



## CITY COUNCIL REGULAR MEETING

City Council Chambers, 33 East Broadway Avenue Meridian, Idaho  
Tuesday, August 25, 2020 at 6:00 PM

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All materials presented at public meetings become property of the City of Meridian. Anyone desiring accommodation for disabilities should contact the City Clerk's Office at 208-888-4433 at least 48 hours prior to the public meeting.

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### Agenda

#### VIRTUAL MEETING INSTRUCTIONS

Limited seating is available at City Hall. Consider joining the meeting virtually:

<https://us02web.zoom.us/j/84770330500>

To call in: 1-669-900-6833

Webinar ID: 847 7033 0500

#### ROLL CALL ATTENDANCE

Jessica Perreault

Joe Borton

Brad Hoaglund

Treg Bernt

Liz Strader

Luke Cavener

Mayor Robert E. Simison

#### PLEDGE OF ALLEGIANCE

#### COMMUNITY INVOCATION

#### ADOPTION OF AGENDA

#### PUBLIC FORUM – Future Meeting Topics

*The public are invited to sign up prior to the start of the meeting to address their elected officials regarding matters of general interest or concern of public matters. This time is reserved for general topics and not specific to an active land use/development application. By law, no decisions can be made on topics presented under this public comment section. However, the City Council may request that the topic be added to a future meeting agenda for a more detailed discussion or action. The Mayor may also direct staff to further assist you in resolving the matter following the meeting.*

#### ACTION ITEMS

*Public Hearings related to land use applications follow this process: Once the hearing is opened, City Staff will present their analysis of the application. Following this, the applicant will be allowed up to 15 minutes to present their application. Following any questions that may be*

*asked by Council, members of the public are allowed up to 3 minutes each to address Council regarding the application. If a person is representing a Homeowner's Association, indicated by a show of hands, they may be allowed up to 10 minutes, provided those they are representing are yielding their time. Following all public testimony, the applicant is allowed an additional 10 minutes to respond to comments. Council may ask additional questions, and then close the public hearing. Once the hearing is closed, not further testimony will be heard.*

*City Council may move to continue the item to a future meeting or may vote to approve or deny the item with or without changes presented. The Mayor is not a member of the City Council and pursuant to Idaho Code does not vote on public hearing items, unless to break a tie-vote.*

- 1. Public Hearing for City of Meridian Proposed Solid Waste Fees**
- 2. Request for Pre-Approval to Apply for Beer and Wine License for a Business Within 300 Feet of a Church by Tango's Empanadas and Grill, Located at 46 E. Fairview Ave.**
- 3. Request for Reconsideration for Cedarbrook Subdivision (H-2020-0012) by Givens Pursley, LLP**
- 4. Public Hearing for Teakwood Place Subdivision (H-2020-0006) by Hesscomm Corp., Located at 1835 E. Victory Rd.**

**Applicant is Requesting Remand Back to Planning and Zoning Commission**

- A. Request: Annexation and Zoning of 7.35 acres of land with an R-8 zoning district.
- B. Request: A Preliminary Plat consisting of 26 single-family residential lots and 2 common lots.

- 5. Public Hearing for Paramount Point (H-2020-0082) by Brighton Development, Inc., Located at 6357 N. Fox Run Way**
- 6. Public Hearing for Brundage Estates (TECC-2020-0001) by LC Development, Generally Located East of S. Linder Rd. Between W. Victory Rd. and W. Amity Rd.**

- A. Request: A 2-year Time Extension on the preliminary plat in order to obtain the City Engineer's signature on a final plat.

- 7. Public Hearing for Landing South (H-2020-0005) by Jim Jewett, Located at 660 S. Linder Rd.**

- A. Request: Rezone of 2.43 acres of land from the R-4 to the R-8 zoning district.
- B. Request: Preliminary Plat consisting of 11 building lots and 2 common lots on 2.27 acres of land in the proposed R-8 zoning district.

**8. Request to Withdraw Application for Villas at Twelve Oaks East (H-2020-0014) by Jim Jewett, Located at 115 S. Linder Rd.**

**ORDINANCES [Action Item]**

9. Ordinance No. 20-1890: An Ordinance (H-2020-0039 – Ascent Townhomes) for Annexation of a Portion of the Southeast  $\frac{1}{4}$  of the Southwest  $\frac{1}{4}$  of Section 10, Township 3 North, Range 1 West, Boise Meridian, Ada County, Idaho, as Described in Attachment “A” and Annexing Certain Lands and Territory, Situated in Ada County, Idaho, and Adjacent and Contiguous to the Corporate Limits of the City of Meridian as Requested by the City of Meridian; Establishing and Determining the Land Use Zoning Classification of 5.25 Acres of Land From RUT to R-15 (Medium-High Density Residential) Zoning District in the Meridian City Code; Providing that Copies of this Ordinance Shall be Filed with the Ada County Assessor, the Ada County Recorder, and the Idaho State Tax Commission, as Required by Law; and Providing for a Summary of the Ordinance; and Providing for a Waiver of the Reading Rules; and Providing an Effective Date
10. Ordinance No. 20-1891: An Ordinance (H-2019-0133 – Lupine Cove) for Annexation of a Parcel of Land Being a Portion of the Southwest Quarter of the Northwest Quarter of Section 33, Township 4 North, Range 1 West, Boise Meridian, Ada County, Idaho, as Described in Attachment “A” and Annexing Certain Lands and Territory, Situated in Ada County, Idaho, and Adjacent and Contiguous to the Corporate Limits of the City of Meridian as Requested by the City of Meridian; Establishing and Determining the Land Use Zoning Classification of 10.41 Acres of Land From RUT to R-8 (Medium Density Residential) Zoning District in the Meridian City Code; Providing that Copies of this Ordinance Shall be Filed with the Ada County Assessor, the Ada County Recorder, and the Idaho State Tax Commission, as Required by Law; and Providing for a Summary of the Ordinance; and Providing for a Waiver of the Reading Rules; and Providing an Effective Date

**FUTURE MEETING TOPICS**

**ADJOURNMENT**



## AGENDA ITEM

**ITEM TOPIC:** Public Hearing for City of Meridian Proposed Solid Waste Fees

**CITY OF MERIDIAN  
NOTICE OF PUBLIC HEARING**

NOTICE IS HEREBY GIVEN, pursuant to the ordinances of the City of Meridian and the laws of the State of Idaho, that the City Council of the City of Meridian will hold a public hearing at its meeting **on Tuesday, August 25, 2020, at 6:00 p.m., at Meridian City Hall**, 33 East Broadway Avenue, Meridian, Idaho, regarding adoption of the proposed solid waste fees, as set forth below. Further information regarding these proposed fees is available in the Public Works Department at Meridian City Hall, 33 East Broadway Avenue, Meridian, Idaho. Any and all interested persons shall be heard at said public hearing, and the public is welcome and invited to submit written comments and/or provide verbal testimony at the hearing. Verbal testimony may be limited to three (3) minutes per person. For auditory, visual, or language accommodations, please contact the City Clerk’s Office at 208-888-4433.

DATED this 6th day of August, 2020.

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CHRIS JOHNSON, CITY CLERK

**PUBLISH on August 14, 2020 and August 21, 2020.**

<b>RESIDENTIAL TRASH &amp; RECYCLING</b>			
<b>FEE</b>	<b>DESCRIPTION</b>	<b>CURRENT FY20 FEE</b>	<b>PROPOSED FY21 FEE</b>
Residential	95 gallon service (includes 1 recycling cart)	\$19.78	\$20.87
Residential	65 gallon service (includes 1 recycling cart)	\$17.78	\$18.63
Residential	35 gallon service (includes 1 recycling cart)	\$15.78	\$16.41
Residential	Extra Carts (per cart per month)	\$2.41	\$2.49
Residential	Cart Pickup/ Upsize Exchange fee (per event)	\$14.42	\$14.80
Residential	Cart Delivery (free)	\$0.00	\$0.00
Residential	Carry Out Service	\$33.96	\$34.86
<b>COMMERCIAL PERMANENT TRASH</b>			
<b>FEE</b>	<b>DESCRIPTION</b>	<b>CURRENT FY20 FEE</b>	<b>PROPOSED FY21 FEE</b>
Commercial Carts	Delivery Charge	\$10.83	\$11.12
Commercial Carts	1, 95 gallon cart (1 x per week)	\$30.95	\$32.17
Commercial Carts	1, 95 gallon cart (2 x per week)	\$58.48	\$60.82

