

STAFF REPORT
COMMUNITY DEVELOPMENT DEPARTMENT



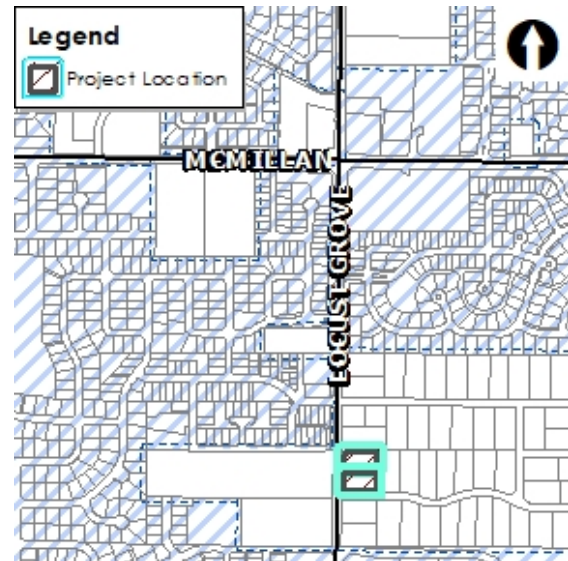
HEARING DATE: 5/18/2021

TO: Mayor & City Council

FROM: Alan Tiefenbach, Associate Planner
208-884-5533
Bruce Freckleton, Development
Services Manager
208-887-2211

SUBJECT: H-2021-0013
Roberts Annexation

LOCATION: 1630 E. Paradise Ln



I. PROJECT DESCRIPTION

This is a proposal to annex 1.77 acres of land from the R-1 zone in Ada County to R-2 zone to construct a new single-family residence.

II. SUMMARY OF REPORT

A. Project Summary

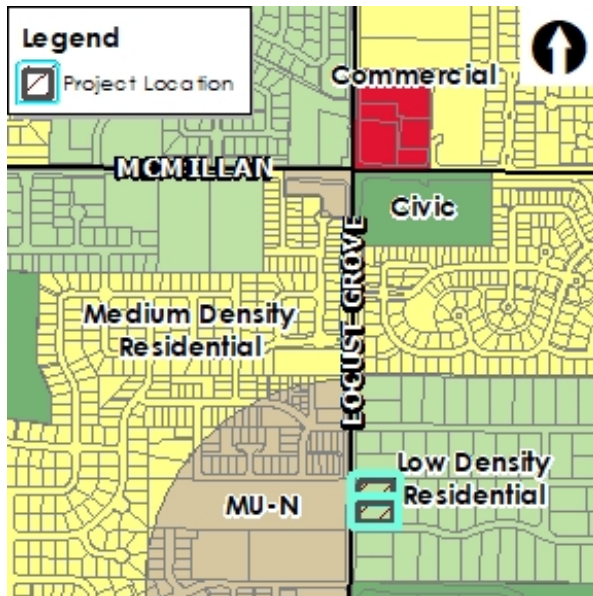
Description	Details	Page
Acreage	1.77 acres	
Future Land Use Designation	Low Density Residential	
Existing Land Use(s)	Vacant	
Proposed Land Use(s)	Single Family Residence	
Lots (# and type; bldg./common)	2 (to be consolidated into parcel with a future PBA application)	
Phasing Plan (# of phases)	1	
Number of Residential Units (type of units)	1 house with detached shop and RV garage	
Density (gross & net)	0.56 du / acre	
Open Space (acres, total [%]/buffer/qualified)	N/A	
Amenities	N/A	
Physical Features (waterways, hazards, flood plain, hillside)	None	
Neighborhood meeting date; # of attendees:	February 9, 2021, 2 attendees.	
History (previous approvals)	Heritage Subdivision No 2	

