	Risk Factor 1 – Residential	
• Accessibility	Proposed project meets all required access, road widths, and turnarounds; proposed landscape planter within cul-de-sac is not allowed and should be removed.	
Police Service		
• Concerns	None	
Wastewater		
• Distance to Sewer Services	N/A	
• Sewer Shed	North Slough Trunkshed	
• Estimated Project Sewer ERU's	See application	
• WRRF Declining Balance	14.06	
• Project Consistent with WW Master Plan/Facility Plan	Yes	
• Impacts/Concerns	• Flow is committed • Since parcel to the north is not a phase of this project the sewer line needs to end at a manhole at the northern boundary.	
Water		
• Distance to Services	0'	
• Pressure Zone	3	
• Estimated Project Water ERU's	See application	
• Water Quality Concerns	None	
• Project Consistent with Water Master Plan	Yes	
• Impacts/Concerns	None	

C. Project Area Maps



III. APPLICANT INFORMATION

A. Applicant:

Michael Miller, HomeFound Group – 1308 N. 12th Street, Boise, ID 83702

B. Owner:

Maureen Miller – 1308 N. 12th Street, Boise, ID 83702

C. Representative:

Same as Applicant

IV. NOTICING

	Planning & Zoning Posting Date	City Council Posting Date
Newspaper Notification	1/29/2021	3/5/2021
Radius notification mailed to properties within 500 feet	1/26/2021	3/2/2021
Site Posting	1/27/2021	3/8/2021
Nextdoor posting	1/26/2021	3/4/2021

V. STAFF ANALYSIS

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

Low-Density Residential – This designation allows for the development of single-family homes on large and estate lots at gross densities of three dwelling units or less per acre. These areas often transition between existing rural residential and urban properties. Developments need to respect agricultural heritage and resources, recognize view sheds and open spaces, and maintain or improve the overall atmosphere of the area. The use of open spaces, parks, trails, and other appropriate means should enhance the character of the area.

The subject site is somewhat of an outparcel of an existing county subdivision (Dunwoody Subdivision) that has no access except for the Chopin Avenue stubbed to its southern property boundary. Dunwoody Subdivision has large lots that are approximately an acre or more in size and the proposed subdivision aims to provide a transition from these larger lots sizes towards the existing R-4 lots to the south by proposing six (6) lots that are over 16,000 square feet in size.

The subject site is less than 5 acres in size and therefore the requirements to provide open space and amenities do not apply. However, Staff is aware that the three parcels adjacent to the subject site to the west and north are also in discussions with City officials on their redevelopment—if those parcels were to annex and redevelop together with this parcel, this area may be able to provide a more cohesive development. The Applicants of both projects have been in detailed discussions with each other but no agreement could be made. Therefore, this property owner decided to move forward with the proposed 6-lot subdivision. This is unfortunate but the likelihood of this parcel being developed with anything other than the proposed layout is minimal.

The proposed density is approximately 2 dwellings per acre which fits within the Low Density Residential future land use designation range of 3 or less per acre. As noted, this density would offer a transitional density from the county subdivision to the existing Vienna Woods Subdivision to the south. Despite the 2.88 acre parcel not being required to provide open space, the Applicant is proposing to provide parkways with street trees along both sides of the Chopin Avenue extension. As currently proposed, the project is proposing approximately 4% open space that would be qualifying open space if any were required. This number is important because if this property was required to provide open space by code, the project would only be required to provide 5% open space due to the project only containing buildable lots and each lot being over 16,000 square feet. Providing open space for developments is a critical point within the comprehensive plan to help create a sense of place and add green space for residents to enjoy. Therefore, Staff is recommending the Applicant revise the landscape plans to show 10' wide parkways instead of 8' wide to increase the open space for the project and meet that 5% open space threshold. Providing open space at this level is not required by code but Staff believes it

helps the project meet the spirit of the code and allows for even more of an identity for this small subdivision.

In addition to the wider parkways, Staff is recommending a revision to the road layout to better comply with the comprehensive plan and help with future development in this area. The Applicant should provide a stub street to their western boundary and preliminary discussions with ACHD have determined this Applicant would be required to construct the full street section. Therefore, the stub street would be constructed as a full 33-foot street section within 47 feet of right-of-way if using attached 5-foot sidewalks. However, to align with what is already being proposed Staff recommends the stub street be constructed with 8-foot parkways and detached sidewalk—further analysis is in the Access section (Section V.F). By providing a stub street to the north and to the west, this parcel can set up road connectivity and utility placement for future redevelopment in this area creating a more cohesive design. Furthermore, this recommended change does not create the need to lose any lots or change the request for R-2 zoning as each lot would still meet the R-2 dimensional standards after reducing their lot widths.

With Staff's recommended changes, Staff finds the proposed project and what it brings to the City of Meridian to be generally consistent with the Comprehensive Plan.

The City may require a development agreement (DA) in conjunction with an annexation pursuant to Idaho Code section 67-6511A. *In order to ensure the site develops as proposed with this application, Staff recommends a DA as a provision of annexation with the provisions included in Section VIII.A1. The DA is required to be signed by the property owner(s)/developer and returned to the City within 6 months of the Council granting the annexation for approval by City Council and subsequent recordation. A final plat will not be accepted until the DA is executed and the AZ ordinance is approved by City Council.*

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

The applicable Comprehensive Plan policies are cited below with Staff analysis in italics.

“Avoid the concentration of any one housing type or lot size in any geographical area; provide for diverse housing types throughout the City” (2.01.01G). The proposed project offers a density that is directly in the middle of the adjacent estate lots the north and east of the Dunwoody Subdivision and the R-4 lots to the south of Vienna Woods Subdivision. Although the proposed subdivision is only six lots, this subdivision would lay the foundation for the appropriate transitional density in this immediate geographic area.

