

STAFF REPORT
COMMUNITY DEVELOPMENT DEPARTMENT



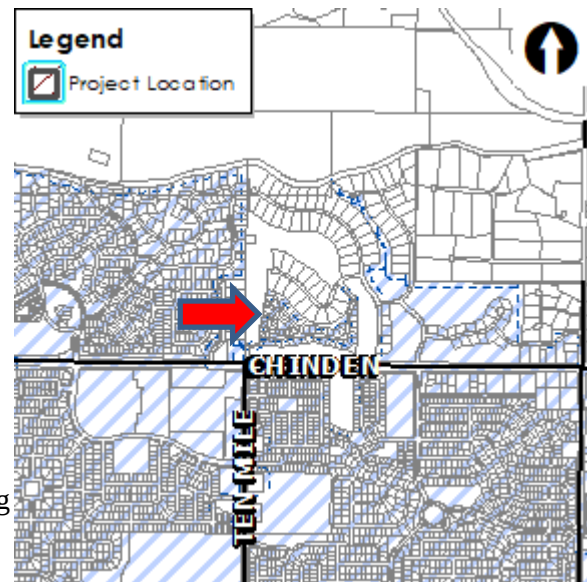
HEARING DATE: January 26, 2021
 (Continued from: December 15, 2020)

TO: Mayor & City Council

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

SUBJECT: H-2020-0087
 Spurwing Sewer Easement – AZ

LOCATION: North of W. Chinden Blvd./SH 20-26,
 northeast of N. Ten Mile Rd., in the SW
 ¼ of Section 23, Township 4N., Range
 1W. (portion of Lot 2, Block 1, Spurwing
 Subdivision)



I. PROJECT DESCRIPTION

The Applicant requests annexation of 0.60 of an acre of land with an R-4 zoning district.

II. SUMMARY OF REPORT

A. Project Summary

Description	Details	Page
Acreage	0.60 of an acre	
Future Land Use Designation	Low Density Residential (LDR)	
Existing Land Use	Sewer easement/golf course	
Proposed Land Use(s)	Emergency vehicle access for Fire Dept. and Public Work's access to sewer easement	
Current Zoning	RUT in Ada County	
Proposed Zoning	R-4 (Medium Low-Density Residential)	