A. Community Metrics

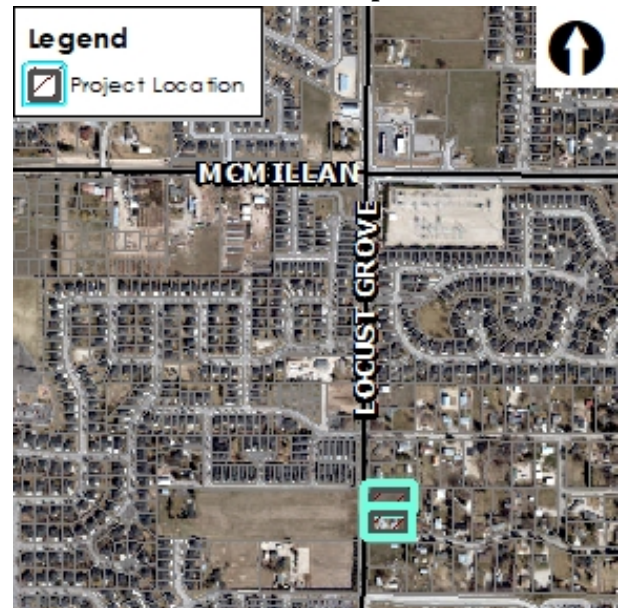
Description	Details	Page
Ada County Highway District	No comments	
Access (Arterial/Collectors/State Hwy/Local)(Existing and Proposed)	Property will be accessed from E Paradise Lane (local).	
Traffic Level of Service	N/A	
Stub Street/Interconnectivity/Cross Access	N/A	
Existing Road Network	E. Paradise Ln	
Existing Arterial Sidewalks / Buffers	There is existing curb and gutter on east side of N. Locust Grove Rd. E. Paradise Ln is a rural local road with no sidewalk on either side.	
Proposed Road Improvements	None required	
Distance to nearest City Park (+ size)	1 mile to Champion Park	
Distance to other key services		
Fire Service	No comments	
Police Service	No comments	
Wastewater		
Distance to Sewer Services	1,400 feet +/-	
Sewer Shed	North Slough Trunkshed	
Estimated Project Sewer ERU's	See application	
WRRF Declining Balance	14.08	
Project Consistent with WW Master Plan/Facility Plan	No. Property will be on septic until utilities are available in the area.	
Comments	- Flow is committed - Sewer is currently in N. Locust Road about 1,400 feet away from property. City Engineer has approved a waiver to allow septic service until the sewer line is extended.	
Water		
Distance to Water Services	0	
Pressure Zone	3	
Estimated Project Water ERU's	See application	
Water Quality	No concerns	
Project Consistent with Water Master Plan	Yes	
Impacts/Concerns	Water is located in N Locust Grove Road. Water main must be extended into Paradise Ln to the east property line. Applicant requested a waiver to only have to connect service line rather than extending the water main. City Engineer denied this waiver.	

C. Project Area Maps

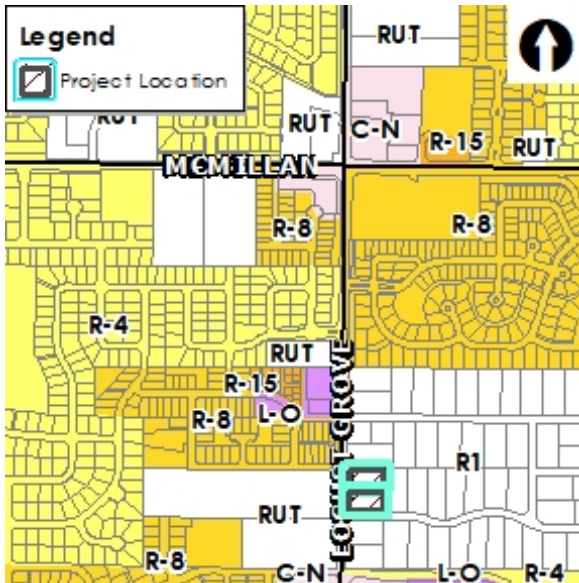
Future Land Use Map



Aerial Map



Zoning Map



Planned Development Map



III. APPLICANT INFORMATION

A. Applicant / Representative:

Benjamin Semple, Rodney Evans and Partners – 1014 S. La Pointe St., Ste 3, Boise ID 83706

B. Owner

Denton Roberts – 4461 N. Diamond Creek Ave, Meridian, ID, 83646

IV. NOTICING

	Planning & Zoning Posting Date	City Council Posting Date
Newspaper Notification published in newspaper	3/26/2021	4/30/2021
Radius notification mailed to properties within 500 feet	3/24/2021	4/27/2021
Public hearing notice sign posted on site	4/2/2021	5/7/2021
Nextdoor posting	3/24/2021	4/27/2021

V. STAFF ANALYSIS

The property is comprised of two lots presently zoned R-1 in unincorporated Ada County, of which the southern lot until recently had contained a 4,000 sq. ft. residence. The applicant demolished this single-family residence in anticipation of building a newer 6,000 sf ft +/- house with detached shop / RV garage. The applicant contacted Ada County to merge the lots together and construct the larger house and was told because the property directly abutted City limits, it would need to be annexed.