“Require all new development to create a site design compatible with surrounding uses through buffering, screening, transitional densities, and other best site design practices” (3.07.01A). The proposed site design incorporates a transitional density from the existing 1-acre lots of the Dunwoody Subdivision. In addition, the Applicant is proposing to construct a berm with trees and other landscaping along the rears of each building lot to further screen the new and existing homes nearby. Code does not regulate landscaping on private property but Staff encourages the Applicant to include maintenance of these landscaped areas within the future CC&R's of the homeowner's association. Despite such a relatively small site, the Applicant is creating buffers and incorporating street trees within parkways to buffer and screen the proposed homes making them more compatible with what exists to the northeast and to the south.

“Establish and maintain levels of service for public facilities and services, including water, sewer, police, transportation, schools, fire, and parks” (3.02.01G). All public utilities are available for this project site due to the existing stubs abutting the site to the south within Chopin Avenue, per Public Works comments. This project also lies within the Fire Department response time goal. An additional 6 homes are expected to generate 4 school age children which can be easily absorbed into the school system, according to the West Ada response letter.

Staff finds that the existing and planned development of the immediate area create conditions for adequate levels of service to and for this proposed project.

“Preserve, protect, and provide open space for recreation, conservation, and aesthetics” (4.05.01F). As discussed, the project is below the minimum 5 acre size to require open space. However, the Applicant is proposing parkways with detached sidewalks that will add street trees and help create a sense of place for the development despite not having a large open space lot. Residents here will be within walking distance and easily within car and bicycle distance of a park to the southeast through local streets. In addition, with Staff’s recommended changes to increase the width of the parkways to 10 feet, the trees should be healthier and beautify the subdivision even more.

“Require all new residential neighborhoods to provide complete streets, consistent with the Transportation and Land Use Integration Plan.” (2.02.01C). The Applicant is proposing to construct this project with detached sidewalks, street trees within parkway strips, and a road section wide enough to accommodate on-street parking. Staff finds the combination of these elements helps create a form of complete streets and should encourage future development nearby to emulate these features.

“Require pedestrian access in all new development to link subdivisions together and promote neighborhood connectivity.” (2.02.01D). Proposed project is extending the detached sidewalks from the south to allow easy access to the existing pedestrian facilities within Vienna Woods.

“Ensure that new development within existing residential neighborhoods is cohesive and complementary in design and construction.” (2.02.02F). As discussed, the Applicant is proposing lot sizes that do not match those directly abutting the site but instead act as a transitional density. This proposed density and probable homes in conjunction with the proposed street trees should complement the design of the existing development nearby.

Staff finds this development to be generally consistent with the Comprehensive Plan.

C. Existing Structures/Site Improvements:

There are no existing structures on site as this site is leftover pasture land.

D. Proposed Use Analysis:

The proposed use is detached single-family residential on larger estate lots. This use is a permitted use in requested R-2 zoning district per UDC Table 11-2A-2. Due to the relatively small size of the development (six lots), the project is proposed to be constructed in one phase but will still have a Homeowner’s Association. According to the Applicant’s Narrative, the future homes are to be constructed as approximately 2,400 square foot single-level homes with a second story bonus room as an option.

The proposed use and style of homes should provide for a development that is cohesive with adjacent development.

E. Dimensional Standards ([UDC 11-2](#)):

The residential lots appear to meet all UDC dimensional standards per the submitted plat. In addition, all subdivision developments are also required to comply with Subdivision Design and Improvement Standards (UDC 11-6C-3). *The proposed preliminary plat and submitted plans appear to meet all UDC requirements. Staff will verify compliance with these standards following Staff’s recommended revisions discussed in the next section.*

F. Access ([UDC 11-3A-3](#), [11-3H-4](#)):

Access is proposed via extension of Chopin Avenue, a local street stubbed to the southern boundary. The submitted plans show the extension of Chopin as a 36-foot wide street with 4-foot detached sidewalk outside of 8-foot wide parkways with street trees. The proposed street section does not meet ACHD policy and should be reduced to 33 feet wide. In addition, the sidewalks must be constructed as 5-feet wide to meet ACHD standards. The Applicant is proposing to terminate Chopin Avenue at the north boundary in a cul-de-sac in line with ACHD policy because the road section will be greater than 150 feet in length.

The proposed layout is sufficient for the proposed 6-lot subdivision but Staff believes it does not adequately set the stage for future development to its north and west. Therefore, Staff is recommending the Applicant revise the plans to show a stub street to the west as discussed to meet more of the comprehensive plan objectives and policies. There are multiple placements of the stub street that would provide for better future circulation than only providing a stub to the north. However, Staff finds it appropriate to recommend a location that minimizes the amount of wasted pavement should Chopin Avenue ever get extended further in the future.

Staff recommends placing the western stub street along the northern property boundary as a full street section per ACHD requirements. However, the Applicant should work with ACHD on a reduced street section for this stub street to minimize the impact to this property. At a maximum, with 5-foot attached sidewalks and a 33-foot street section, the western lots would be required to be reduced by 47 feet to incorporate the required right-of-way. ACHD has reduced street sections if no on-street parking is desired which would reduce this area even further. With the maximum amount of right-of-way taken, the proposed lots would still exceed the minimum dimensional standards of the requested R-2 zoning district.

Despite the recommended stub street being more than 150 feet in length, both Meridian Fire and ACHD have agreed to allow the stub street be constructed without a temporary cul-de-sac at its terminus to minimize the impact to this Applicant. In order to maintain adequate turnaround, Chopin Avenue will still need to end in the cul-de-sac, according to ACHD. The Applicant should still work with ACHD prior to the Council meeting to minimize the impact of this recommended change by Staff.

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

Off-street parking is required to be provided in accord with the standards listed in [UDC Table 11-3C-6](#) for single-family dwellings based on the number of bedrooms per unit. Staff will confirm compliance with these standards at the time of building permit submittal for each residence. In addition, the proposed 33-foot wide street section accommodates on-street parking where no driveways exist and not within any part of the cul-de-sac at the end of the extended Chopin Avenue.