Commercial Carts	1, 95 gallon cart (3 x per week)	\$85.96	\$89.45
Commercial Carts	2, 95 gallon cart (1 x per week)	\$61.92	\$64.35
Commercial Carts	2, 95 gallon cart (2 x per week)	\$116.97	\$121.65
Commercial Carts	2, 95 gallon cart (3 x per week)	\$171.96	\$178.88
Commercial Carts	3, 95 gallon cart (1 x per week)	\$92.86	\$96.53
Commercial Carts	3, 95 gallon cart (2 x per week)	\$175.44	\$182.47
Commercial Carts	3, 95 gallon cart (3 x per week)	\$257.91	\$268.32
Commercial Container	Container Delivery Svc (2,3,6,8 yd options)	\$24.71	\$25.36
Commercial Container	Lid Lock Installation (2,3,6,8 yd options)	\$46.53	\$47.76
Commercial Container	Monthly Lock Service (2,3,6,8 yd options)	\$13.41	\$13.77
Commercial Container	2 yd (Extra Dump)	\$25.03	\$26.14
Commercial Container	3 yd (Extra Dump)	\$34.03	\$35.59
Commercial Container	6 yd (Extra Dump)	\$49.14	\$51.75
Commercial Container	8 yd (Extra Dump)	\$63.16	\$66.58
Commercial Containers	2 yd (1x per week)	\$102.13	\$106.78
Commercial Containers	2 yd (2x per week)	\$144.82	\$152.57
Commercial Containers	2 yd (3x per week)	\$186.75	\$197.57
Commercial Containers	2 yd (4x per week)	\$250.58	\$265.04
Commercial Containers	2 yd (5 x per week)	\$314.24	\$332.37
Commercial Containers	2 yd (6 x per week)	\$377.93	\$399.70
Commercial Containers	3 yd (1x per week)	\$105.54	\$111.17
Commercial Containers	3 yd (2 x per week)	\$169.87	\$180.04
Commercial Containers	3 yd (3 x per week)	\$234.32	\$249.03
Commercial Containers	3 yd (4 x per week)	\$308.59	\$328.11
Commercial Containers	3 yd (5 x per week)	\$406.41	\$431.35
Commercial Containers	3 yd (6 x per week)	\$492.49	\$522.54
Commercial Containers	6 yd (1 x per week)	\$163.43	\$173.42
Commercial Containers	6 yd (2 x per week)	\$261.82	\$280.10
Commercial Containers	6 yd (3 x per week)	\$360.12	\$386.67
Commercial Containers	6 yd (4 x per week)	\$480.18	\$515.58
Commercial Containers	6 yd (5 x per week)	\$600.30	\$644.56
Commercial Containers	6 yd (6 x per week)	\$720.34	\$773.46
Commercial Containers	8 yd (1 x per week)	\$193.20	\$205.86

Commercial Containers	8 yd (2 x per week)	\$297.19	\$320.18
Commercial Containers	8 yd (3 x per week)	\$399.97	\$433.25
Commercial Containers	8 yd (4 x per week)	\$516.69	\$560.63
Commercial Containers	8 yd (5 x per week)	\$641.40	\$696.21
Commercial Containers	8 yd (6 x per week)	\$760.31	\$825.84
Commercial Containers	8 yd (7 x per week)	\$1,175.22	\$1,259.28
Commercial Compactors	2 yd (base price per pickup per week)	\$57.90	\$63.27
Commercial Compactors	3 yd (base price per pickup per week)	\$79.73	\$87.59
Commercial Compactors	4 yd (base price per pickup per week)	\$101.98	\$112.36
Commercial Compactors	5 yd (base price per pickup per week)	\$124.28	\$137.16
Commercial Compactors	6 yd (base price per pickup per week)	\$145.95	\$161.31
Commercial Compactors	8 yd (base price per pickup per week)	\$196.07	\$216.59
<b>COMMERCIAL TEMPORARY TRASH</b>			
<b>FEE</b>	<b>DESCRIPTION</b>	<b>CURRENT FY20 FEE</b>	<b>PROPOSED FY21 FEE</b>
Commercial Temporary Service	3 yd Haul Svc (Municipal Solid Waste)	\$34.03	\$44.60
Commercial Temporary Service	3 yd Haul Svc (Construction and Demolition)	\$110.77	\$119.45
Commercial Temporary Service	3 yd (Monthly Rent)	\$25.98	\$26.67
Commercial Temporary Service	3 yd (Daily Rent)	\$0.86	\$0.88
<b>COMMERCIAL PERMANENT RECYCLING</b>			
<b>FEE</b>	<b>DESCRIPTION</b>	<b>CURRENT FY20 FEE</b>	<b>PROPOSED FY21 FEE</b>
Commercial Commingled Recyclable Collection	Container Delivery Charge (3,5,6,8 yd options)	\$24.71	\$25.36
Commercial Commingled Recyclable Collection	3 yd (Extra Dump)	\$17.86	\$18.28
Commercial Commingled Recyclable Collection	3 yd (Every Other Week)	\$52.35	\$53.62
Commercial Commingled Recyclable Collection	3 yd (1 x week)	\$65.61	\$67.10
Commercial Commingled Recyclable Collection	3 yd (2 x week)	\$115.82	\$118.40
Commercial Commingled Recyclable Collection	3 yd (3 x week)	\$166.06	\$169.73
Commercial Commingled Recyclable Collection	3 yd (4 x week)	\$216.28	\$221.04

Commercial Commingled Recyclable Collection	3 yd (5 x week)	\$266.50	\$272.33
Commercial Commingled Recyclable Collection	5 yd (Extra Dump)	\$24.33	\$24.88
Commercial Commingled Recyclable Collection	5 yd (Every Other Week)	\$72.03	\$73.74
Commercial Commingled Recyclable Collection	5 yd (1 x week)	\$100.02	\$102.27
Commercial Commingled Recyclable Collection	5 yd (2 x week)	\$168.16	\$171.81
Commercial Commingled Recyclable Collection	5 yd (3 x week)	\$235.84	\$240.87
Commercial Commingled Recyclable Collection	5 yd (4 x week)	\$303.74	\$310.16
Commercial Commingled Recyclable Collection	5 yd (5 x week)	\$371.63	\$379.44
Commercial Commingled Recyclable Collection	6 yd (Extra Dump)	\$29.57	\$30.24
Commercial Commingled Recyclable Collection	6 yd (Every Other Week)	\$85.41	\$87.43
Commercial Commingled Recyclable Collection	6 yd (1 x week)	\$106.31	\$108.63
Commercial Commingled Recyclable Collection	6 yd (2 x week)	\$190.11	\$194.17
Commercial Commingled Recyclable Collection	6 yd (3 x week)	\$273.91	\$279.68
Commercial Commingled Recyclable Collection	6 yd (4 x week)	\$357.70	\$365.22
Commercial Commingled Recyclable Collection	6 yd (5 x week)	\$441.51	\$450.76
Commercial Commingled Recyclable Collection	8 yd (Extra Dump)	\$40.40	\$41.31
Commercial Commingled Recyclable Collection	8 yd (Every Other Week)	\$101.42	\$103.76
Commercial Commingled Recyclable Collection	8 yd (1 x week)	\$127.13	\$129.84
Commercial Commingled Recyclable Collection	8 yd (2 x week)	\$231.42	\$236.25
Commercial Commingled Recyclable Collection	8 yd (3 x week)	\$335.72	\$342.66
Commercial Commingled Recyclable Collection	8 yd (4 x week)	\$440.05	\$449.11
Commercial Commingled Recyclable Collection	8 yd (5 x week)	\$546.24	\$557.45
Commercial Commingled Recyclable Collection	95 gallon carts (1 cart/week)	\$13.72	\$14.05



Commercial Commingled Recyclable Collection	95 gallon carts (2 cart/week)	\$21.80	\$22.29
Commercial Commingled Recyclable Collection	95 gallon carts (3 cart/week)	\$29.86	\$30.54
Commercial Commingled Recyclable Collection	95 gallon carts (4 cart/week)	\$37.96	\$38.80
Commercial Commingled Recyclable Collection	95 gallon carts (5 cart/week)	\$46.00	\$47.03
<b>INDUSTRIAL TRASH</b>			
<b>FEE</b>	<b>DESCRIPTION</b>	<b>CURRENT FY20 FEE</b>	<b>PROPOSED FY21 FEE</b>
Industrial Trash	Container Delivery Svc 6 - 10 yd	\$24.97	\$25.63
Industrial Trash	6 - 10 yd containers (Haul Svc)	\$110.79	\$112.42
Industrial Trash	6 yd Disposal Fee (Municipal Solid Waste)	\$23.32	\$30.74
Industrial Trash	6 yd Disposal Fee (C&D/Compacted)	\$23.32	\$30.74
Industrial Trash	6 yd (Monthly Rent)	\$55.20	\$56.66
Industrial Trash	6 yd (Daily Rent)	\$1.81	\$1.87
Industrial Trash	8 yd Disposal Fee (Municipal Solid Waste)	\$23.32	\$30.74
Industrial Trash	8 yd Disposal Fee (C&D/Compacted)	\$23.32	\$30.74
Industrial Trash	8 yd (Monthly Rent)	\$71.55	\$73.44
Industrial Trash	8 yd (Daily Rent)	\$2.35	\$2.42
Industrial Trash	10 yd Disposal Fee (Municipal Solid Waste)	\$23.32	\$30.74
Industrial Trash	10 yd Disposal Fee (C&D/Compacted)	\$23.32	\$30.74
Industrial Trash	10 yd (Monthly Rent)	\$79.73	\$81.84
Industrial Trash	10 yd (Daily Rent)	\$2.63	\$2.70
Industrial Trash	Container Delivery Svc 20 - 40 yd	\$24.97	\$25.63
Industrial Trash/Diversion/Recycling	20 - 40 yd screen lid	\$40.14	\$41.20
Industrial Trash	20 - 40 yd containers (Haul Svc)	\$361.26	\$369.50
Industrial Trash	20 - 40 yd containers (Haul Svc for Asbestos - Ada County)	\$312.19	\$320.43
Industrial Trash	20 - 40 yd containers (Certification fee Asbestos - Ada County)	\$0.00	\$23.32