There is a 5-foot drainage, utility construction and maintenance easement platted between the subject lots (Lots 2&3, Block 1 of the Heritage Subdivision No 2). Following this annexation and prior to building permit, the easement will need to be vacated as part of the consolidation of lots.

The nearest available sewer main is located in N. Locust Grove Rd., approximately 1,400 feet north of the subject property. The applicant has received City Engineer and Public Works Director approval for a utilities waiver from UDC 11-3A-21 to not connect to City sewer at this time. Staff finds that making a singular property owner pay for extending a sewer main 1,400 feet for one residence is neither fair nor necessary. However, the development agreement will require connecting to City sewer if and when a sewer main is extended in the future. The applicant will need to apply to Central District Health (CDH) for a temporary septic system.

The applicant will be required to extend a water main from the intersection of N. Locust Grove Rd and E. Paradise Ln along Paradise Lane to the eastern property line to serve adjacent properties in the future. The applicant has also requested a waiver from this requirement, stating it would be cost prohibitive and not necessary as adjacent properties to the east and south are remaining in Unincorporated Ada County and already have wells providing water. Instead, the applicant prefers to only be required to connect a service line from the main to the new home. The City Engineer denied this waiver request.

A. Annexation:

The proposed annexation area is contiguous to City annexed property and is within the Area of City Impact Boundary. As mentioned above, all development is to be connected to the City of Meridian water and sewer system, unless otherwise approved by the City Engineer. The City Engineer has approved the waiver for the new house to be served by individual septic system until a sewer line is extended south down N. Locust Grove Rd. To ensure the site develops as proposed by the applicant, staff is recommending a development agreement as part of the annexation approval.

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

The Future Land Use Map (FLUM) designates the property for Low Density Residential (LDR). 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. With one existing home proposed on 1.77 acres, the requested R-2 zone is consistent with the FLUM.

C. 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” (2.01.01 G).

The purpose of the proposed development is to annex and zone the property to R-2 to consolidate two lots into one and build a single-family residence. Ada County directed the applicant to annex because the property is directly adjacent to the City limits. The property is surrounded by single family detached homes on greater than one acre lots. This annexation will not change the existing character of the surrounding development and will add an additional single-family home for the City of Meridian.

- Establish and maintain levels of service for public facilities and services, including water, sewer, police, transportation, schools, fire, and parks” (3.02.01G).

Staff finds that the existing conditions in this area create conditions that do not allow for this property owner to connect to City sewer services as required by code at the present. Public Works, Meridian Police Department and Meridian Fire have no objections to this one house residential project. No other services should be affected as the existing access is to remain.

- Annex lands into the corporate boundaries of the City only when the annexation proposal conforms to the City's vision and the necessary extension of public services and infrastructure is provided. (3.03.0)

The property can be provided fire and police service. Neither agency expressed any comments on this proposal. As mentioned above, the applicant was granted a waiver from the requirement to hook to sewer until the sewer main is extended. The applicant's request to not have to extend the water main all the way up E. Paradise Ln to the east property line was denied.

D. Existing Structures/Site Improvements:

The property is presently vacant.

E. Proposed Use Analysis (UDC 11-2A-2)

Single family residences are a principally permitted use in the R-2 zone district.

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

UDC 11-4-3-13 allows only one single family residence per property. No future subdivision may occur until this property is connected to both water and sewer.

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

The R-2 zone requires a minimum lot size of 12,000 sq. ft., 80' of street frontage, street setbacks of 20 from a local street, 25' from an arterial, side setbacks of 7.5 per story, and rear setbacks of 15'. The concept plan as submitted indicates the proposed home meets these requirements.

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

Existing access occurs from E. Paradise Ln, a rural local street with no curb, gutter or sidewalk. Future access will continue from E. Paradise Ln. ACHD noted they had no comments on this proposal.

I. Parking (*UDC 11-3C*):

UDC 11-3C-6 requires at least 2 parking spaces per single family dwelling unit, with additional parking spaces required for residences with more than 2 bedrooms. Parking will be ascertained at time of building permit.