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

4-foot wide detached sidewalks are proposed along internal streets adjacent to landscape parkways as part of the extended pedestrian circulation of Vienna Woods to the south, in accord with the standards listed in UDC 11-3A-17 and ACHD standards.

As discussed previously, the proposed 4-foot wide sidewalks do not meet ACHD standards and should be widened to 5 feet wide. The Applicant is aware of this but has not yet provided updated plans. Regardless, the sidewalks in this development will continue connections through the project from the Vienna Woods Subdivision to the south. These connections will allow future residents easy access to the nearby sports complex to the southeast.

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

The only landscaping that is regulated by code within the proposed development is within the proposed parkways along the local street extension (UDC 11-3A-17 and UDC 11-3B). The Applicant is proposing 8-foot wide parkways with street trees along the proposed roadway extension into the site. The submitted landscape plan also shows a raised berm with relatively full landscaping along the rear of the building lots. This landscaping on private lots is not regulated by City code and therefore Staff does not recommend adding any provisions regarding this landscaping. The Applicant intends to maintain the berm and landscaped areas through the HOA and subsequent CC&R's that the City does not regulate. Staff believes this is the appropriate way to regulate and maintain the proposed landscaping on the private building lots.

Staff is recommending the proposed parkways be widened to 10' to increase the amount of open space for the small development even though there is not a requirement to meet any minimum open space standard. As discussed within the Comprehensive Plan analysis section earlier, increasing the width of the parkways allows the project to provide at least 5% open space which helps meet the intent of the code and comply with the comprehensive plan. In addition, the wider parkway would allow for healthier trees and provide the Applicant the opportunity to use a wider range of trees within the parkways, including larger Class III trees if so desired. Staff recommends constructing the recommended western stub street with 8-foot parkway on its southern side to match what is currently proposed. This parkway should also be landscaped in accord with UDC standards.

J. Qualified Open Space and Amenities ([UDC 11-3G](#)):

The subject site is less than 5 acres in size and therefore code does not require a minimum amount of qualified open space or amenities. See more detailed analysis by Staff in the Comprehensive Plan section and Landscaping section.

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

All fencing is required to comply with the standards listed in UDC 11-3A-7. Fencing is proposed as shown on the landscape plan and meets UDC standards as proposed.

L. Pressurized Irrigation ([UDC 11-3A-15](#)):

The Applicant is required to provide a pressurized irrigation system for the development in accord with 11-3A-15. Despite the development being only six (6) lots, providing for pressurized irrigation with this project will allow for such irrigation to be continued as the surrounding area redevelops in the future.

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

The Applicant did not submit conceptual building elevations other than the one elevation submitted with the Narrative. That elevation is an example of what the expected home builder constructs. Detached single-family homes do not require design review approval prior to building permit submittal and therefore Staff does not review these for compliance with any standards. However, the submitted elevation does depict larger homes commensurate with estate lots and shows varying rooflines with different building and accent materials that come together and show high-quality construction.

VI. DECISION

A. Staff:

Staff recommends approval of the requested annexation and zoning with the requirement of a Development Agreement and approval of the requested preliminary plat application per the Findings in Section IX of this staff report.

B. The Meridian Planning & Zoning Commission heard these items on February 18, 2021. At the public hearing, the Commission moved to recommend approval of the subject Annexation and Preliminary Plat requests.

1. Summary of Commission public hearing:

- a. In favor: Michael Miller, Applicant; Robert Phillips, Vienna Woods neighbor; Susan Rammell, neighbor; Monty Moore, Dunwoody neighbor; Dick Price, land owner.
- b. In opposition: Jeff Wilding, Dunwoody HOA President; Jeff Thompson, Vienna Woods neighbor; Dale Hope, Dunwoody neighbor;
- c. Commenting: Jeff Wilding, Jeff Thompson, Robert Phillips, Susan Rammell, Dale Hope, Monty Moore, Dick Price
- d. Written testimony: One (1) - Mr. and Mrs. Rammell discussing a desire to have a stub street to their eastern property line (this project's western boundary).
- e. Staff presenting application: Joseph Dodson, Associate Planner
- f. Other Staff commenting on application: Andrea Pogue, Deputy City Attorney; Bill Parsons, Current Planning Supervisor.

2. Key issue(s) of public testimony:

- a. Lot in question was never properly split from Dunwoody HOA and does not meet their CC&Rs;
- b. Proposed project does not comply existing Dunwoody HOA CC&Rs in lot size requirement—is this an issue for the City to be involved in;
- c. Legality of property split of Lots 25 & 26 to create property currently requesting annexation and preliminary plat;
- d. Potential of working with future development of adjacent properties to the west and north to limit some of the CC&R issues discussed to include some revisions of the layout;

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

- a. What is the City's legal purview in regards to existing CC&R's that conflict with the requested zoning;
- b. Applicant's willingness and ability to work with adjacent property owners and Dunwoody HOA on a compromise in regards to lot sizes;
- c. Benefit, if any, of continuing project versus moving forward to Council

4. Commission change(s) to Staff recommendation:

- a. Strike conditions related to stubbing a street to the western property line.

5. Outstanding issue(s) for City Council:

- a. None

C. The Meridian City Council heard these items on March 23, 2021 and April 20, 2021. At the public hearing, the Council moved to approve the subject Annexation and Zoning and Preliminary Plat requests.