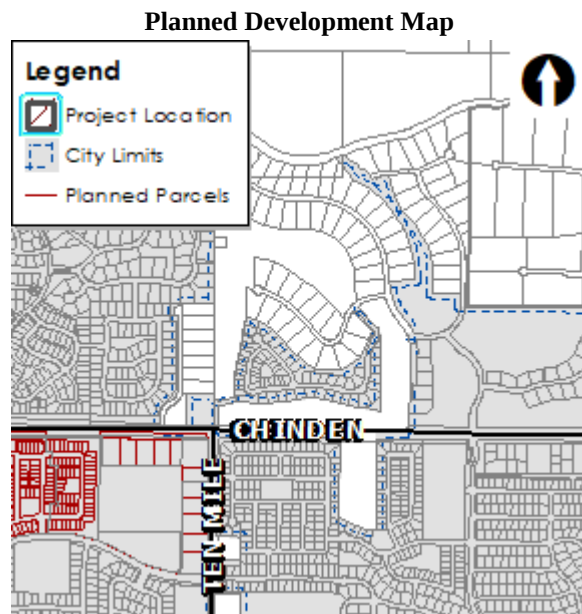
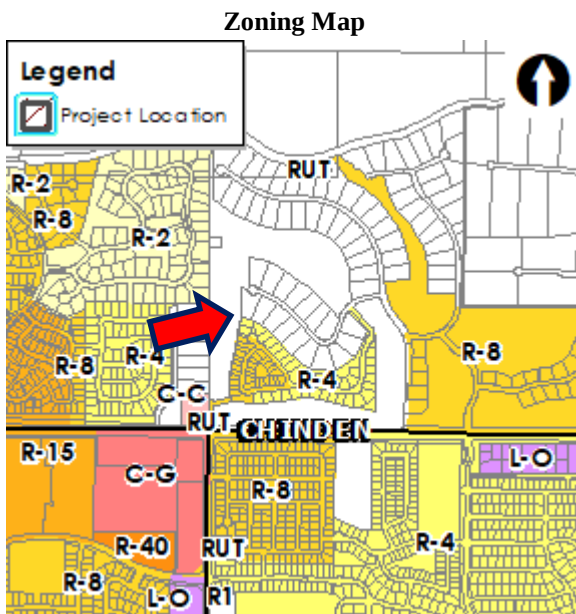
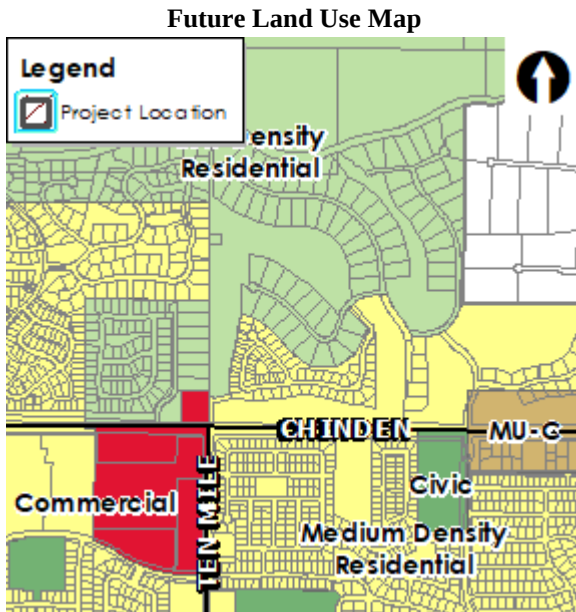
Neighborhood meeting date; # of attendees:	July 22, 2020; 8 attendees
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History (previous approvals)	This property is a portion of Lot 2, Block 1, Spurwing Subdivision (Bk. 113, pg. 16653). A lot line adjustment was approved by Ada County in 2007 (ROS #7826). Ada County denied a CUP modification permit to build an emergency access road. See Applicant's narrative for more information: narrative
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B. Community Metrics

Description	Details	Page
Ada County Highway District		
• Staff report (yes/no)	No	
• Requires ACHD Commission Action (yes/no)	No	
Access (Arterial/Collectors/State Hwy/Local)(Existing and Proposed)	One (1) emergency access is proposed from the west via N. Sunset Maple Way in Spurwing Greens Subdivision	
Fire Service	See comments in Section IX.C.	
Police Service	No comments were submitted.	
Wastewater		
Distance to Sewer Services	Existing through parcel	
Sewer Shed	North Black Cat trunkshed	
Estimated Project Sewer ERU's	See application	
WRRF Declining Balance	13.97	
Project Consistent with WW Master Plan/Facility Plan	Yes	
Impacts/Concerns	Sewer mainline is existing through the subject parcel.	
Water		
Distance to Water Services	This parcel is within Suez Water's service area.	
Pressure Zone		
Estimated Project Water ERU's		
Water Quality		
Project Consistent with Water Master Plan		
Impacts/Concerns		

C. Project Maps



III. APPLICANT INFORMATION

A. Applicant:

Shari Stiles, Engineering Solutions, LLP – 1029 N. Rosario St., Ste. 100, Meridian, ID 83642

B. Owner:

Spurwing, LP – 1406 N. Main St., Meridian, ID 83642

Pacific Links, Limited Company – 200 N. 4th Street, Ste. 205, Boise, ID 83702

C. Representative:

Same as Applicant

IV. NOTICING

	Planning & Zoning Posting Date	City Council Posting Date
Newspaper notification published in newspaper	9/25/2020	11/27/2020
Radius notification mailed to property owners within 300 feet	9/23/2020	11/23/2020
Public hearing notice sign posted on site	10/1/2020	11/30/2020
Nextdoor posting	9/23/2020	11/23/2020

V. COMPREHENSIVE PLAN ANALYSIS

LAND USE: This property is designated Low Density Residential (LDR) on the Future Land Use Map (FLUM) in the [Comprehensive Plan](#). The LDR designation allows for the development of single-family homes on large and estate lots at gross densities of three (3) dwelling units or less per acre.