Industrial Trash	20 - 40 yd containers (Haul Svc for Asbestos - Idaho Waste Systems)	\$312.19	\$320.43
Industrial Trash	20 yd Disposal Fee (Municipal Solid Waste)	\$23.32	\$30.74
Industrial Trash	20 yd Disposal Fee (C&D/Compacted)	\$23.32	\$30.74
Industrial Trash	20 yd Disposal Fee (Asbestos - Ada County Landfill)	\$23.32	\$30.74
Industrial Trash	20 yd Disposal Fee (Asbestos - Idaho Waste Systems)	\$800.00	\$800.00
Industrial Trash	20 yd (Monthly Rent)	\$91.68	\$94.10
Industrial Trash	20yd (Daily Rent)	\$3.02	\$3.11
Industrial Trash	30 yd Disposal Fee (Municipal Solid Waste)	\$23.32	\$30.74
Industrial Trash	30 yd Disposal Fee (C&D/Compacted)	\$23.32	\$30.74
Industrial Trash	30 yd Disposal Fee (Asbestos - Ada County Landfill)	\$23.32	\$30.74
Industrial Trash	30 yd Disposal Fee (Asbestos - Idaho Waste Systems)	\$1,200.00	\$1,200.00
Industrial Trash	30 yd (Monthly Rent)	\$112.05	\$115.01
Industrial Trash	30 yd (Daily Rent)	\$3.68	\$3.77
Industrial Trash	40 yd Disposal Fee (Municipal Solid Waste)	\$23.32	\$30.74
Industrial Trash	40 yd Disposal Fee (C&D/Compacted)	\$23.32	\$30.74
Industrial Trash	40 yd Disposal Fee (Asbestos - Ada County Landfill)	\$23.32	\$30.74
Industrial Trash	40 yd disposal Fee (Asbestos - Idaho Waste Systems)	\$1,600.00	\$1,600.00
Industrial Trash	40 yd (Monthly Rent)	\$128.05	\$131.43
Industrial Trash	40 yd (Daily Rent)	\$4.21	\$4.31
Industrial Trash	20yd compactor Disposal Fee	\$49.33	\$30.74
Industrial Trash	25yd compactor Disposal Fee	\$120.58	\$30.74
Industrial Trash	30yd compactor Disposal Fee	\$140.03	\$30.74
Industrial Trash	40yd compactor Disposal Fee	\$241.09	\$30.74
Industrial Trash	Container Delivery Svc 6-10 yd	\$24.97	\$25.63
Industrial Trash	6-10 yd containers (Haul Svc)	\$110.79	\$112.42
Industrial Trash	6 yd Disposal Fee (Municipal Solid Waste)	\$23.32	\$30.74
Industrial Trash	6 yd Disposal Fee (C&D/Compacted)	\$23.32	\$30.74

Industrial Trash	6 yd (Monthly Rent)	\$55.20	\$56.66
Industrial Trash	6 yd (Daily Rent)	\$1.81	\$1.87
Industrial Trash	8 yd Disposal Fee (Municipal Solid Waste)	\$23.32	\$30.74
Industrial Trash	8 yd Disposal Fee (C&D/Compacted)	\$23.32	\$30.74
Industrial Trash	8 yd (Monthly Rent)	\$71.55	\$73.44
Industrial Trash	8 yd (Daily Rent)	\$2.35	\$2.42
Industrial Trash	10 yd Disposal Fee (Municipal Solid Waste)	\$23.32	\$30.74
Industrial Trash	10 yd Disposal Fee (C&D/Compacted)	\$23.32	\$30.74
Industrial Trash	10 yd (Monthly Rent)	\$79.73	\$81.84
Industrial Trash	10 yd (Daily Rent)	\$2.63	\$2.70
Industrial Trash	Container Delivery Svc 20 - 40 yd	\$24.97	\$25.63
Industrial Trash/Diversion/Recycling	20 - 40 yd screen lid	\$40.14	\$41.20
Industrial Trash	20 - 40 yd containers (Haul Svc)	\$361.26	\$369.50
Industrial Trash	20 - 40 yd containers (Haul Svc for Asbestos - Ada County)	\$312.19	\$320.43
Industrial Trash	20 - 40 yd containers (Certification fee Asbestos - Ada County)	\$0.00	\$23.32
Industrial Trash	20 - 40 yd containers (Haul Svc for Asbestos - Idaho Waste Systems)	\$312.19	\$320.43
Industrial Trash	20 yd Disposal Fee (Municipal Solid Waste)	\$23.32	\$30.74
<b>INDUSTRIAL DIVERSION</b>			
Industrial Diversion	Container Delivery Svc 6 - 10 yd	\$24.97	\$25.63
Industrial Diversion	6 - 8 yd containers (Haul Svc)	\$61.72	\$63.35
Industrial Diversion	6 yd Disposal Fee (Wood)	\$23.32	\$30.74
Industrial Diversion	6 yd Disposal Fee (Sheetrock)	\$23.32	\$30.74
Industrial Diversion	6 yd Disposal Fee (Clean Rock, Gravel, etc.)	\$23.32	\$30.74
Industrial Diversion	8 yd Disposal Fee (Wood)	\$23.32	\$30.74
Industrial Diversion	8 yd Disposal Fee (Sheetrock)	\$23.32	\$30.74
Industrial Diversion	8 yd Disposal Fee (Clean Rock, Gravel, etc.)	\$23.32	\$30.74
Industrial Diversion	10 yd Disposal Fee (Wood)	\$23.32	\$30.74

Industrial Diversion	10 yd Disposal Fee (Sheetrock)	\$23.32	\$30.74
Industrial Diversion	10 yd Disposal Fee (Clean Rock, Gravel, etc.)	\$23.32	\$30.74
Industrial Diversion	Container Delivery Svc 20 - 40 yd	\$24.97	\$25.63
Industrial Diversion	20 - 40 yd Wood, Sheetrock, Clean Rock	\$137.75	\$141.39
Industrial Diversion	20 yd Disposal Fee (Wood)	\$23.32	\$30.74
Industrial Diversion	20 yd Disposal Fee (Sheetrock)	\$23.32	\$30.74
Industrial Diversion	20 yd Disposal Fee (Clean Rock, Gravel, etc.)	\$23.32	\$30.74
Industrial Diversion	30 yd Disposal Fee (Wood)	\$23.32	\$30.74
Industrial Diversion	30 yd Disposal Fee (Sheetrock)	\$23.32	\$30.74
Industrial Diversion	30 yd Disposal Fee (Clean Rock, Gravel, etc.)	\$23.32	\$30.74
Industrial Diversion	40 yd Disposal Fee (Wood)	\$23.32	\$30.74
Industrial Diversion	40 yd Disposal Fee (Sheetrock)	\$23.32	\$30.74
<b>INDUSTRIAL RECYCLING</b>			
<b>FEE</b>	<b>DESCRIPTION</b>	<b>CURRENT FY20 FEE</b>	<b>PROPOSED FY21 FEE</b>
Industrial Recycling	Processing per loose yard (as applicable)	\$1.08	\$1.08
Industrial Recycling	Processing per compact yard (as applicable)	\$2.16	\$2.16
Industrial Recycling	Container Delivery Svc 6 - 10 yd	\$24.97	\$25.63
Industrial Recycling	6 - 10 yd containers (Haul Svc)	\$61.72	\$63.35
Industrial Recycling	6 yd (Monthly Rent)	\$55.20	\$56.66
Industrial Recycling	6 yd (Daily Rent)	\$1.81	\$1.87
Industrial Recycling	8 yd (Monthly Rent)	\$71.55	\$73.44
Industrial Recycling	8yd (Daily Rent)	\$2.35	\$2.42
Industrial Recycling	10 yd (Monthly Rent)	\$79.73	\$81.84
Industrial Recycling	10 yd (Daily Rent)	\$2.63	\$2.70
Industrial Recycling	Contain Deliver Svc 20 -40 yd	\$24.97	\$25.63
Industrial Recycling	20- 40 yd containers (Haul Svc)	\$137.75	\$141.39
Industrial Recycling	20 yd (Monthly Rent)	\$91.68	\$94.10
Industrial Recycling	20 yd (Daily Rent)	\$3.02	\$3.11

Industrial Recycling	30 yd (Monthly Rent)	\$112.05	\$115.01
Industrial Recycling	30 yd (Daily Rent)	\$3.68	\$3.77
Industrial Recycling	40 yd (Monthly Rent)	\$128.05	\$131.43
Industrial Recycling	40 yd (Daily Rent)	\$4.21	\$4.31
Industrial Recycling	15 - 40 yd Compactors (Haul Svc)	\$137.75	\$141.39
<b>MISCELLANEOUS CHARGES</b>			
<b>FEE</b>	<b>DESCRIPTION</b>	<b>CURRENT FY20 FEE</b>	<b>PROPOSED FY21 FEE</b>
Miscellaneous Collection	Tires 9 (ea.) up to 16 inch	\$6.01	\$6.17
Miscellaneous Collection	Freon-containing units/appliances	\$57.25	\$58.76
Miscellaneous Collection	Non-Freon units/appliances	\$16.23	\$16.66
Miscellaneous Collection	Special Collection (for each increment of 10 minutes)	\$22.94	\$23.55
Miscellaneous Collection	Bulky Item Pickup (per item)	\$16.23	\$16.66
Miscellaneous Collection	Extra Pickup/Go Back (per occurrence)	\$11.59	\$11.88
Miscellaneous Collection	Relocation (all sizes) - Commercial/Industrial	\$24.97	\$25.63
Industrial Services	Turnaround compactor fee - Commercial/Industrial	\$17.52	\$17.98
Miscellaneous Collection	Weekend Charge - Industrial	\$70.90	\$72.77
Miscellaneous Collection	Pressure Wash - Industrial	\$209.02	\$214.54
Industrial Services	Dry Run - Large industrial containers and compactors	\$106.42	\$109.22
Industrial Services	Dry Run (6 - 10 yd)	\$61.72	\$63.35
Miscellaneous Collection	Commercial Combo Lock Replacement	\$29.79	\$30.57
Commercial Container	Extra Yard (Overload Each yd)	\$15.87	\$16.29

**FY2021 AMENDMENT TO FRANCHISE AGREEMENT:  
RECYCLING PROCESSING FEE**

This FY2021 AMENDMENT TO FRANCHISE AGREEMENT: RECYCLING PROCESSING FEE (“AMENDMENT”), is made and entered into this 18 day of August, 2020, by and between CITY OF MERIDIAN, a municipal corporation of the State of Idaho (“CITY”), and ALLIED WASTE SERVICES OF NORTH AMERICA, LLC dba REPUBLIC SERVICES of IDAHO, a Delaware Limited Liability Company, whose local address is 11101 W. Executive Dr. Boise, Idaho (“REPUBLIC SERVICES”).