1. Summary of the City Council public hearing:

- a. In favor: Michael Miller, Applicant
- b. In opposition: Jeff Wilding, Dunwoody HOA president; Terri Pickens, Dunwoody HOA Attorney
- c. Commenting: Jeff Wilding; Terri Pickens;

- d. Written testimony: 2 items since Commission hearing further clarifying HOA issues
 - e. Staff presenting application: Joseph Dodson, Current Associate Planner
 - f. Other Staff commenting on application: Bill Nary, City Attorney
- 2. Key issue(s) of public testimony:
 - a. Proposed project does not comply with existing Dunwoody HOA lot size requirement and other issues with HOA;
- 3. Key issue(s) of discussion by City Council:
 - a. HOA issue and any City involvement in potential of annexing property that could be in civil lawsuit in the future;
 - b. Future potential of plat if civil lawsuit does ensue.
- 4. City Council change(s) to Commission recommendation:
 - a. None

VII. EXHIBITS

A. Annexation and Zoning Legal Descriptions and Exhibit Maps



**TEALEY'S LAND
SURVEYING**

12594 W. Explorer Drive, Suite 150 • Boise, Idaho 83713
(208) 385-0636
Fax (208) 385-0696

Project No.: 4743
Date: December 22, 2020

ANNEXATION DESCRIPTION FOR PROPOSED AMBLES RUN SUBDIVISION

A parcel of land being a portion Lot 26 of Block 1 of Dunwoody Subdivision, as filed for record in the office of Ada County Recorder, Boise, Idaho, in Book 58 at Page 5482, as shown on record of survey No. 7837, as filed for record in the office of Ada County Recorder, Boise, Idaho under instrument No. 107033607, lying in the NW 1/4 of Section 29, T.4N., R.1E., B.M., Ada County, Idaho and more particularly described as follows:

Commencing at the West 1/4 corner of said Section 29, marked by an aluminum cap; from which the Northwest corner of said Section 29, marked by a brass cap, bears North 00°01'36" West 2656.61 feet; thence along the East-West centerline of said Section 29, which is also the North boundary of Vienna Woods No. 2 Subdivision

North 89°35'30" East 664.68 feet to the Southwest corner of said Lot 26, marked by a 5/8" iron pin, said point marking the **POINT OF BEGINNING**; thence along the West boundary line of said Lot 26

North 00°03'17" West 331.00 feet to the Northwest corner of said Lot 26, marked by a 5/8" iron pin; thence along the North boundary of said Lot 26

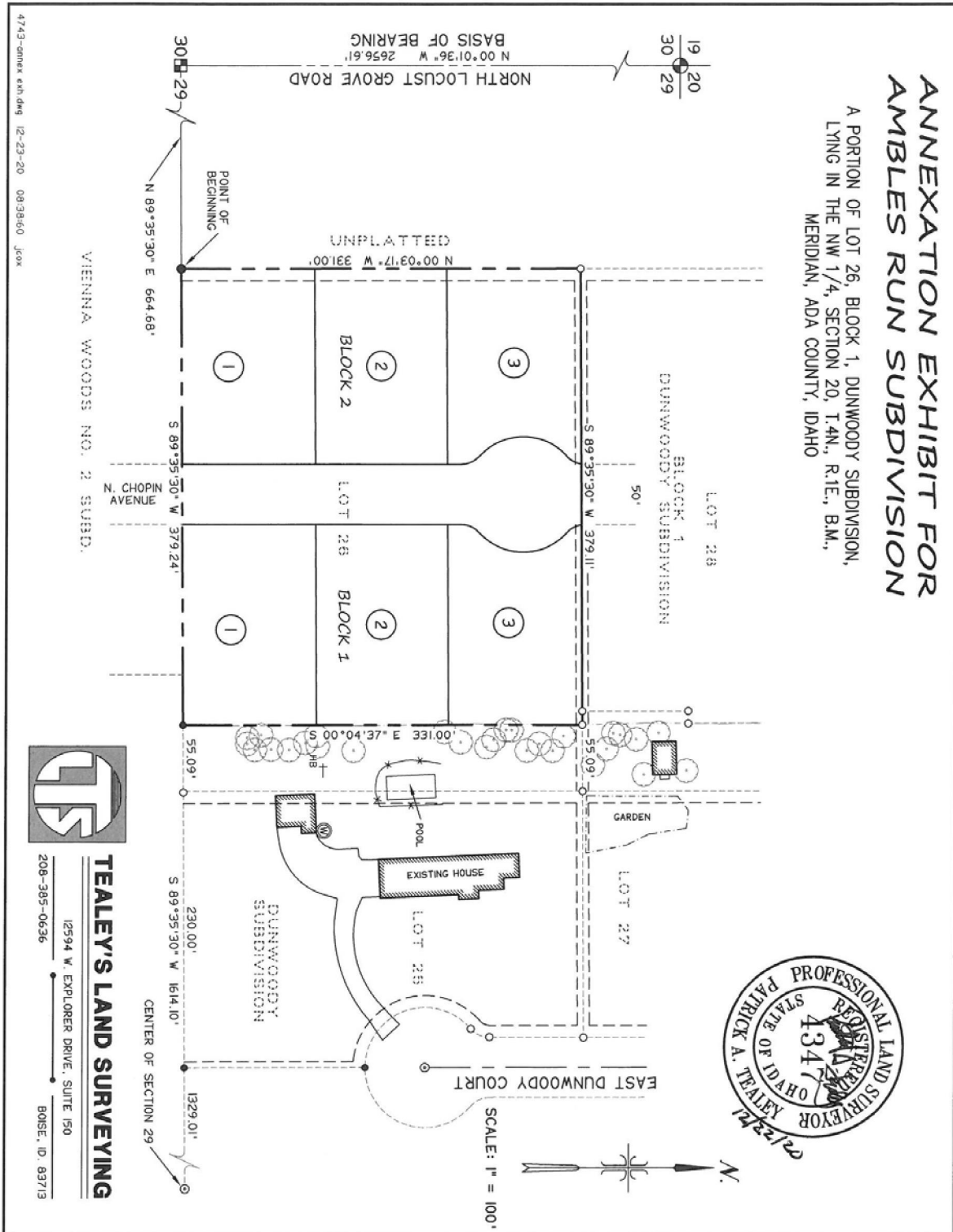
North 89°35'30" East 379.11 feet to a 5/8" iron pin; thence leaving said North boundary

South 00°04'37" East 331.00 feet to a 5/8" iron pin on the South boundary of said Lot 26; thence along said South boundary

South 89°35'30" West 379.24 feet to an iron pin marking the **POINT OF BEGINNING**.