There is an existing City of Meridian sewer easement within the subject annexation area; the Applicant proposes is not proposing any new development within this area.

Goals, Objectives, & Action Items: Staff finds the following Comprehensive Plan policies to be applicable to this application and apply to the proposed use of this property (staff analysis in *italics*):

- “Preserve existing public rights-of-way and other easements for future pathways and accessways, particularly along powerline and utility corridors, railway corridors, and waterway or irrigation corridors.” (4.04.02B)

Annexation of the land where an existing City of Meridian sewer easement is located and requirement of a Development Agreement with a provision that restricts uses other than that of the sewer easement and emergency access easement will ensure preservation of this easement and access.

- “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.” (3.03.03)

The proposed annexation area incorporates an existing City of Meridian sewer easement.

VI. STAFF ANALYSIS

A. ANNEXATION & ZONING

The Applicant proposes to annex 0.60 of an acre of land into the City with an R-4 (Medium Low-Density Residential) zoning district consistent with the FLUM designation of LDR. The annexation area is a portion of Lot 2, Block 1, Spurwing Subdivision, which was developed in Ada County. Typically, the City does not annex a portion of a parcel or lot; however, the City Attorney and the Planning

Manager has deemed it appropriate in this case due to the County's denial of the site modification and the City's requirement for an access to maintain the public utility; therefore, Staff is in support of the request.

The property proposed to be annexed is developed as part of the Spurwing golf course and contains a 20-foot wide Meridian sanitary sewer easement (Inst. #112130813) with a 12-inch sewer main line and an 8-inch Suez water main line. An emergency vehicle access easement is proposed in this area to satisfy the Fire Department's requirement for secondary emergency vehicle access to Olivetree at Spurwing Subdivision. Emergency vehicle access for this subdivision was previously planned via W. Chinden Blvd. at the Chinden/Ten Mile Rd. intersection; however, since the time the preliminary plat was approved, improvements have been made to the intersection which necessitate an alternate location for emergency access. For this reason, emergency access is proposed where the sewer easement lies. Public access will be restricted through the use of gates at each entrance with a Knox box as required by the Fire Department in Section X.C. This road will also provide access to any manholes within the sewer easement area in accord with City requirements and access to the Suez water lines as desired.

The subject property is non-buildable as it isn't a legal parcel/lot eligible for a building permit and doesn't meet the minimum dimensional standards of the R-4 district.

A more detailed description of the history of this request is included in the Applicant's narrative letter submitted with this application:

<https://weblink.meridiancity.org/WebLink/DocView.aspx?id=193513&dbid=0&repo=MeridianCity>

The proposed annexation area is contiguous to City annexed property and is within the Area of City Impact Boundary. A legal description and exhibit map for the annexation area is included in Section VIII.A.

The City may require a development agreement (DA) in conjunction with an annexation pursuant to Idaho Code section 67-6511A. **To ensure the site develops as proposed with this application, Staff recommends a DA is required that limits development to that proposed with this application (see provision in Section IX.A).**

The Olivetree at Spurwing subdivision cannot develop without an approved secondary emergency access which the Applicant's proposal provides. If Council denies the Applicant's request, an alternate emergency vehicle access will be required for any development over 30 building lots in Olivetree at Spurwing Subdivision; or, the applicant has the option to fire sprinkler additional homes beyond the 30.

NOTE: The City is currently monitoring the number of homes for this development and the number of building permits issued is approaching the maximum of 30 until the emergency access is approved and constructed per the City's requirements.

VII. DECISION

A. Staff:

Staff recommends approval of the proposed Annexation & Zoning with the requirement of a Development Agreement per the provisions in Section IX in accord with the Findings in Section X.

B. The Meridian Planning & Zoning Commission heard these items on October 15, 2020. At the public hearing, the Commission moved to recommend approval of the subject AZ request.