**1. RECITALS:**

1.1 **WHEREAS**, REPUBLIC SERVICES performs all services pertaining to solid waste collection and disposal of the CITY' S solid waste pursuant to the Franchise Agreement; and

1.2 **WHEREAS**, REPUBLIC SERVICES is separately contracted to deliver the CITY' s collected curbside recyclables to a third -party vendor, Western Recycling; and

1.3 **WHEREAS**, it is not feasible for REPUBLIC SERVICES to absorb the monthly net cost of recycling processing in fiscal year 2021, due to ongoing sustained depressed market conditions, the failure of low commodity prices to offset rising recycling processing costs, and the expense of delivering the City’s recyclable materials to third-party processor Western Recycling;

1.4 **WHEREAS**, the CITY desires to continue the Meridian Recycling Program because of its beneficial diversion of materials from the landfill; and

1.5 **WHEREAS**, the CITY finds that the cost of recycling has not reached a prohibitive level at which the costs outweigh the benefits, though also finds that this is to be reevaluated on an annual basis;

**NOW THEREFORE**, in consideration of the covenants and conditions set forth herein, the parties agree as follows:

2. **INCORPORATION OF RECITALS:** That the above recitals are contractual and binding and are incorporated herein as if set forth in full.

3. **DEFINITIONS:** That the following terms shall be defined as set forth herein:

- a. Fiscal Year ("FY"): This term is defined for purposes of this AMENDMENT as the period beginning October 1, 2020 and ending September 30, 2021.
- b. Commingled Recyclable Material: This term is defined for purposes of this AMENDMENT to include: tin, aluminum, plastics #1 and #2, newspaper, cardboard, mixed paper, and Hefty Energy Bags recoverable materials.

c. Net Cost of Recycling Processing Charges: This term is defined for purposes of this AMENDMENT as the third-party vendor charge to process (sort, bale, and ship, sell at market) Meridian's commingled recyclables minus the rebate provided by Western Recycling from its materials commodity sales.

4. **PROVISION ADDED:** That new provision shall be added to Paragraph 21 of the Franchise Agreement, as follow, which shall replace and supersede all additions to Paragraph 21:

21.5 **RECYCLING PROCESSING FEE:** Subject to the provisions set forth in Paragraph 6 of this AMENDMENT, for the period beginning October 1, 2020 and ending September 30, 2021 ("FY20"):

21.5.1 REPUBLIC SERVICES will receive the following:

- o Residential Accounts: \$1.13 per residential household per month
- o Commercial Accounts: \$1.08 per yard

21.5.2 CPI-INDEX - The recycling processing fee is not subject to the annual CPI rate calculation.

21.5.3 FRANCHISE FEE - The City will receive the 6% franchise fee on all commercial and residential rate components, including the recycling processing fee as reflected in REPUBLIC SERVICES' 2020-2021 rate model request.

21.5.4 REPUBLIC SERVICES agrees to pay for the effective period of this AMENDMENT the net cost of recycling processing charges in excess of the amount received as set forth in 21.5.1 above.

21.5.5 REPUBLIC SERVICES agrees to provide the CITY a year end reconciliation report of its third party vendor recycling processing charges, including an audit of the estimated increase for the period October 1, 2020 through September 30, 2021. This reconciliation shall be provided to City Council within 120 days of September 30, 2021.

21.5.6 REPUBLIC SERVICES will reimburse the CITY of any over charge by Western Recycling for the effective period of this AMENDMENT within 120 days of September 30, 2021.

21.5.7 REPUBLIC SERVICES commits to deliver Meridian' s residential and commercial recycling materials to Western Recycling.

21.5.8 REPUBLIC SERVICES shall immediately notify City Council to seek direction if REPUBLIC SERVICES becomes aware that the third party vendor is not processing (sorting, baling, shipping, selling at market) all of the individual materials which comprise Meridian' s commingled recyclable material.

- 5. **NET PROFIT RETURN:** Nothing contained in this AMENDMENT shall change the agreement between the parties that when there exists recycling net profit, that such profit it be split 80/20 with 80% returned to the CITY by REPUBLIC SERVICES for the benefit of the Meridian Community Recycling Fund.
- 6. **EFFECTIVE DATE:** The effective date for the recycling processing fee is predicated upon Council' s approval of the fee following public hearing and execution by the parties of this AMENDMENT with the effective date established by Council to begin October 1, 2020 or as soon thereafter as practicable.

**IN WITNESS WHEREOF**, the parties shall cause this AMENDMENT to be executed by their duly authorized officers to be effective as of the day and year first above written.

**REPUBLIC SERVICES:**

BY:   
 Bob Bennett  
 General Manager

**CITY OF MERIDIAN:**

BY: \_\_\_\_\_  
 Robert E. Simison  
 Mayor

Attest: \_\_\_\_\_  
 Chris Johnson  
 City Clerk





## AGENDA ITEM

**ITEM TOPIC:** Request for Pre-Approval to Apply for Beer and Wine License for a Business Within 300 Feet of a Church by Tango's Empanadas and Grill, Located at 46 E. Fairview Ave.

Tango's Empanadas and Grill

46 E Fairview Ave, Meridian ID 83642

208-466-6444

A taste of Argentina in Idaho since 2006

August 14, 2020

To whom it may concern,

We are to open a full service restaurant at the Cherry Plaza Shopping Center with physical address of 46 E Fairview Ave, Meridian ID 83642.

It has been brought to our attention by Idaho State Alcohol that there's a church in the premises, Common Ground Bikers Church, which would not allow us to serve beer and wine because we are less than 300' from them.

We are writing today in the hopes that you would make an exemption to this regulation being that beer and/or wine would make a huge difference in our sales of meat and pasta dishes.

Common Ground Bikers Church only meets there on Sunday morning from 9:30-11:30 am.

It is not your average full time church where children and family have various activities on the premises weekly, but it is a Sunday morning 2 hours worship and study only.

They also have different service activities done throughout the valley and an opportunity for the bikers to get together at different venues and outings (rides as they call them)

In the shopping center there are other business that sell beer and wine, Idaho Liquor which is just a couple of doors down from the church, a few stores down from Idaho Liquor is

Tobacco Connection which opened this year and also sells beer. Not to mention Albertsons, which of course sells beer and wine.

We hope you understand, that as a restaurant which will be selling among other things pasta dishes and different grilled meats it is extremely important for us to be able to offer our guest beer and wine with their meals to make their dining option more appealing and complete.

Please, we are asking for this exemption as we need this to be able to open in a manner which customers are accustomed to eating these dishes, a glass of wine or a beer.

Thank you for your consideration,

Monica and Louis Bremmer

208-447-8003

tangos-empanadas.com



## AGENDA ITEM

**ITEM TOPIC:** Request for Reconsideration for Cedarbrook Subdivision (H-2020-0012) by Givens Pursley, LLP



# PUBLIC HEARING INFORMATION

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**Staff Contact:** Sonya Allen

**Meeting Date:** August 25, 2020

**Topic:** Request for Reconsideration for Cedarbrook Subdivision (H-2020-0012) by Givens Pursley, LLP

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**Information Resources:**

[Click Here for Application Materials](#)

# GIVENS PURSLEY LLP

Attorneys and Counselors at Law

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Jeremy C. Chou  
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Amber N. Dina  
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Thomas E. Dvorak  
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Donald Z. Gray  
Alex J. Gross  
Brian J. Holleran

Kersti H. Kennedy  
Neal A. Koskella  
Michael P. Lawrence  
Franklin G. Lee  
David R. Lombardi  
Kimberly D. Maloney  
Kenneth R. McClure  
Kelly Greene McConnell  
Alex P. McLaughlin  
Melodie A. McQuade  
Christopher H. Meyer  
L. Edward Miller  
Judson B. Montgomery  
Deborah E. Nelson  
W. Hugh O'Riordan, LL.M.  
Samuel F. Parry

Randall A. Peterman  
Jack W. Relf  
Michael O. Roe  
Jamie Caplan Smith  
Robert B. White

William C. Cole (Of Counsel)

Kenneth L. Pursley (1940-2015)  
James A. McClure (1924-2011)  
Raymond D. Givens (1917-2008)

August 4, 2020

**VIA EMAIL:** [sallen@meridiancity.org](mailto:sallen@meridiancity.org)

Mayor Simison and Meridian City Council  
c/o Sonya Allen, Associate Planner  
33 East Broadway Avenue  
Meridian, ID 83642

**Re: Request for Reconsideration in Case No. H-2020-0012**

Dear Mayor Simison and City Council Members:

Givens Pursley LLP represents Toll Southwest, LLC (“Toll”) who requested to annex, zone, and plat 325 lots on 118.58 acres in Meridian’s Area of Impact (collectively, the “Application” or “Project”). The Planning & Zoning Commission heard the Application on May 7 and recommended approval. On July 7, the Application came before the City Council who voted to deny the Application. On July 21, the City Council adopted its Findings of Fact, Conclusions of Law, and Decision & Order (the “Decision”) denying the Application.

The Decision denies the Application for the reasons set forth in the Findings that are attached to this letter as Exhibit A.<sup>1</sup> Per the Findings, the Council denied the Application for two main reasons: (1) lack of compliance with the Comprehensive Plan’s goals and objectives for lot size/density transition; and (2) adverse impact on area schools. This request asks the Council to reconsider its Decision.<sup>2</sup>

**1. The evidence in the record shows that the Project complies with the Comprehensive Plan’s goals and objectives for compatibility between neighboring uses.**

The Findings conclude that the Project’s zoning is compatible with the FLUM but that the Project is not consistent with the Comprehensive Plan’s goals and objectives for transition in lot size/density to existing residential uses.<sup>3</sup> The Findings do not cite any specific provision

<sup>1</sup> Decision at p. 2 (“The [Application] is hereby denied per the Findings ...”).