Said Parcel of Land Contains 2.88 Acres, more or less.







**TEALEY'S LAND
SURVEYING**

12594 W. Explorer Drive, Suite 150 • Boise, Idaho 83713
(208) 385-0636
Fax (208) 385-0696

Project No.: 4743
Date: January 6, 2021

**ZONE R-2 DESCRIPTION FOR
PROPOSED AMBLES RUN SUBDIVISION**

A parcel of land being a portion Lot 26 of Block 1 of Dunwoody Subdivision, as filed for record in the office of Ada County Recorder, Boise, Idaho, in Book 58 at Page 5482, as shown on record of survey No. 7837, as filed for record in the office of Ada County Recorder, Boise, Idaho under instrument No. 107033607, lying in the NW 1/4 of Section 29, T.4N., R.1E., B.M., Ada County, Idaho and more particularly described as follows:

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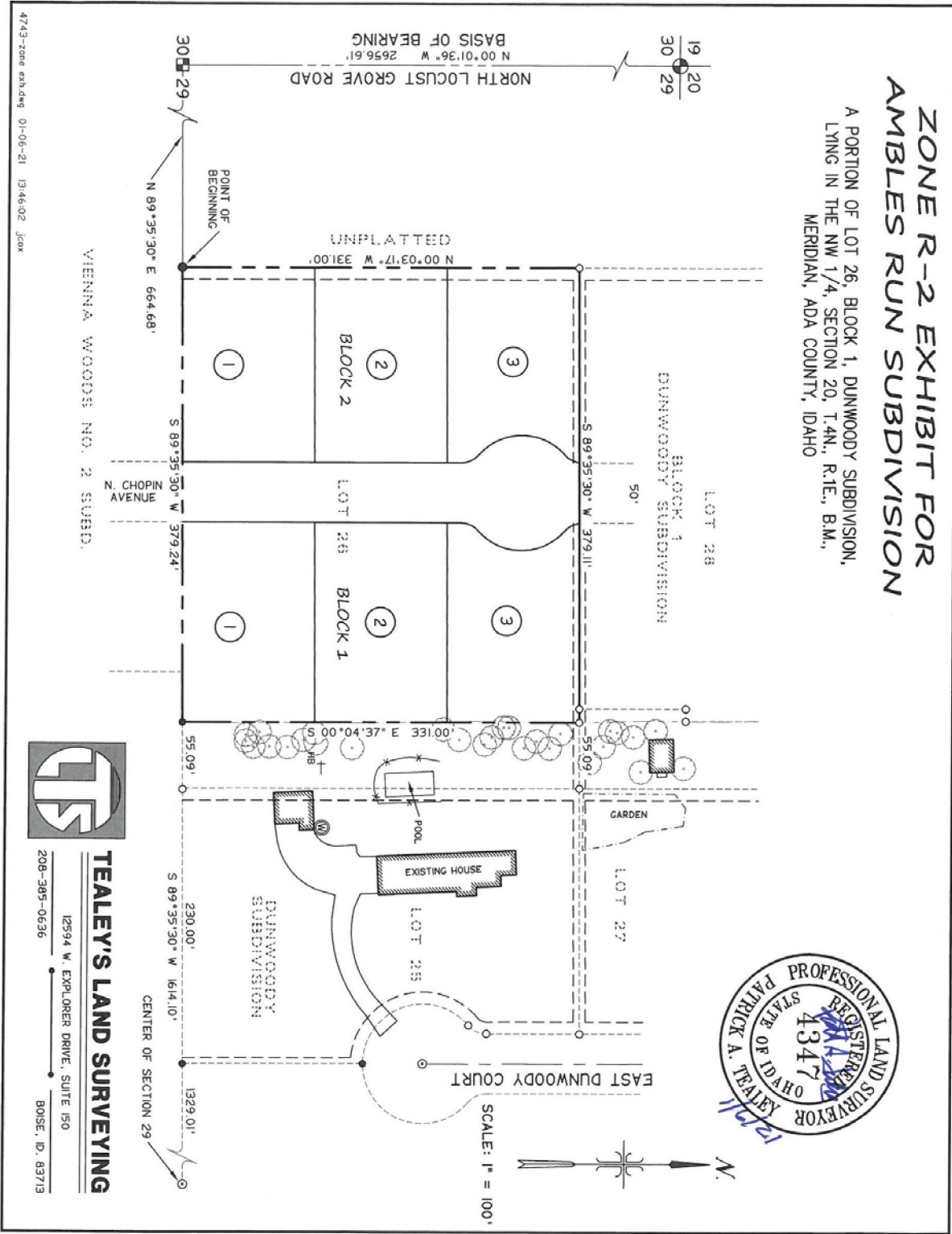
North 89°35'30" East 379.11 feet to a 5/8" iron pin; thence leaving said North boundary