1. Summary of Commission public hearing:

- a. In favor: Becky McKay, Engineering Solutions (Applicant's Representative); Mark Freeman, Foley & Freeman Attorneys (Representing the Applicant)
- b. In opposition: Greg Stock, Gretchen Tseng, Rick Mauritzson, Tom Nist, Tony Tseng
- c. Commenting: Rod Wagner

- d. Written testimony: Robert Trerise, Gretchen Tseng, Carrie Franklin, Eric & Mary Kay Klein, Qing-Min & Erin Chen, Tom & Andrea Nist, Greg Stock, Steven Leavitt & Rick Mauritzson.
 - e. Staff presenting application: Sonya Allen
 - f. Other Staff commenting on application: None
 - 2. Key issue(s) of public testimony:
 - a. Concern pertaining to construction of a road & public access between Balata Ct. in Spurwing Subdivision & N. Crantini Way in Olivetree at Spurwing Subdivision;
 - b. Preference for an emergency access for the Fire Dept. to be provided from Chinden Blvd. at the Ten Mile Rd. intersection rather than in the location proposed;
 - c. Negative impact on adjacent properties where access road is proposed due to public use.
 - 3. Key issue(s) of discussion by Commission:
 - a. Necessity for a road for access to sewer manholes/maintenance of City infrastructure;
 - b. Possibility of the Applicant providing landscaping adjacent to the abutting residential properties to screen the access road and properties from users of the access road;
 - c. Possibility of installing signage at the gates prohibiting public access;
 - d. Question as to whether or not an emergency access is still feasible in the location originally approved at the intersection of Chinden Blvd./Ten Mile Rd.
 - 4. Commission change(s) to Staff recommendation:
 - a. Public Works' should provide a description of what preference they have for surface treatment of the access road between the two manholes (see Section VIII.C);
 - b. The Applicant should work with adjacent homeowners to see what mitigation could be provided to lessen impacts from the road (see landscape plan in Section VIII.B);
 - c. The Applicant should try to get a letter from ITD stating they won't allow access as originally approved via Chinden Blvd. without an easement from the Wagner's *[a letter has been submitted from ITD (see link in Section IX.H) – ITD will only allow a single-approach for safety reasons and is not opposed to an approach that serves both the Wagner farm parcel and the emergency access with the conditions noted in the letter. However, Mr. Wagner stated at the last hearing that he's not interested in granting an easement for a shared driveway at this time];*
 - d. Add requirement for signage to be provided prohibiting public access to the gated area (see provision #A.1b in Section IX).
 - 5. Outstanding issue(s) for City Council:
 - a. None
- C. The Meridian City Council heard this item on December 15, 2020. At the public hearing, the Council moved to continue the subject AZ request to the January 26, 2021 hearing in order for the Applicant to work with the Tseng's to determine landscaping that they'd amenable to between their property and the access road; and for Staff to clarify emergency access options via Chinden Blvd. with ITD.
- 1. Summary of the City Council public hearing:
 - a. In favor: Mark Freeman, Foley & Freeman Attorneys (Representing the Applicant)
 - b. In opposition: Rick Mauritzson; Greg Stock; Gretchen Tseng; Tony Tseng
 - c. Commenting: None
 - d. Written testimony: Gretchen Tseng, Greg Stock and Rick Mauritzson
 - e. Staff presenting application: Sonya Allen
 - f. Other Staff commenting on application: Kyle Radek; Deputy Fire Chief Bongiorno, Police Chief Lavey
 - 2. Key issue(s) of public testimony:

- a. Against the provision of the access road and preference for the area to be returned to its previous condition as required by Ada County;
 - b. Preference for homes in Olivetree at Spurwing to be constructed with residential sprinklers in lieu of the provision of a secondary emergency access road as proposed;
 - c. Request for the Council to deny the request for annexation and remove the access road.
3. Key issue(s) of discussion by City Council:
 - a. ITD's letter in regard to the provision of emergency access from Chinden Blvd./SH 20-26 to the Olivetree at Spurwing development;
 - b. The Applicant should work with the property owner (Tseng's) primarily affected by the access road to determine landscaping that they'd amenable to between their property and the access road;
 - c. The importance of the provision of secondary emergency access to the site for emergency responders in the event of a fire or other emergency.
4. City Council change(s) to Commission recommendation:
 - a. None

Update from Staff & Additional Staff Recommendations:

- ITD's position on access via W. Chinden Blvd./SH 20-26 has not changed (see [letter](#) from ITD in the public record). A representative from ITD (Sarah Arjona) is planning to attend the meeting to answer any questions Council may have on this matter.
- In regard to the Tseng's preferred landscape options between their property and the access road, the Applicant states the Tseng's do not want shrubs next to the property line; instead, they would prefer a wrought iron fence on the west side of their existing trees and shrubs. The Applicant has agreed to pay the Tseng's money to cover the cost of the fence and the Tseng's will be responsible for constructing the fence on the shared property line.
- Public Works' Staff has requested a DA provision is included stating, "Compliance with the Public Works' 2019 Design Standards for Access Roads (2-16 Access Roads) is required as set forth in Section VIII.C. Further, rim elevations of manholes located within the access road shall be equal to the elevations of the surface of the access road and finished in accordance with current Idaho Standards for Public Works Construction (ISPWC) and City Supplemental Specifications." (See recommended provision in Section IX.A.1c.)
- Staff has included two (2) other provisions in the DA per Public Works' comments in Section IX.B and Fire Dept. comments in Section IX.C (see Section IX.A.1d and f, respectively).
- Staff recommends *prior* to Annexation Ordinance approval, the Applicant submit a performance surety, including bids for materials and work to be performed, to the City to ensure the access road is completed to Public Works' standards.

VIII. EXHIBITS

A. Annexation & Zoning Legal Description and Exhibit Map



**TEALEY'S LAND
SURVEYING**

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

Project No.: 4667
Date: July 8, 2020

EXHIBIT "A"

DESCRIPTION FOR JOCK HEWITT ANNEXATION PARCEL

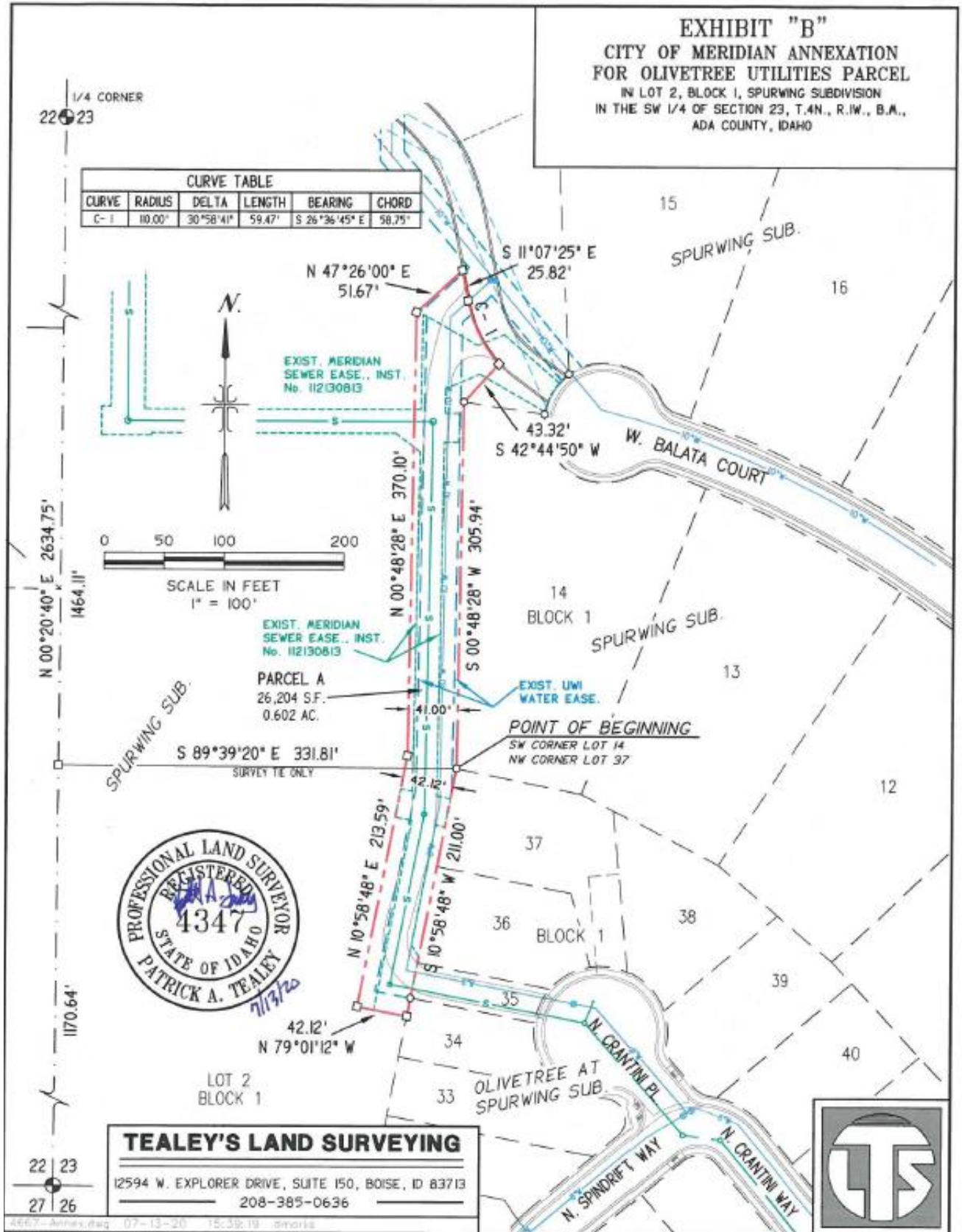
A parcel of land being a portion of Lot 2 of Block 1 of Spurwing Subdivision as on file in Book 69 of Plats at Pages 7104 through 7108 in the Office of the Recorder for Ada County, Idaho, said parcel being situated in the SW 1/4 of Section 23, T.4N., R.1W., B.M., Ada County, Idaho and more particularly described as follows:

COMMENCING at the Southwest corner of said Section 23, marked by a brass cap; thence along the West line of said Section 23
North 00°20'40" East 1170.64 feet to a point; thence leaving said West line at right angles
South 89°39'20" East 331.81 feet to the Southwest corner of Lot 14, Block 1 of said Spurwing Subdivision which point is also the Northwest corner of Olivetree at Spurwing Subdivision as on file in Book 113 of Plats at Pages 16653 through 16656 in said Office of the Recorder for Ada County, which point is the POINT OF BEGINNING, marked by an iron pin; thence along the West line of said Olivetree at Spurwing Subdivision
South 10°58'41" West 211.00 feet to a point; thence leaving said West line at right angles
North 79°01'12" West 42.12 feet to a point; thence along a line parallel with said West line of Olivetree at Spurwing Subdivision
North 10°58'48" East 213.59 feet to a point on a line that is parallel with and 41.00 feet West of the West line of said Lot 14, Block 1 of Spurwing Subdivision; thence along said parallel line
North 00°48'28" East 370.10 feet to a point; thence
North 47°26'00" East 51.67 feet to a point; thence
South 11°07'25" East 25.82 feet to a point of curvature; thence along the arc of a curve to the left whose radius is 110.00 feet, whose central angle is 30°58'41", whose length is 59.47 feet and whose long chord bears
South 26°36'45" East 58.75 feet to a point; thence
South 42°44'50" West 43.32 feet to the Northwest corner of said Lot 14, marked by an iron pin; thence along the West line of said Lot 14
South 00°48'28" West 305.94 feet to the POINT OF BEGINNING.

Said Parcel Contains 0.602 Acre, more or less.



EXHIBIT "B"
CITY OF MERIDIAN ANNEXATION
FOR OLIVETREE UTILITIES PARCEL
 IN LOT 2, BLOCK 1, SPURWING SUBDIVISION
 IN THE SW 1/4 OF SECTION 23, T.4N., R.1W., B.M.,
 ADA COUNTY, IDAHO