J. Sidewalks (*UDC 11-3A-17*):

There is existing sidewalk on the east side of N. Locust Grove Rd. Otherwise, the Heritage Subdivision Filing One and Two reflects rural character and it does not appear any of the right of way within this subdivision contains sidewalks (E. Paradise Ln., E. Star Ln., N. Spangle Dr., E. Freedom Ln). However, UDC 11-3A-17 does require sidewalks along both sides of the street, or only one side of the street when the average lot frontage is more than 150'. ACHD has not commented on this application regarding any additional improvements. The Planning Commission and City Council should determine whether requiring sidewalk along the property frontage should be required with the development agreement.

K. Landscaping (*UDC 11-3B*):

Per UDC 11-3B-2, a landscape plan shall be required for all development, redevelopment, additions, or site modifications except detached single-family and secondary dwellings. Therefore, a landscape plan is not required.

L. Waterways (*UDC 11-3A-6*):

No ditches or waterways traverse the property. This application was referred to both Nampa-Meridian Irrigation District and Parkins-Nourse Irrigation Association. Neither expressed concerns with this application.

M. Fencing (*UDC 11-3A-6, 11-3A-7*):

Any new fencing will be required to meet the standards of UDC 11-3A-7.

N. Utilities (*UDC 11-3A-21*):

Water is located along N. Locust Road to the N. Locust Grove Rd / E Paradise Ln intersection. The applicant is required to extend the water main along Paradise Ln to the east property line to serve future properties. The applicant has requested a waiver from this requirement with the explanation that this would be cost-prohibitive, and not serve any other properties in the vicinity, as the remaining adjacent properties to the east and south are remaining in Ada County and already have wells. The applicant requests to connect only their property to the main via a service line. The City Engineer denied this waiver.

Sewer is currently in N. Locust Road about 1,400 feet north of the property. The applicant has requested a waiver from UDC 11-3A-21 to not connect to City sewer at this time. The City Engineer has approved this waiver request. Staff recommends the development agreement require connection to public sewer when a main is extended along N. Locust Grove Rd near the adjacent to the subject property.

O. Building Elevations (*UDC 11-3A-19 | Architectural Standards Manual*):

Staff has not requested architectural elevations with this application. The applicant proposes one single family residence.

VI. DECISION

A. Staff:

Staff recommends approval of the requested annexation with the comments noted in Section VIII. and per the Findings in Section IX.

B. The Meridian Planning & Zoning Commission heard this item on April 15, 2021. At the public hearing, the Commission moved to approve the subject annexation request.

1. Summary of the Commission public hearing:

- a. In favor: Ben Semple
- b. In opposition: Eric Reece, Nicole Carr, Chris Ilgenfritz, Silvia Wilmock
- c. Commenting: Ben Semple mentioned the applicant would seek a Council waiver from requiring the extension of the water main to the east.
- d. Written testimony: None
- e. Staff presenting application: Alan Tiefenbach
- f. Other Staff commenting on application: None