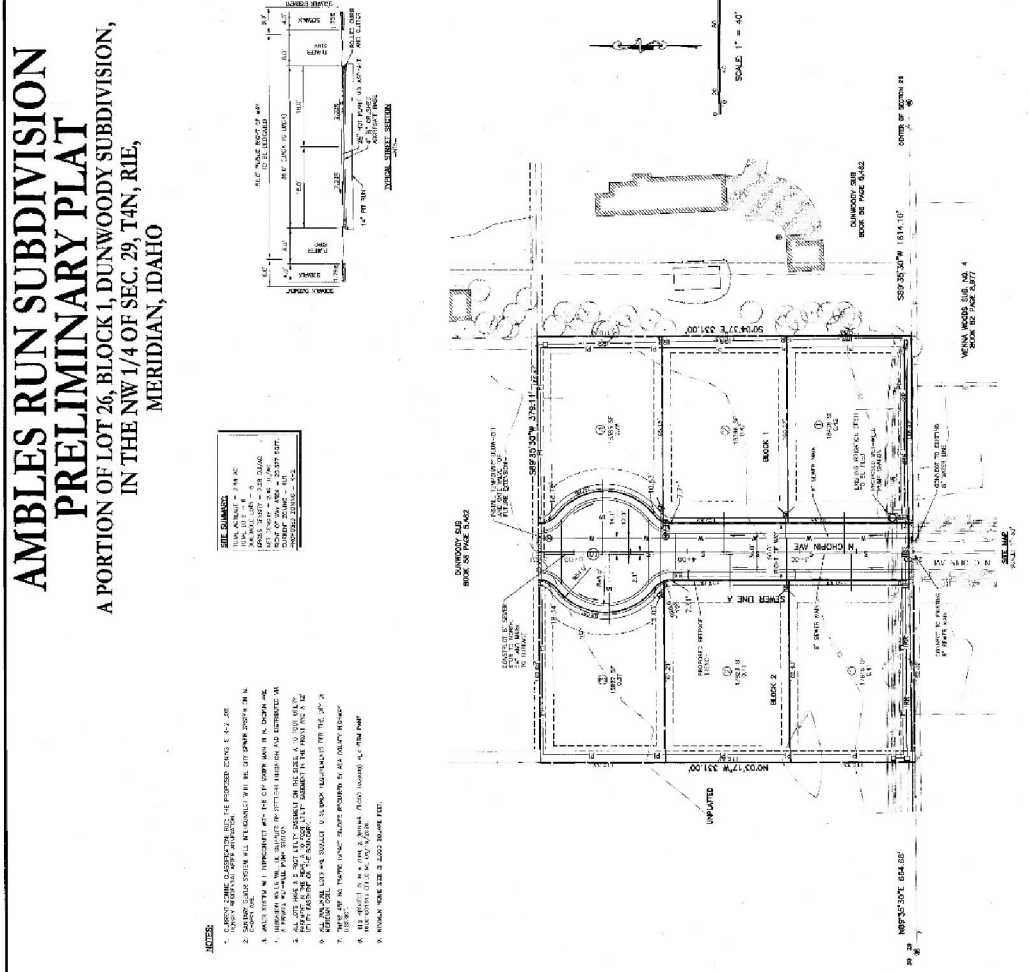
South 00°04'37" East 331.00 feet to a 5/8" iron pin on the South boundary of said Lot 26; thence along said South boundary

South 89°35'30" West 379.24 feet to an iron pin marking the **POINT OF BEGINNING**.

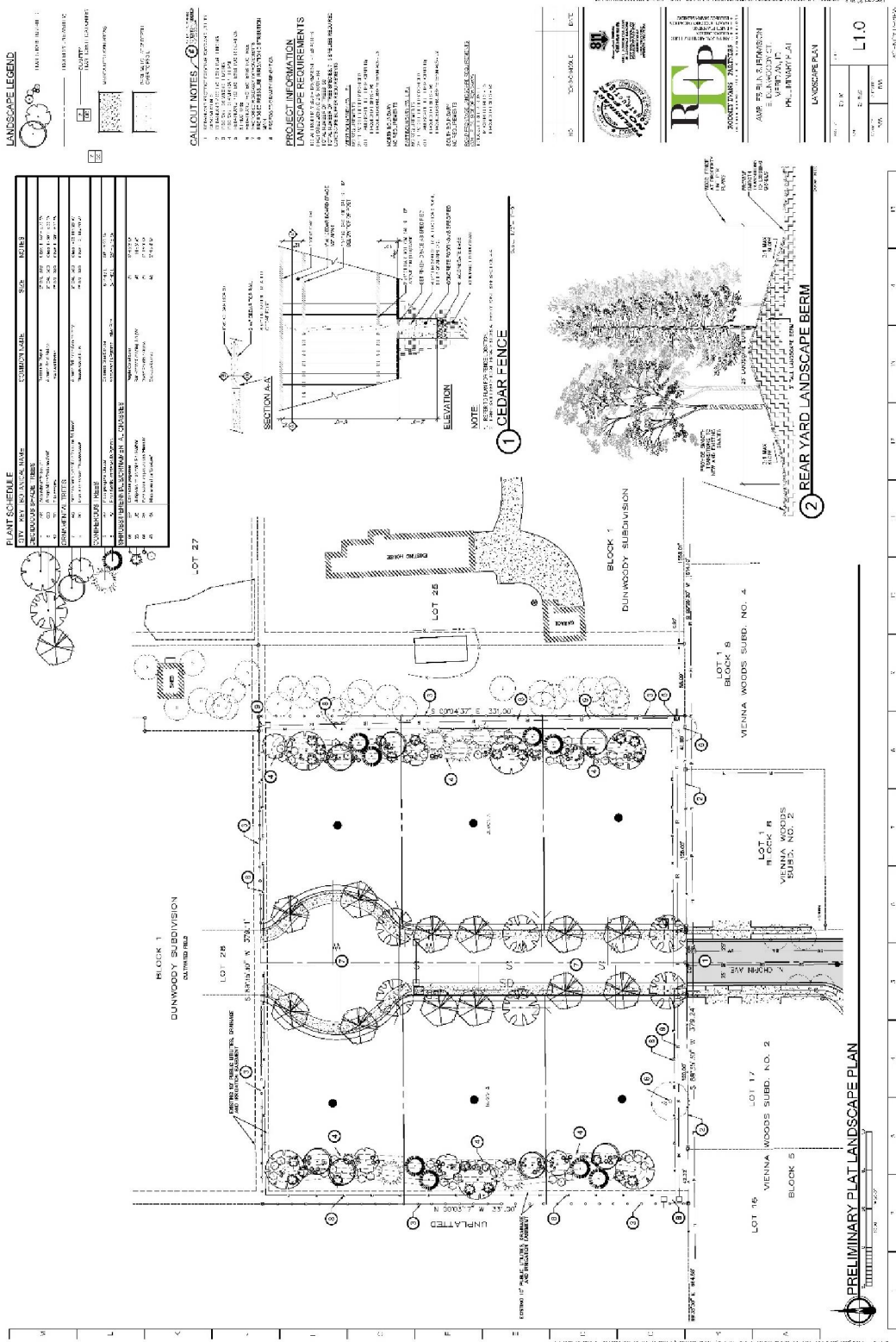
Said Parcel of Land Contains 2.88 Acres, more or less.