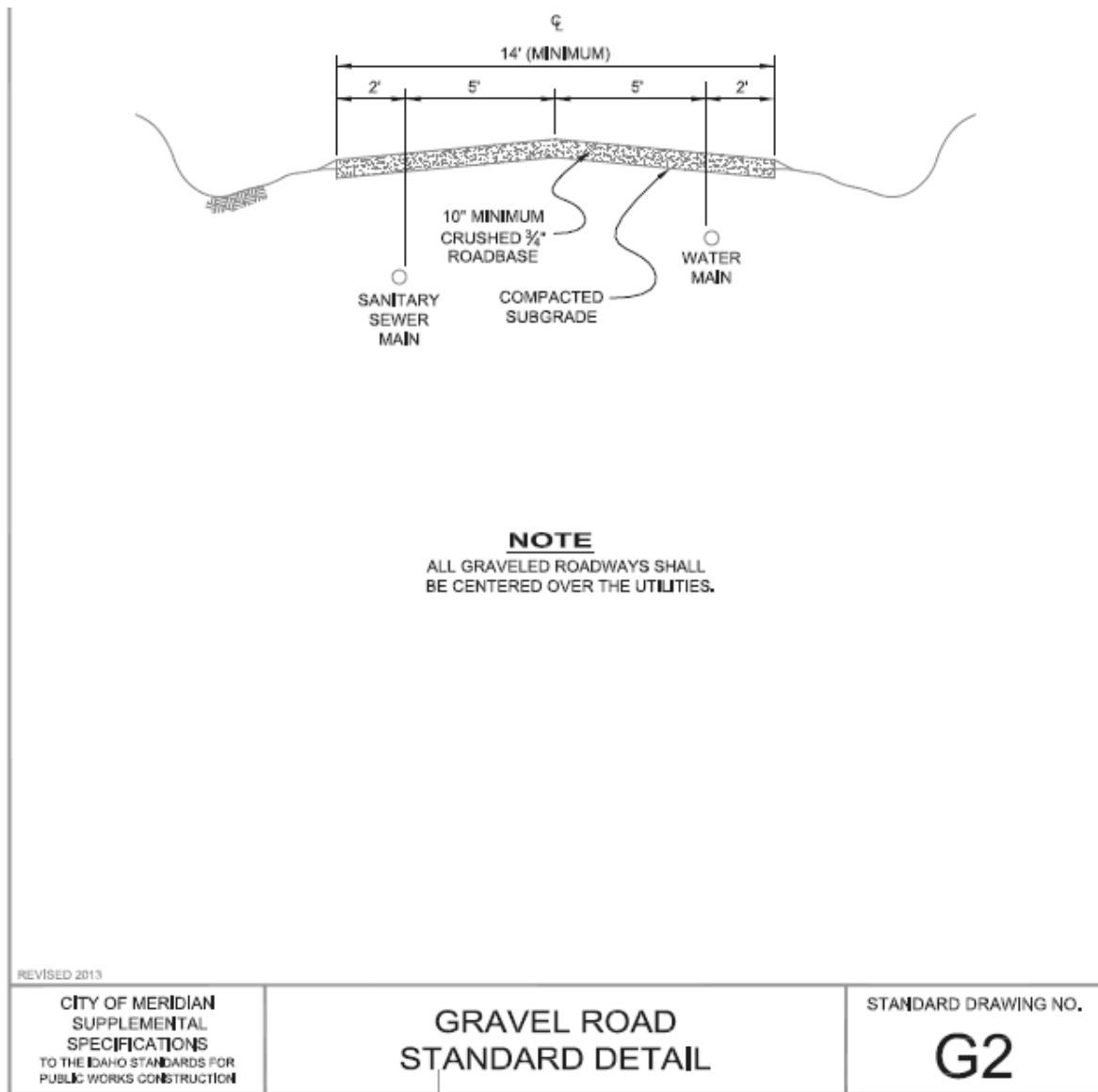


~~B. Landscape Mitigation Plan~~

C. Public Works' 2019 Design Standards for Access Roads

2-16 ACCESS ROADS:

- A. Access to sewer, water and recycled water mains not located within public rights-of-way shall be provided by an all-weather gravel access road constructed of ¾" minus road mix gravel. See the Supplemental Specifications.
- B. The maximum access road grade shall not exceed 10% and shall be shown in the profile view. The access road shall not block natural or artificial drainage and shall conform to the requirements of the governing agencies.
- C. Access roads for sewer manholes shall have curves designed for turning radii of 28 feet inside radius and 48 feet outside radius and a vertical clearance of 14 feet.
- D. Rim elevations of manholes located within access roads shall be equal to the elevation of the surface of the access road.
- E. Hammerhead or intermediate turn-around spaces shall be constructed at the end of all access roads exceeding 150 feet in length and at intermediate locations as determined by Development Services.
- F. Easements will be required for all maintenance roads and turn-around spaces.