<sup>2</sup> This request for reconsideration is made pursuant to U.D.C. § 1-7-10 and I.C. § 67-6535.

<sup>3</sup> Decision, Ex. A, at p. 48.

August 4, 2020

Page 2

of the Comprehensive Plan that the Project does not comply with, as required by I.C. § 67-6535.<sup>4</sup> In any event, the Project is consistent with the Comprehensive Plan's transitioning goals set forth in Section 3.07.01A, which provides that new development should utilize "buffering, screening, and transitional densities" to design projects that are compatible with surrounding uses. The goal of Section 3.07.01 is to encourage compatibility of neighboring uses and maximize the use of land,<sup>5</sup> not to mandate a specific lot size adjacent to Ada County rural estate properties. The evidence in the record shows that the Project incorporates all three recommended design elements—buffering, screening, and transitional densities—to make the Project compatible with existing residential uses to the west. In addition to the existing grade changes and building setbacks on adjacent Ada County properties, the Project proposes the following to encourage compatibility:

- Construction of a 3-4 foot raised berm with wood-styled fencing and trees all along the Project's western border as an additional buffer and screen;<sup>6</sup>
- Increased rear setbacks in the R-2 zone from 15 feet to 30 feet as an additional buffer;<sup>7</sup>
- Zoning the property adjacent to the Ada County property R-2—the lowest density designation available in the City's zoning ordinance—and transitioning to higher densities moving west to east;<sup>8</sup>
- Requiring that all lots in the R-2 zone adjacent to the Ada County property be a minimum 1/2 acre in size; and
- Limiting lots in the R-2 zone to 60% single level.<sup>9</sup>

These site design features provide buffering, screening, and transitional densities and were specifically proposed to fulfill the City's compatibility goals outlined in Section 3.07.01 of the Comprehensive Plan. The result is a site design that is compatible with the surrounding residential uses while still fulfilling the property's FLUM designation of medium density residential and fulfilling the Plan's goal to maximize the use of the land for needed housing. Toll remains open to further discussion about additional buffering, screening, and transitional density measures to further comply with the Comprehensive Plan.

In reviewing the recorded audio from the Council's July 7 hearing, we learned that the audio from the portion of Toll's opening presentation describing the Project's design features for compatibility is nearly inaudible and indiscernible.<sup>10</sup> Idaho law extends due process protections to applicants in land use hearings, which requires that applicants be given an

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<sup>4</sup> Idaho law requires that the Decision explain the Council's rationale "based on the applicable provisions of the comprehensive plan." *See* I.C. § 67-6535(2).

<sup>5</sup> City of Meridian Comprehensive Plan § 3.07.00.

<sup>6</sup> July 7 Public Hearing Video at 1:46:40.

<sup>7</sup> July 7 Public Hearing Video at 1:46:30.

<sup>8</sup> U.D.C. § 11-2-1.

<sup>9</sup> July 7 Public Hearing Video at 1:47:50.

<sup>10</sup> July 7 Public Hearing Video at 1:44:18–1:48:20.

August 4, 2020

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opportunity to present evidence.<sup>11</sup> The malfunctioning audio equipment deprived Toll of its due process rights. For this reason and the reasons outlined above we request that the Council reconsider its Decision related to the Project's compatibility with the Comprehensive Plan.

**2. The evidence in the record shows that the Project will not have an adverse impact on schools.**

The Council's Findings state that the Project will result in adverse impacts on area schools.<sup>12</sup> However, the West Ada School District provided a comment letter on the Application demonstrating that each school serving the Project has current capacity.<sup>13</sup> Specifically, West Ada's letter provides: (i) the elementary school serving the Project will have a capacity of 625 students and only 556 students are enrolled; (ii) the middle school serving the Project has a capacity of 1,000 students with 969 enrolled; and (iii) the high school serving the Project has a capacity of 2,400 with only 1,965 students enrolled.<sup>14</sup> Evidence was also provided to the Council that the West Ada School District as a whole has current capacity and has programmed improvements to expand capacity to meet projected growth.<sup>15</sup> Evidence in the record further shows that West Ada School District, through its School Facility Plan, owns property and plans to build an additional elementary school to serve the Project area.<sup>16</sup> Overall, evidence in the record does not support a finding that the Project will have an adverse impact on area schools.

The Council's Decision denying the Project for adverse impact on schools is inconsistent with other City decisions approving residential developments in areas with similar or worse school capacities. It is also inconsistent with the City's standard practice of approving projects where the school district's comment letter and the applicant show available capacity. The school capacities available to the Project stand in sharp contrast to other parts of the City where schools are already overcrowded and development continues to be approved.

As submitted into evidence, West Ada School District plans for new schools and expansions based on modeling and demand through its School Facility Plan. The modeling takes actual growth into account, and the school district did not raise any concerns with the Project. We believe the Decision creates an impossible standard for residential developers by requiring them to rebut perceived concerns with West Ada School District's long-term growth plan even when evidence shows area schools have existing and planned capacity that takes approved growth into consideration. The equal protection clause requires the City to treat all applicants the same. Applying the school capacity standard used to deny this Project to all pending and future applications, as required by the equal protection clause, will result in the denial of many, if not all, residential developments due to perceived future school capacity concerns.

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<sup>11</sup> *Neighbors for a Healthy Gold Fork v. Valley Cty.*, 145 Idaho 121, 127, 176 P.3d 126, 132 (2007).

<sup>12</sup> Decision, Ex. A, at p. 48.

<sup>13</sup> Decision, Ex. A, at p. 3.

<sup>14</sup> Decision, Ex. A, at p. 3.

<sup>15</sup> July 7 Public Hearing Video at 1:53:04–2:00:02.

<sup>16</sup> July 7 Public Hearing Video at 2:05:50.

August 4, 2020

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### 3. Reconsideration request.

This Council may reconsider a decision where a party identifies deficiencies in the decision.<sup>17</sup> As described above, substantial evidence in the record does not support the Findings, the Decision is arbitrary, and the Decision does not meet the standards of I.C. § 67-6535 because it does not provide a rationale for the Decision with citations to applicable standards. Further, audio problems during the hearing compromised Toll's due process right to present evidence.

Thank you for your consideration of this request for reconsideration. We recognize and appreciate the substantial time and effort the City Staff and City Council have invested in this Project. We believe that another hearing on reconsideration will provide Toll with an opportunity to present evidence as allowed by due process and will also allow the Council to take a fresh look at the standards and evidence that warrant approval of this Project. At a reconsideration hearing Toll would look forward to a continued dialogue with the Council regarding issues surrounding compatibility with our neighbors.

Sincerely,



Deborah E. Nelson

cc: Bill Nary

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<sup>17</sup> U.D.C. § 1-7-10(4).



**EXHIBIT A**

**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 City Council finds the proposed zoning map amendment to R-2, R-4 and R-8 is consistent with the associated FLUM designation; however, the proposed development is not consistent with the goals and objectives of the Plan pertaining to transition in lot sizes/density to existing residential properties and orderly growth.*
2. The map amendment complies with the regulations outlined for the proposed district, specifically the purpose statement;  
*The City Council finds the mix of lot sizes proposed is consistent with the purpose statement of the residential districts in that a range of housing opportunities are proposed consistent with the Comprehensive Plan.*
3. The map amendment shall not be materially detrimental to the public health, safety, and welfare;  
*The City Council finds the proposed 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  
*The City Council finds the proposed zoning map amendment and subsequent development would result*

**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;**  
*The City Council finds that the proposed plat is not in substantial compliance with the adopted Comprehensive Plan in regard to transition in lot sizes/density to adjacent rural residential properties, transportation (rural roadways/intersections adjacent to the site), and overburdening of area schools.*
- 2. Public services are available or can be made available and are adequate to accommodate the proposed development;**  
*The City Council finds that public services could be provided to the subject property. (See Exhibit B 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 would be provided by the development at their own cost, the City 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;**  
*The City 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 IX for more information.)*
- 5. The development will not be detrimental to the public health, safety or general welfare; and,**  
*The City 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.*
- 6. The development preserves significant natural, scenic or historic features.**  
*The City Council is unaware of any significant natural, scenic or historic features that exist on this site that require preserving.*

## MEMORANDUM

TO: Meridian City Clerk; City Attorney; Mayor and City Council

FROM: Deborah Nelson, Givens Pursley LLP

RE: Response to City Attorney Memorandum re: Cedarbrook Request for Reconsideration

DATE: August 17, 2020

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In his August 11, 2020 memorandum, City Attorney Bill Nary raised a concern as to whether the Request for Reconsideration for Cedarbrook Subdivision (“Request”) was properly filed because it was not emailed directly from the applicant to the City Clerk. This memorandum responds to that concern, to show that the Request was properly filed based on the facts, applicable Code provisions, and the prior decision of this Council on the same facts and Code.

UDC 1-7-10 requires a request for reconsideration to “be in writing and filed with the City Clerk within fourteen (14) days of the final approval.” The Request was in writing and filed with the City Clerk before 5 P.M. on August 4, 2020, within 14 days of the Cedarbrook final approval. Based on these facts, the Request was properly filed in accordance with Code.

There is no dispute the Request was timely delivered to the City Clerk. On August 4, 2020, this law office transmitted the Request via email to Sonya Allen, the planner assigned to the Cedarbrook matter. *See Attachment A.* Ms. Allen confirmed to this office that she received the Request and would send it to the City Clerk. *See Attachment A.* Prior to 5 P.M. on August 4, 2020, Ms. Allen forwarded the Request to the City Clerk. *See Attachment B.* The City Clerk timely received the Request and made it available for public viewing on the City’s website by 7:15 AM the next morning. *See Attachment C.*

The question raised by Mr. Nary is whether the Code requires a request for reconsideration to be delivered by the applicant *directly* to the City Clerk without an intervening party. UDC 1-7-10 does not require *direct* delivery from an applicant to the City Clerk. UDC 1-7-10 does not specify how a request for reconsideration must be filed with the City Clerk—whether by U.S. mail, in person, or electronic mail—or whether it may be forwarded by another party. The Code does not prohibit delivery by the forwarding of an email, just as it does not prohibit a City employee from receiving and delivering to the City Clerk a request hand delivered to the City in person.