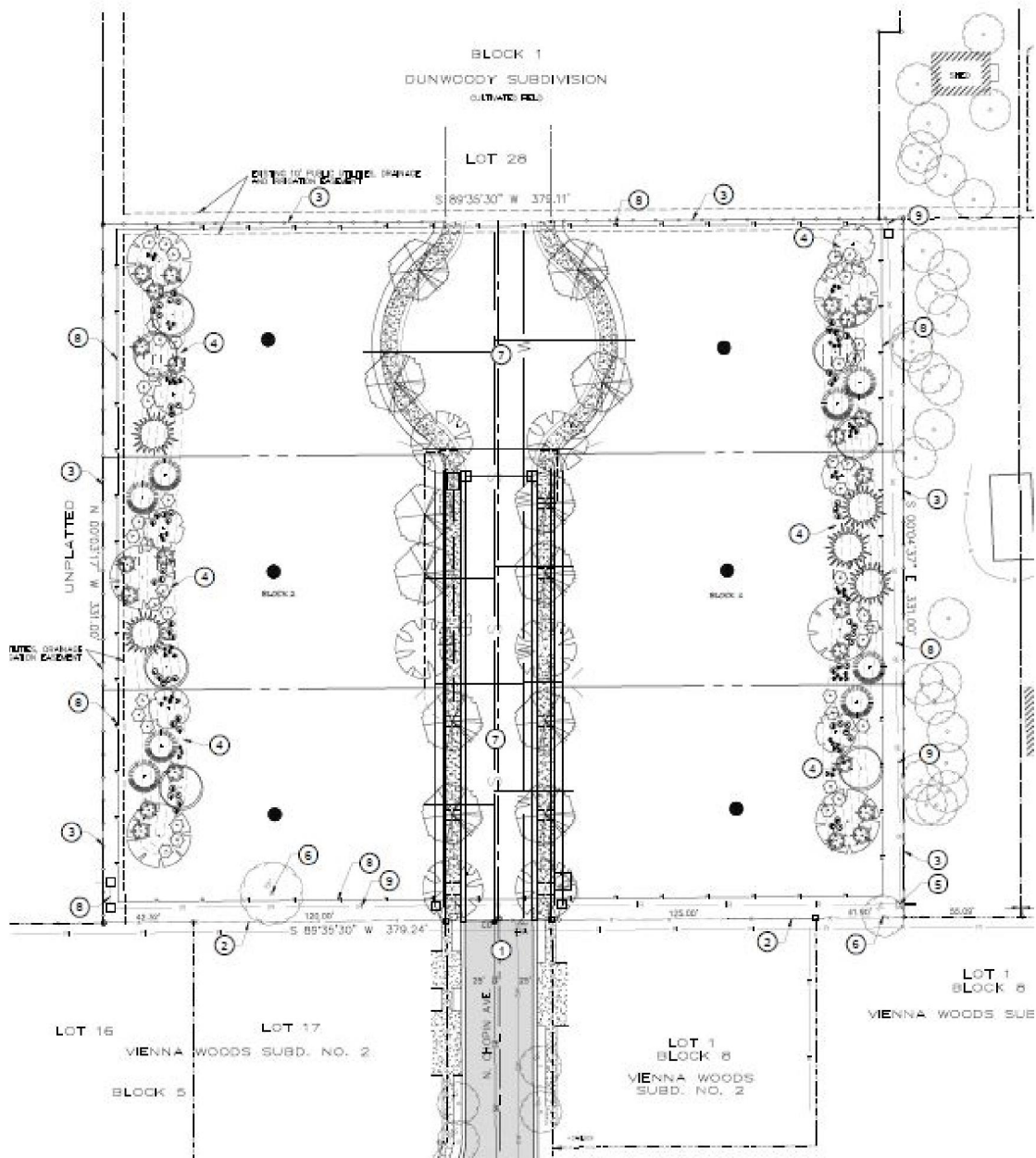






C. Landscape Plans (date: 12/18/2020) NOT APPROVED





D. Conceptual Building Elevation



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 approved plat, landscape plan, and conceptual building elevation included in Section VII and the provisions contained herein.

2. The preliminary plat included in Section VII.B, dated December 17, 2020, shall be revised as follows ~~at least fifteen (15) days prior to the City Council hearing with the final plat submittal:~~
 - a. ~~Revise the plat to show an additional stub street from Chopin Avenue to the western boundary along the northern property line—coordinate with ACHD on the width of the stub street section right-of-way.~~
 - b. Revise the plat to show 10-foot wide parkways with 5-foot wide detached sidewalks consistent with UDC 11-3A-17 and Staff's recommended changes.
3. The landscape plan included in Section VII.D, dated November 18, 2020, shall be revised as follows ~~at least ten (10) days prior to the City Council hearing with the final plat submittal:~~
 - a. ~~Revise the plan to show the revised plat layout per conditions above.~~
 - b. Revise the plan to show 10-foot wide parkways.
4. Future development shall be consistent with the minimum dimensional standards listed in UDC Table 11-2A-4 for the R-2 zoning district.
5. Off-street parking is required to be provided in accord with the standards listed in UDC Table 11-3C-6 for single-family dwellings based on the number of bedrooms per unit.
6. The Applicant shall comply with all ACHD conditions of approval.
7. Provide a pressurized irrigation system consistent with the standards as set forth in UDC 11-3A-15, UDC 11-3B-6 and MCC 9-1-28.
8. Upon completion of the landscape installation, a written Certificate of Completion shall be submitted to the Planning Division verifying all landscape improvements are in substantial compliance with the approved landscape plan as set forth in UDC 11-3B-14.
9. The preliminary plat approval shall become null and void if the applicant fails to either: 1) obtain the City Engineer signature on a final plat within two years of the date of the approved findings; or 2) obtain approval of a time extension as set forth in UDC 11-6B-7.