2. Key issue(s) of public testimony:

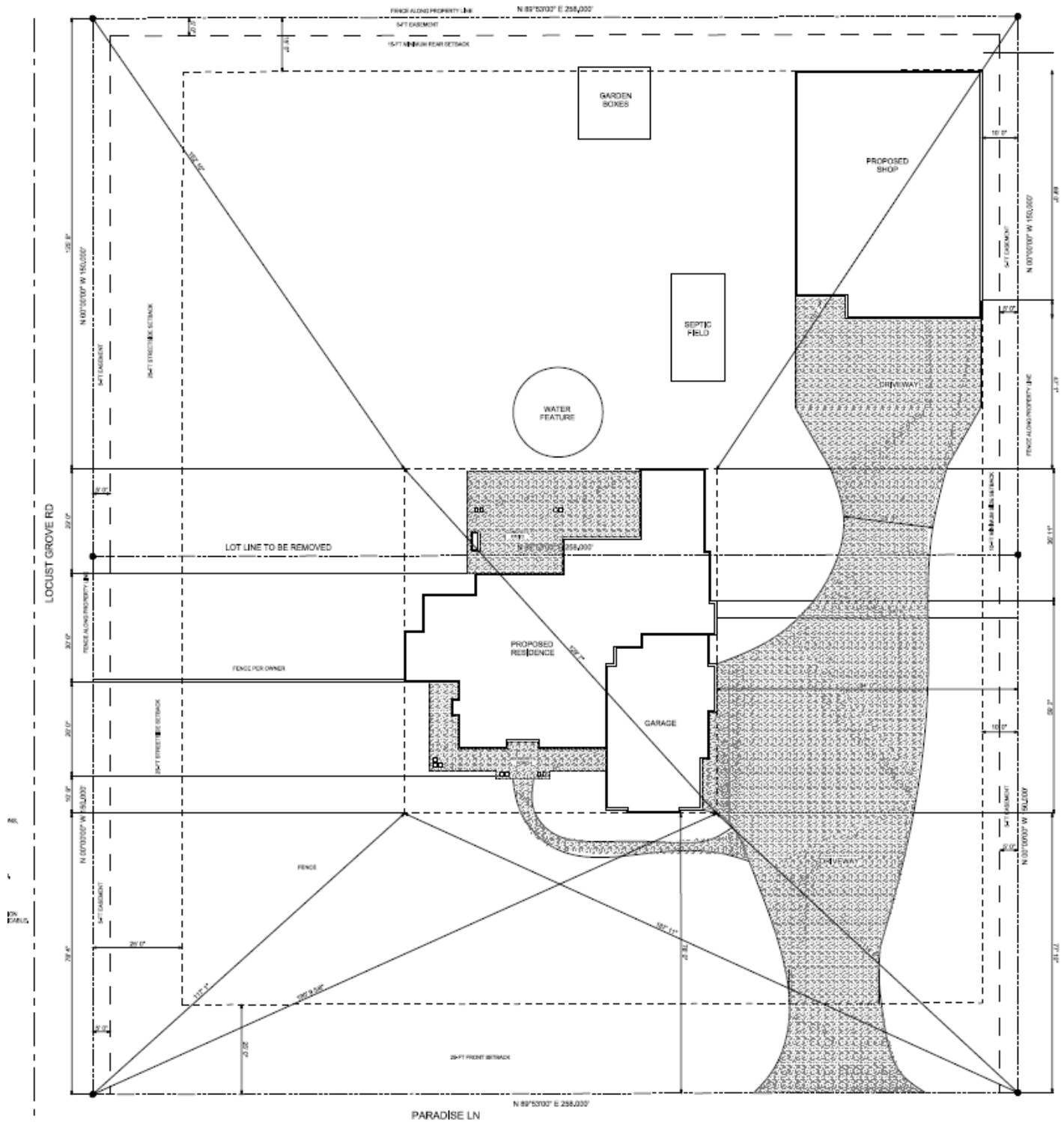
- a. Why are they extending water lines just for one project?
- b. Is this the lowest density and would this allow more lots to be developed in the future?
- c. Desire to keep the rural nature and do not want to see City limits extended into their area.
- d. Concerns regarding whether the infrastructure extension is setting up for more development in their area.

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

- a. Comments about why they got rid of rural designations in the City.
- b. Whether not requiring sidewalk would set precedent for future projects.
- c. Clarified that any future development would require public hearings.

- d. Discussed whether it was reasonable to require the applicant to extend the water main to the east, or whether a service line was sufficient.
- 4. Commission change(s) to Staff recommendation:
 - a. Commission recommended the applicant not be required to extend the water main to the east.
 - b. Commission did not believe applicant should be required to install sidewalk.

VII. EXHIBITSSITE PLAN (DATE: 2/26/2021)



A. Annexation Legal Description and Exhibit (date: 2/3/2021)

ANNEXATION
ROBERTS PARCELS
LEGAL DESCRIPTION

Lots 2 & 3, Block 1, Heritage Subdivision No. 2, situated in the Southwest Quarter of the Northwest Quarter of Section 32, Township 4 North, Range 1 East, Boise Meridian, Ada County, Idaho, more particularly described as follows:

COMMENCING at the Corner of Sections 30, 29, 32, & 31 monumented by a found aluminum cap as described in CP&F Instrument No. 111098263 at the intersection of E. McMillan Road and N. Locust Grove Road, from which the Quarter Corner common to Sections 32 and 31 monumented by a found aluminum cap as described in CP&F Instrument No. 102102462 at the intersection of E. Leighfield Drive and N. Locust Grove Road bears, South 00°33'08" West, 2,659.05 feet; thence South 00°33'08" West, 1,988.86 feet to the **POINT OF BEGINNING**;

Thence along the Northerly Boundary of Lot 2, South 89°31'13" East, 287.63 feet to the Northwest Corner of Lot 4;

Thence along the Westerly Boundary of Lot 4, South 00°32'52" West, 325.00 feet to the Center Line of E. Paradise Lane;

Thence along said Center Line, North 89°31'13" West, 287.65 feet to the to the Center Line of N. Locust Grove Road and the Westerly Boundary of Section 32;

Thence North 00°33'08" East, 325.00 feet to the **POINT OF BEGINNING**.