UDC 1-7-10 also does not require a request for reconsideration to be addressed to the City Clerk by name or title. Instead, it is common practice for a request for reconsideration to be addressed to the City Council, the decision makers on the request. The City Clerk's role is to "be the custodian of all public records, ordinances, resolutions and orders of the city council, and such other papers and documents as may be delivered into his or her custody" (UDC 1-8A-2.A.2 (emphasis added)), and to furnish those records to the Mayor and Council, and to the public upon request (UDC 1-8A-2.C and D). The City's planning department also plays a role in maintaining and transmitting to the Commission and Council "all materials and correspondence related to land use applications." UDC 11-5A-2 ("The Director with the City Clerk shall receive and examine applications including, but not limited to the following: ... b. Maintain records of all materials and correspondence related to land use applications; ... e. Transmit to the commission or Council all applications related to this title.")

This Council recently received and considered a request for reconsideration filed with the same facts as this Request and with the same applicable Code, which has not been amended since April 2016. In November 2018, Spink Butler LLP on behalf of Boise Hunter Homes filed a request for reconsideration of the Council's decision to approve the Owyhee High School (H-2018-0075). The written request was addressed to the City Council, care of Planning Division Manager, Caleb Hood, with a copy to Mr. Nary and to opposing counsel. *See Attachment D*. The request was delivered via U.S. mail and electronic mail to Mr. Hood with no apparent direct copy to the City Clerk. *See Attachment E*. The Council considered the request and ultimately declined to reconsider the decision approving the Owyhee High School; in its Order denying the request, the Council made the following finding: "A Request for Reconsideration dated November 26, 2018 of the above-captioned matter by the appellant Boise Hunter Homes was properly filed." *See Attachment F* (emphasis added). There is no reasonable basis to find that this Request, filed in the same manner as the Owyhee High School Request and under the same Code, was not properly filed.

While we disagree with Mr. Nary's assessment of the facts and Code in this instance, we certainly respect his stated policy desire to avoid reliance on city staff for delivery to the City Clerk, and this office will be sure to deliver future requests to the City Clerk directly. Mr. Nary's memorandum recognizes "It is also within the purview of the City Council to rule that since this Request was ultimately delivered to the Clerk by the deadline date because of the fortunate circumstance of Ms. Allen's diligence then service can be accepted." We ask the Council to find that the Request was properly filed based on the specific facts presented—in particular that the Request was timely delivered to the City Clerk in conformance with UDC 1-7-10.

Once that determination is made, we trust the Council will fairly and openly consider the substance of the Request for the legal and policy reasons therein described. We appreciate the Council's consideration of this memorandum and of the Request itself.

## Attachment A

### Deborah E. Nelson

---

**From:** Sonya Allen <sallen@meridiancity.org>  
**Sent:** Tuesday, August 4, 2020 4:53 PM  
**To:** Stacy Wardein  
**Cc:** Bill Nary; Deborah E. Nelson; Jeffrey W. Bower  
**Subject:** RE: Case No. H-2020-0012 [IWOV-GPDMS.FID990895]

Thank you Stacy. I'll send this to the Clerk.

**From:** Stacy Wardein  
**Sent:** Tuesday, August 4, 2020 4:34 PM  
**To:** Sonya Allen  
**Cc:** Bill Nary ; Deborah E. Nelson ; Jeffrey W. Bower  
**Subject:** Case No. H-2020-0012 [IWOV-GPDMS.FID990895]

**External Sender** - Please use caution with links or attachments.

Attached is a Request for Reconsideration regarding the above.

Thank you,  
Stacy

---

Stacy Wardein, Legal Assistant  
 GIVENS PURSLEY LLP  
 601 W Bannock St, Boise, ID 83702  
 direct 208-388-1249  
 fax 208-388-1300  
[stacywardein@givenspursley.com](mailto:stacywardein@givenspursley.com)  
[www.givenspursley.com](http://www.givenspursley.com)

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### COVID-19 UPDATE

**Givens Pursley remains open and continues to provide high-quality representation to our clients.**

We understand the challenges COVID-19 presents to our clients and this community. We have taken precautions to protect our staff and visitors, and to inhibit the spread of COVID-19. For example:

1. We offer online video meetings to all current and prospective clients. We can connect with you regardless of your operating system or device. You can even use your smartphone for videoconferencing.
2. We use e-signatures so you can execute documents without coming to the office.
3. We understand the confidential nature of our work *and* the impedance of face-to-face interactions. We will schedule personal meetings when necessary.

## Attachment B

**Chris Johnson**

---

**From:** Sonya Allen  
**Sent:** Tuesday, August 4, 2020 4:54 PM  
**To:** Adrienne Weatherly; Charlene Way; Chris Johnson  
**Cc:** Bill Nary; Andrea Pogue; Bill Parsons; Caleb Hood  
**Subject:** Cedarbrook - H-2020-0012 Request for Reconsideration  
**Attachments:** 2020-08-04 Request for Reconsideration.PDF

**From:** Stacy Wardein <stacywardein@givenspursley.com>  
**Sent:** Tuesday, August 4, 2020 4:34 PM  
**To:** Sonya Allen <sallen@meridiancity.org>  
**Cc:** Bill Nary <bnary@meridiancity.org>; Deborah E. Nelson <den@givenspursley.com>; Jeffrey W. Bower <jeffbower@givenspursley.com>  
**Subject:** Case No. H-2020-0012 [IWOV-GPDMS.FID990895]

**External Sender** - Please use caution with links or attachments.

Attached is a Request for Reconsideration regarding the above.

Thank you,  
Stacy

---

Stacy Wardein, Legal Assistant  
GIVENS PURSLEY LLP  
601 W Bannock St, Boise, ID 83702  
direct 208-388-1249  
fax 208-388-1300  
[stacywardein@givenspursley.com](mailto:stacywardein@givenspursley.com)  
[www.givenspursley.com](http://www.givenspursley.com)

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### COVID-19 UPDATE

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We understand the challenges COVID-19 presents to our clients and this community. We have taken precautions to protect our staff and visitors, and to inhibit the spread of COVID-19. For example:

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2. We use e-signatures so you can execute documents without coming to the office.
3. We understand the confidential nature of our work *and* the impedance of face-to-face interactions. We will schedule personal meetings when necessary.














Our team appreciates the trust you have placed in us. We will continue to provide the same relentless legal representation that we have for over forty years.

**If you have any questions, comments, or concerns, please do not hesitate to contact us.**

### Attachment C

 Search in WebLink   Advanced

MeridianCity > Projects > 2020 > Cedarbrook Subdivision AZ, PP H-2020-0012 53 Entries

<input type="checkbox"/>	Name	Date created	Date modified	Page count
<input type="checkbox"/>	 Agency Comments	3/4/2020 1:11:19 PM	7/7/2020 5:11:16 PM	
<input type="checkbox"/>	 Public Comments	3/4/2020 1:11:26 PM	7/9/2020 2:14:23 PM	
<input type="checkbox"/>	 Application	3/4/2020 12:58:10 PM	3/4/2020 1:38:12 PM	152
<input type="checkbox"/>	 CC - Accela Notice of Hearing 6-9	5/12/2020 7:22:04 AM	5/12/2020 7:22:04 AM	1
<input type="checkbox"/>	 CC - Accela Notice of Hearing 7-7	6/11/2020 7:32:38 AM	6/11/2020 7:32:38 AM	1
<input type="checkbox"/>	 CC - Affidavit of Publication 6-9	5/19/2020 9:05:32 AM	5/19/2020 1:48:31 PM	3
<input type="checkbox"/>	 CC - Affidavit of Sign Posting for 6-9	5/27/2020 8:04:58 AM	5/27/2020 8:23:55 AM	5
<input type="checkbox"/>	 CC - Applicant's Request for Reconsideration	8/5/2020 7:15:20 AM	8/5/2020 7:15:40 AM	5
<input type="checkbox"/>	 CC - Applicant's letter to City Council	7/7/2020 2:12:33 PM	7/7/2020 2:12:37 PM	3
<input type="checkbox"/>	 CC - Applicant's Request to Continue to July 7th	6/3/2020 11:50:07 AM	6/3/2020 11:50:07 AM	1
<input type="checkbox"/>	 CC - Cedarbrook Revisions Letter	6/29/2020 9:50:48 AM	6/29/2020 9:50:48 AM	2
<input type="checkbox"/>	 CC - Colored Landscape Rendering	6/29/2020 9:41:56 AM	6/29/2020 9:42:04 AM	1
<input type="checkbox"/>	 CC - Commission Recommendations and Staff Report	7/2/2020 11:07:17 AM	7/2/2020 11:07:42 AM	47

Attachment D



T. HETHE CLARK  
 (208) 388-3327  
[HCLARK@SPINKBUTLER.COM](mailto:HCLARK@SPINKBUTLER.COM)

Via U.S. Mail and electronic mail ([chood@meridiacity.org](mailto:chood@meridiacity.org))

November 26, 2018

Meridian City Council  
 c/o Caleb Hood, Planning Division Manager  
 City of Meridian  
 33 E. Broadway Ave.  
 Meridian, Idaho 83642

**Re: REQUEST FOR RECONSIDERATION**  
**Findings of Fact, Conclusions of Law for Owyhee High School (H-2018-0075)**  
 SB File No. 23133.0

Dear Mr. Hood:

Please consider this letter a request for reconsideration pursuant to Meridian City Code 1-7-10 and Idaho Code Section 67-6535.