B. PUBLIC WORKS

1. Site Specific Conditions of Approval

- 1.1 Since parcel to the north is not a phase of this project the sewer line needs to end at a manhole at the northern boundary.
- 1.2 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.
- 1.3 The geotechnical investigative report prepared by Atlas Technical Consultants, LLC dated December 10, 2020, indicates some specific construction considerations and recommendations. The applicant shall be responsible for the strict adherence of these considerations and recommendations to help ensure that homes are constructed upon suitable bearing soils, and that surface runoff and subsurface seepage does not become a problem with home construction.

2. General Conditions of Approval

- 2.1 Applicant shall coordinate water and sewer main size and routing with the Public Works Department, and execute standard forms of easements for any mains that are required to provide service outside of a public right-of-way. Minimum cover over sewer mains is three

feet, if cover from top of pipe to sub-grade is less than three feet than alternate materials shall be used in conformance of City of Meridian Public Works Departments Standard Specifications.

- 2.2 Per Meridian City Code (MCC), the applicant shall be responsible to install sewer and water mains to and through this development. Applicant may be eligible for a reimbursement agreement for infrastructure enhancement per MCC 8-6-5.
- 2.3 The applicant shall provide easement(s) for all public water/sewer mains outside of public right of way (include all water services and hydrants). The easement widths shall be 20-feet wide for a single utility, or 30-feet wide for two. The easements shall not be dedicated via the plat, but rather dedicated outside the plat process using the City of Meridian's standard forms. The easement shall be graphically depicted on the plat for reference purposes. Submit an executed easement (on the form available from Public Works), a legal description prepared by an Idaho Licensed Professional Land Surveyor, which must include the area of the easement (marked EXHIBIT A) and an 8 1/2" x 11" map with bearings and distances (marked EXHIBIT B) for review. Both exhibits must be sealed, signed and dated by a Professional Land Surveyor. DO NOT RECORD. Add a note to the plat referencing this document. All easements must be submitted, reviewed, and approved prior to development plan approval.
- 2.4 The City of Meridian requires that pressurized irrigation systems be supplied by a year-round source of water (MCC 12-13-8.3). The applicant should be required to use any existing surface or well water for the primary source. If a surface or well source is not available, a single-point connection to the culinary water system shall be required. If a single-point connection is utilized, the developer will be responsible for the payment of assessments for the common areas prior to receiving development plan approval.
- 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

<https://weblink.meridiancity.org/WebLink/DocView.aspx?id=219178&dbid=0&repo=MeridianCity>

D. SETTLER'S IRRIGATION DISTRICT (SID)

<https://weblink.meridiancity.org/WebLink/DocView.aspx?id=219200&dbid=0&repo=MeridianCity>

E. WEST ADA SCHOOL DISTRICT (WASD)

<https://weblink.meridiancity.org/WebLink/DocView.aspx?id=220963&dbid=0&repo=MeridianCity>

F. ADA COUNTY DEVELOPMENT SERVICES

<https://weblink.meridiancity.org/WebLink/DocView.aspx?id=219133&dbid=0&repo=MeridianCity>

G. CENTRAL DISTRICT HEALTH DEPARTMENT (CDH)

<https://weblink.meridiancity.org/WebLink/DocView.aspx?id=220007&dbid=0&repo=MeridianCity>

H. DEPARTMENT OF ENVIRONMENTAL QUALITY (DEQ)

<https://weblink.meridiancity.org/WebLink/DocView.aspx?id=220032&dbid=0&repo=MeridianCity>

I. ADA COUNTY HIGHWAY DISTRICT (ACHD)

<https://weblink.meridiancity.org/WebLink/DocView.aspx?id=220252&dbid=0&repo=MeridianCity>

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;

Council finds the proposed zoning map amendment to annex the property into the City of Meridian with the R-2 zoning district and subsequent development is consistent with the Comprehensive Plan, if all conditions of approval are met.

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

Council finds the proposed zoning map amendment and the request for the development will contribute to the range of housing opportunities available within the City and within this area, consistent with the purpose statement of the requested zone.

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

Council finds the proposed zoning map amendment should not be detrimental to the public health, safety and welfare.

- 4. The map amendment shall not result in an adverse impact upon the delivery of services by any political subdivision providing public services within the city including, but not limited to, school districts; and**

Council finds the proposed zoning map amendment will not result in an adverse impact on the delivery of services by any political subdivision providing public services within the City.

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

Council finds the annexation is in the best interest of the City.

B. Preliminary Plat Findings:

In consideration of a preliminary plat, combined preliminary and final plat, or short plat, the decision-making body shall make the following findings:

- 1. The plat is in conformance with the Comprehensive Plan;**

Council finds that the proposed plat, with Staff's recommendations, is in substantial compliance with the adopted Comprehensive Plan in regard to land use, density, transportation, and pedestrian connectivity. (Please see Comprehensive Plan Policies in, Section V of this report for more information.)

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

Council finds that public services will be provided to the subject property with development. (See Section VIII of the Staff Report for more details from public service providers.)

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

Because City water and sewer and any other utilities will be provided by the development at their own cost, Council finds that the subdivision will not require the expenditure of capital improvement funds.

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

Council finds there is public financial capability of supporting services for the proposed development based upon comments from the public service providers (i.e., Police, Fire, ACHD, etc.). (See Section VII for more information.)

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

Council is not aware of any health, safety, or environmental problems associated with the platting of this property. ACHD considers road safety issues in their analysis and has offered their support of the proposed development.

- 6. The development preserves significant natural, scenic or historic features.**

Council is unaware of any significant natural, scenic or historic features that exist on this site that require preserving.