Note: These would be the minimum Design Standards, but an applicant can pave the roadway if they want.

IX. 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. The annexation area is non-buildable and shall only be used as a City of Meridian sewer line easement, Suez water line easement, emergency vehicle access road and access road for the City of Meridian and Suez Idaho Operations for maintenance of their facilities within their easements.
- b. Signage shall be provided stating that public access is prohibited beyond the gated area.
- c. Compliance with the Public Works' 2019 Design Standards for Access Roads (2-16 Access Roads) is required as set forth in Section VIII.C. Further, rim elevations of manholes located within the access road shall be equal to the elevations of the surface of the access road and finished in accordance with current Idaho Standards for Public Works Construction (ISPMC) and City Supplemental Specifications. Construction of the road shall be completed within sixty (60) days of approval of the Annexation Ordinance.
- d. A 14-foot wide compacted gravel access roadway meeting Meridian City standards shall be constructed over the existing sanitary sewer mainlines that currently traverse through the subject property.
- e. This project will be required to provide a 20' wide swing or rolling emergency access gate as set forth in International Fire Code Sections 503.5 and 503.6. The gate shall be equipped with a Knoxbox padlock which has to be ordered via the website www.knoxbox.com. All gates at the entrance to fire lanes shall be located a minimum of 30 feet from the roadway and shall open away from the roadway, unless other provisions are made for safe personnel operations as set forth in National Fire Protection Association 1141, Section 5.3.16 - 2017 edition.

Prior to Annexation Ordinance approval, the Applicant shall submit a performance surety, including bids for materials and work to be performed, to the City to ensure the access road is completed to Public Works' standards.

B. PUBLIC WORKS

1. Site Specific Conditions of Approval

- 1.1 Sanitary sewer mainlines currently traverse through the subject parcel. 14-foot wide compacted gravel access roadways shall be required above those mainlines per Meridian City Standards. *Included as a DA provision above in Section IX.A.1d.*

C. FIRE DEPARTMENT

Access: This project will be required to provide a 20' wide swing or rolling emergency access gate as set forth in International Fire Code Sections 503.5 and 503.6. The gate shall be equipped with a Knoxbox padlock which has to be ordered via the website www.knoxbox.com. All gates at the entrance to fire lanes shall be located a minimum of 30 feet from the roadway and shall open away from the roadway,

unless other provisions are made for safe personnel operations as set forth in National Fire Protection Association 1141, Section 5.3.16 - 2017 edition. *Included as a DA provision above in Section IX.A.1f.*

D. POLICE DEPARTMENT

No comments were received.

E. PARK'S DEPARTMENT

No comments were received.

F. NAMPA & MERIDIAN IRRIGATION DISTRICT (NMID)

<https://weblink.meridiancity.org/WebLink/DocView.aspx?id=213875&dbid=0&repo=MeridianCity>

G. DEPARTMENT OF ENVIRONMENTAL QUALITY (DEQ)

<https://weblink.meridiancity.org/WebLink/DocView.aspx?id=193806&dbid=0&repo=MeridianCity>

H. IDAHO TRANSPORTATION DEPARTMENT (ITD)

<https://weblink.meridiancity.org/WebLink/DocView.aspx?id=214594&dbid=0&repo=MeridianCity>

X. 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 the Applicant is proposing to annex the subject 0.60 acre property with R-4 zoning consistent with the proposed LDR FLUM designation for this property. (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 Commission finds the proposed map amendment to R-4 for the existing sewer easement and proposed emergency access road generally complies with the regulations outlines for the R-4 district and purpose statement of the residential districts.

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

The Commission finds the proposed map amendment will not be detrimental to the public health, safety and welfare and the emergency access road will enhance public safety in this area.

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 the proposed map amendment will not result in an adverse impact upon the delivery of services by any political subdivision providing public services and will actually enhance emergency access in this area.

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.