---

*[content of letter omitted]*

---

Very truly yours,

A handwritten signature in blue ink that reads "T. Hethe Clark".

T. Hethe Clark

hc/bdb

c: Client  
 Mark Freeman ([mfreeman@foleyfreeman.com](mailto:mfreeman@foleyfreeman.com))  
 Gary Allen ([garyallen@givenspursley.com](mailto:garyallen@givenspursley.com))  
 Bill Nary, City Attorney ([bnary@meridiacity.org](mailto:bnary@meridiacity.org))

## Attachment E

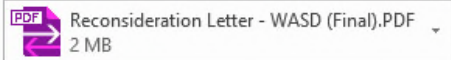
Mon 11/26/2018 4:12 PM

Barbara Beaushaw <BBeaushaw@spinkbutler.com>

**Request for Reconsideration (H-2018-0075)**

To 'chood@meridiancity.org'

Cc 'tucker@boisehunterhomes.com'; Geoffrey M. Wardle; Hethe Clark; 'mfreeman@foleyfreeman.com'; Gary G Allen; 'bnary@meridiancity.org'



Please see the attached letter from Hethe. Please let me know if you have any questions.

Thank you,  
Barb

**Barbara Beaushaw, Legal Assistant**

251 E Front Street, Suite 200 | PO Box 639 | Boise, Idaho 83701  
[bbeaushaw@spinkbutler.com](mailto:bbeaushaw@spinkbutler.com) | T 208.388.1000 | F 208.388.1001



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Attachment F

BEFORE THE MERIDIAN CITY COUNCIL

C/C 12-11-2018

IN THE MATTER OF THE REQUEST	)	Case No. H-2018-0075
FOR RECONSIDERATION OF OWYHEE	)	
HIGH SCHOOL	)	
	)	
	)	WRITTEN MEMORANDUM OF
	)	CITY COUNCIL ACTION TO
	)	DENY REQUEST FOR
BY BOISE HUNTER HOMES	)	RECONSIDERATION AND AFFIRM
	)	ITS DECISION IN THE MATTER
APPELLANT.	)	
	)	

A Request for Reconsideration dated November 26, 2018 of the above-captioned matter by the appellant Boise Hunter Homes was properly filed.

The City Council scheduled the request to be considered at its regularly scheduled meeting on December 11, 2018 and provided Notice of such to the appellant.

The City Council considered the written request and AFFIRMED its decision as set forth in the Findings of Fact, Conclusions of Law, and Decision and Order dated November 7, 2018.

An affected person aggrieved by the final decision in this matter may seek judicial review as provided by chapter 52, title 67, Idaho Code.

By action of the City Council at its regular meeting held on the 11<sup>th</sup> day of December, 2018

ROLL CALL ON MOTION TO AFFIRM its decision as set forth in the Findings of Fact, Conclusions of Law, and Decision and Order dated November 7, 2018:

COUNCILMAN TREG BERNT	VOTED __ YEA __
COUNCILMAN JOE BORTON	VOTED __ YEA __
COUNCILMAN LUKE CAVENER	VOTED _____
COUNCILWOMAN GENESIS MILAM	VOTED __ YEA __
COUNCILMAN TY PALMER	VOTED __ YEA __
COUNCILWOMAN ANN LITTLE ROBERTS	VOTED __ YEA __
MAYOR TAMMY de WEERD (TIE BREAKER)	VOTED __ N/A __

## Attachment A

### Deborah E. Nelson

---

**From:** Sonya Allen <sallen@meridiancity.org>  
**Sent:** Tuesday, August 4, 2020 4:53 PM  
**To:** Stacy Wardein  
**Cc:** Bill Nary; Deborah E. Nelson; Jeffrey W. Bower  
**Subject:** RE: Case No. H-2020-0012 [IWOV-GPDMS.FID990895]

Thank you Stacy. I'll send this to the Clerk.

**From:** Stacy Wardein  
**Sent:** Tuesday, August 4, 2020 4:34 PM  
**To:** Sonya Allen  
**Cc:** Bill Nary ; Deborah E. Nelson ; Jeffrey W. Bower  
**Subject:** Case No. H-2020-0012 [IWOV-GPDMS.FID990895]

**External Sender** - Please use caution with links or attachments.

Attached is a Request for Reconsideration regarding the above.

Thank you,  
Stacy

---

Stacy Wardein, Legal Assistant  
 GIVENS PURSLEY LLP  
 601 W Bannock St, Boise, ID 83702  
 direct 208-388-1249  
 fax 208-388-1300  
[stacywardein@givenspursley.com](mailto:stacywardein@givenspursley.com)  
[www.givenspursley.com](http://www.givenspursley.com)

---

### COVID-19 UPDATE

**Givens Pursley remains open and continues to provide high-quality representation to our clients.**

We understand the challenges COVID-19 presents to our clients and this community. We have taken precautions to protect our staff and visitors, and to inhibit the spread of COVID-19. For example:

1. We offer online video meetings to all current and prospective clients. We can connect with you regardless of your operating system or device. You can even use your smartphone for videoconferencing.
2. We use e-signatures so you can execute documents without coming to the office.
3. We understand the confidential nature of our work *and* the impedance of face-to-face interactions. We will schedule personal meetings when necessary.

## Attachment B

**Chris Johnson**

---

**From:** Sonya Allen  
**Sent:** Tuesday, August 4, 2020 4:54 PM  
**To:** Adrienne Weatherly; Charlene Way; Chris Johnson  
**Cc:** Bill Nary; Andrea Pogue; Bill Parsons; Caleb Hood  
**Subject:** Cedarbrook - H-2020-0012 Request for Reconsideration  
**Attachments:** 2020-08-04 Request for Reconsideration.PDF

**From:** Stacy Wardein <stacywardein@givenspursley.com>  
**Sent:** Tuesday, August 4, 2020 4:34 PM  
**To:** Sonya Allen <sallen@meridiancity.org>  
**Cc:** Bill Nary <bnary@meridiancity.org>; Deborah E. Nelson <den@givenspursley.com>; Jeffrey W. Bower <jeffbower@givenspursley.com>  
**Subject:** Case No. H-2020-0012 [IWOV-GPDMS.FID990895]

**External Sender - Please use caution with links or attachments.**

Attached is a Request for Reconsideration regarding the above.

Thank you,  
Stacy

---

Stacy Wardein, Legal Assistant  
**GIVENS PURSLEY LLP**  
601 W Bannock St, Boise, ID 83702  
direct 208-388-1249  
fax 208-388-1300  
[stacywardein@givenspursley.com](mailto:stacywardein@givenspursley.com)  
[www.givenspursley.com](http://www.givenspursley.com)

---

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2. We use e-signatures so you can execute documents without coming to the office.
3. We understand the confidential nature of our work and the impedance of face-to-face interactions. We will schedule personal meetings when necessary.

Our team appreciates the trust you have placed in us. We will continue to provide the same relentless legal representation that we have for over forty years.

**If you have any questions, comments, or concerns, please do not hesitate to contact us.**

### Attachment C

MeridianCity > Projects > 2020 > Cedarbrook Subdivision AZ, PP H-2020-0012 53 Entries

<input type="checkbox"/>	Name	Date created	Date modified	Page count
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Attachment D



T. HETHE CLARK

(208) 388-3327

[HCLARK@SPINKBUTLER.COM](mailto:HCLARK@SPINKBUTLER.COM)

Via U.S. Mail and electronic mail ([chood@meridiacity.org](mailto:chood@meridiacity.org))

November 26, 2018

Meridian City Council  
c/o Caleb Hood, Planning Division Manager  
City of Meridian  
33 E. Broadway Ave.  
Meridian, Idaho 83642

Re: **REQUEST FOR RECONSIDERATION**  
**Findings of Fact, Conclusions of Law for Owyhee High School (H-2018-0075)**  
SB File No. 23133.0

Dear Mr. Hood:

Please consider this letter a request for reconsideration pursuant to Meridian City Code 1-7-10 and Idaho Code Section 67-6535.

---

*[content of letter omitted]*

---

Very truly yours,

A handwritten signature in blue ink that reads "T. Hethe Clark". The signature is fluid and cursive, with a long horizontal flourish at the end.

T. Hethe Clark

hc/bdb

c: Client  
Mark Freeman ([mfreeman@foleyfreeman.com](mailto:mfreeman@foleyfreeman.com))  
Gary Allen ([garyallen@givenspursley.com](mailto:garyallen@givenspursley.com))  
Bill Nary, City Attorney ([bnary@meridiacity.org](mailto:bnary@meridiacity.org))

## Attachment E

Mon 11/26/2018 4:12 PM

Barbara Beaushaw <BBeaushaw@spinkbutler.com>

**Request for Reconsideration (H-2018-0075)**

To 'chood@meridiancity.org'

Cc 'tucker@boisehunterhomes.com'; Geoffrey M. Wardle; Hethe Clark; 'mfreeman@foleyfreeman.com'; Gary G Allen; 'bnary@meridiancity.org'

 Reconsideration Letter - WASD (Final).PDF  
2 MB

Please see the attached letter from Hethe. Please let me know if you have any questions.

Thank you,  
Barb

**Barbara Beaushaw, Legal Assistant**

251 E Front Street, Suite 200 | PO Box 639 | Boise, Idaho 83701  
[bbeaushaw@spinkbutler.com](mailto:bbeaushaw@spinkbutler.com) | T 208.388.1000 | F 208.388.1001

**SPINK  BUTLER**  
ATTORNEYS AT LAW

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Attachment F

BEFORE THE MERIDIAN CITY COUNCIL

C/C 12-11-2018

IN THE MATTER OF THE REQUEST	)	Case No. H-2018-0075
FOR RECONSIDERATION OF OWYHEE	)	
HIGH SCHOOL	)	
	)	
	)	WRITTEN MEMORANDUM OF
	)	CITY COUNCIL ACTION TO
	)	DENY REQUEST FOR
BY BOISE HUNTER HOMES	)	RECONSIDERATION AND AFFIRM
	)	ITS DECISION IN THE MATTER
APPELLANT.	)	
	)	

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An affected person aggrieved by the final decision in this matter may seek judicial review as provided by chapter 52, title 67, Idaho Code.