Containing 2.146 acres, more or less.

End of description

Prepared By:
Ronald M. Hodge



RH:tc

ANNEXATION LINE

SECTION

MERIDIAN CITY LIMITS

ANNEXATION AREA



NOTE: THIS DRAWING IS A VISUAL REFERENCE ONLY.

VIII. CITY/AGENCY COMMENTS

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 conceptual site plan for the single-family dwelling included in Section VII and the provisions contained herein.
- b. When the sewer line is extended to the N. Locust Grove Rd / E. Paradise Lane intersection, the existing septic system shall be abandoned and the applicant shall connect the new residence to City sewer and pay any applicable sewer assessment fees at the time of connection.
- c. The existing well shall be abandoned, unless used to irrigate the property. The new residence shall connect to City water and pay any applicable water assessment fees with the building permit.
- ~~d. The applicant shall extend an 8-inch water main from the intersection of Locust Grove and Paradise Lane along Paradise Lane to the eastern property line.~~
- f. Prior to building permit, the applicant shall vacate the 5-foot drainage, utility construction and maintenance easement platted between the subject lots (Lots 2&3, Block 1 of the Heritage Subdivision No 2) and merge Lots 1 &2, Block 1 through a parcel boundary adjustment.

B. PUBLIC WORKS

2.1 Site Specific Conditions of Approval

- 2.1.1 Sewer is approximately 1,400 feet North on Locust Grove, it is a requirement of annexation to connect to both City sewer and water. Any deferral or waiver to this requirement must be provided in writing from the City Engineer.

- 2.1.2 ~~Water must be extended into Paradise Lane to the East property line.~~

2.2 General Conditions of Approval

- 2.2.1 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.
- 2.2.2 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.

- 2.2.3 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.
- 2.2.4 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.
- 2.2.5 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.
- 2.2.6 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.
- 2.2.7 Any wells that will not continue to be used must be properly abandoned according to Idaho Well Construction Standards Rules administered by the Idaho Department of Water Resources. The Developer's Engineer shall provide a statement addressing whether there are any existing wells in the development, and if so, how they will continue to be used, or provide record of their abandonment.
- 2.2.8 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.
- 2.2.9 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.
- 2.2.10 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.
- 2.2.11 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.

- 2.2.12 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.
- 2.2.13 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.
- 2.2.14 Applicant shall be responsible for application and compliance with any Section 404 Permitting that may be required by the Army Corps of Engineers.
- 2.2.15 Developer shall coordinate mailbox locations with the Meridian Post Office.
- 2.2.16 All grading of the site shall be performed in conformance with MCC 11-12-3H.
- 2.2.17 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.
- 2.2.18 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.
- 2.2.19 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.
- 2.2.20 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.
- 2.2.21 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.
- 2.2.22 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.
- 2.2.23 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. ADA COUNTY HIGHWAY DISTRICT (ACHD)

<https://weblink.meridiancity.org/WebLink/DocView.aspx?id=224605&dbid=0&repo=MeridianCity&cr=1>

D. ADA COUNTY DEVELOPMENT SERVICES

<https://weblink.meridiancity.org/WebLink/DocView.aspx?id=223933&dbid=0&repo=MeridianCity>

E. NAMPA MERIDIAN IRRIGATION DISTRICT

<https://weblink.meridiancity.org/WebLink/DocView.aspx?id=224834&dbid=0&repo=MeridianCity>

F. PARKINS NOURSE IRRIGATION ASSOCIATION

<https://weblink.meridiancity.org/WebLink/DocView.aspx?id=224834&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;

The Commission finds annexation of the subject site with an R-2 zoning designation is consistent with the Comprehensive Plan LDR FLUM designation for this property.

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

The Commission finds the size of the proposed house and lot will be consistent with the purpose statement of the residential districts will be compatible with the low-density rural character.

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

The Commission finds that the proposed zoning map amendment should not be detrimental to the public health, safety, or welfare. The Commission recommends the Council consider any oral or written testimony that may be provided when determining this finding.

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 Commission finds that the proposed zoning amendment will not result in any adverse impact upon the delivery of services by any political subdivision providing services to this site.

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

The Commission finds the proposed annexation is in the best interest of the City if the property is developed in accord with City/Agency comments and recommended development agreement provisions in Section VIII