By action of the City Council at its regular meeting held on the 11<sup>th</sup> day of December, 2018

ROLL CALL ON MOTION TO AFFIRM its decision as set forth in the Findings of Fact, Conclusions of Law, and Decision and Order dated November 7, 2018:

COUNCILMAN TREG BERNT	VOTED __ YEA __
COUNCILMAN JOE BORTON	VOTED __ YEA __
COUNCILMAN LUKE CAVENER	VOTED _____
COUNCILWOMAN GENESIS MILAM	VOTED __ YEA __
COUNCILMAN TY PALMER	VOTED __ YEA __
COUNCILWOMAN ANN LITTLE ROBERTS	VOTED __ YEA __
MAYOR TAMMY de WEERD (TIE BREAKER)	VOTED __ N/A __



## AGENDA ITEM

**ITEM TOPIC:** Public Hearing for Teakwood Place Subdivision (H-2020-0006) by Hesscomm Corp., Located at 1835 E. Victory Rd.

***Applicant is Requesting Remand Back to Planning and Zoning Commission***

A. Request: Annexation and Zoning of 7.35 acres of land with an R-8 zoning district. B. Request: A Preliminary Plat consisting of 26 single-family residential lots and 2 common lots.





# PUBLIC HEARING INFORMATION

---

**Staff Contact:** Joseph Dodson

**Meeting Date:** August 25, 2020

**Topic:** **Public Hearing for Teakwood Place Subdivision (H-2020-0006) by Hesscomm Corp., Located at 1835 E. Victory Rd.**

A. Request: Annexation and Zoning of 7.35 acres of land with an R-8 zoning district.

B. Request: A Preliminary Plat consisting of 26 single-family residential lots and 2 common lots.

---

**Information Resources:**

[Click Here for Application Materials](#)

[Click Here to Sign Up to Testify at the City Council Public Hearing](#)



August 17, 2020

City of Meridian City Council  
Honorable Mayor Simison  
33 E. Broadway Suite 102  
Meridian, Idaho 83642

Re: Teakwood Subdivision Application

Mayor Simison,

We have made several changes to the Teakwood Subdivision application plan after our last hearing with Planning and Zoning Commission which should meet the requirements and desires of planning and zoning and comply with the Unified Development Code (UDC).

These changes include the current homeowner (Lot 2, Block 2) taking access within the subdivision off of the extension of Fathom Street and closing their current access point along E. Victory Road. We are also proposing a 7' attached sidewalk along E. Victory as requested per ACHD's staff report. We have also consolidated the open space to include the turnaround for future roadway connection to the east connecting it to the southern cul-de-sac providing a gateway to the larger open space to the south via a 5' wide pathway. Along that route we have proposed a peaceful pondless water feature providing calming sounds of running water and park benches to sit and reflect with the ability to maintain social distancing. We have increased the overall open space in excess of the UDC and qualified open space at the request of staff.

We are requesting City Council approval or remand to Planning and Zoning Commission in lieu of a denial.

Sincerely,

A handwritten signature in blue ink, appearing to read 'DL', written over a light blue grid background.

Dan Lardie

concept plan -- the changes weren't super huge and we have already started on them. So, I think that should be enough.

Holland: One question -- one follow-up question for staff. I know that Sonya is not in the room yet, but we -- we just continued the other application to August 20th as well. Can you tell us how many other applications we have?

Weatherly: Commissioner Holland, this would be the third hearing for that evening.

Holland: Okay. Thank you.

Fitzgerald: Any additional questions for the applicant or for staff? Is there any -- anyone in the public that wishes to testify on this application? Please raise your hand on Zoom or if you are in the audience let us know you are there. Seeing Andy's eyes can you tell me no. With that being the case, can I get a motion to --

Seal: Mr. Chair?

Fitzgerald: Go right ahead, sir.

Seal: I move that we continue Prescott Ridge, H-2020-0047, to the date of August 20th, 2020, to allow the applicant to work their concerns pertaining to utility extension, allow more time to get comments from the school district and ACHD.

Holland: Second.

Fitzgerald: I have a motion and a second to continue the hearing for Prescott Ridge, H-2020-0047, until the date of August 20th, 2020. All those in favor say aye. Any opposed?

MOTION CARRIED: SIX AYES. ONE ABSENT.

Fitzgerald: Thanks, Stephanie. We look forward to seeing you on the 20th.

Leonard: Okay. Thank you guys.

**2. Public Hearing Continued from June 4, 2020 for Teakwood Place Subdivision (H-2020-0006) by Hesscomm Corp., Located at 1835 E. Victory Rd.**

- A. Request: Annexation and Zoning of 7.35 acres of land with an R-8 zoning district.
- B. Request: A Preliminary Plat consisting of 26 single- family residential lots and 2 common lots.

Fitzgerald: Okay. Moving on to our first application for consideration tonight is a public hearing that was continued from June 4th, Teakwood Place Subdivision, file number H-2020-0006, and let's start with the staff report. Joe.

Dodson: Thank you, Mr. Chair. Yes, as Commissioner Fitzgerald stated, this was originally heard on May 7th and it was continued to the date of June 4th. Prior to that meeting staff did a site visit and it was, then, I -- we decided that it was best to continue the project further to continue working through some of the issues presented at that Commission meeting on May 7th and since then staff has received revised plans and it has -- those plans have corrected some of the issues previously discussed. I will try not to rehash everything, but, generally speaking, the plan did change significantly, so I will probably cover everything all over again. The application before you is for annexation and zoning and preliminary plat. The site consists of 7.35 acres of land. Currently, zoned RUT and is located at 1835 East Victory Road. The request for annexation and zoning is with an R-9 zoning designation and the preliminary plat consists of 22 building lots and four common lots. One of the 22 buildings --

Fitzgerald: Joe, do you have your -- sorry to interrupt you, but do you have the slides up that you can -- so everybody has them in front of them.

Dodson: Thank you.

Fitzgerald: There we go. Thank you, sir.

Dodson: Yes. One of the 22 building lots contains the existing home that is to remain. The future land use designation for the subject site is medium density residential, which allows detached single family homes and requires that growth density resides between three and eight dwelling units per acre. The applicant's revised plat has a gross density of 2.99 dwelling units per acre, which can be rounded up to comply with the Comprehensive Plan. In addition, the applicant has reduced the number of lots since the previous Commission hearing from 28 lots to 22 and the proposed project is now proposed as one phase, instead of two. The minimum property size is 4,784 square feet, with an average buildable lot size of 10,318 square feet, which exceeds the 4,000 square foot minimum lot size requirement for the R-8 zoning district. As noted there is a home on the subject site that is intended to remain and reside in one of the proposed building lots. The plan before you is the original plan that showed two different phases and more building lots. This is the new revised preliminary plat. In addition, some of the accessory structures on the property are proposed to remain. Any structures that remain on the property must comply with the dimensional standards of the requested R-8 zoning or they will be removed. Current access to the property is via a driveway connection to East Victory Road and the applicant is requesting that this access remain for the existing home. Keeping this access does not comply with city code or with ACHD policies. However, ACHD has amended their policies and offers their approval of keeping the access on sites and sites the reasoning for this as a low number of vehicle trips that would occur from one home. Staff cannot support this due to code requirements that access be taken from a lesser classified street if it is available. Staff believes that if the existing access is not

closed at the time of this development, it may never be closed. The applicant -- the applicant should be required to close the access to Victory Road and take access from the proposed new local street within the subdivision East Fathom Street. The applicant is requesting a Council waiver to keep this access. The applicant is also proposing to construct an emergency only access that connects the proposed East Fathom Street to Victory Road in the very northwest corner of the site. Staff is recommending a condition of approval that this emergency access be constructed prior to any issuance of certificate of occupancy. Parking for the development is required to be provided in accord with the standards listed in UDC 11-3C-6 for detached single family homes and based on the number of bedrooms per home. The proposed street sections are 33 feet wide, which would also offer on-street parking where no fire hydrants or curb cuts exist for driveways. In addition, the applicant has proposed a larger than normal cul-de-sac at the end -- I should say the south end of the development. This cul-de-sac has a 57 foot radius, which is nine feet wider than the standard requirement -- or standard cul-de-sac of 48 feet. Therefore, allowing on-street parking along the edge of this cul-de-sac as well. The applicant has submitted sample elevations of the single family homes for this project. The single family homes are depicted as mostly single story structures with a variety of finish materials, with stone, stucco, and lap siding combinations. Some homes also depict extra large spaces for RV storage. All single family homes appear to meet design and architectural standards. In the northeast corner of the site, depicted in hatched red along the boundary, the master pathways plan shows a small section of multi-use pathway. The applicant has worked with both Planning and Parks staff to propose a pathway easement in this location, instead of constructing the pathway. The easement is partially located within the irrigation district easement and that portion of the pathway will be obtained by the city. I should say built by the city. The logic behind this is twofold. One, to minimize the impact to the existing homeowner who is to remain, since the pathway would encroach into their back porch if it were entirely on the subject property. And, two, to not construct a pathway that would lead to nowhere for the foreseeable future, since adjacent county property owners have shown little intention on redeveloping in the near future. Staff is supportive of this option to provide an easement that is shared between this property and the irrigation district and to be constructed at a later date. Staff has spoken with the irrigation district and they are also supportive of this easement so long as they have the space for their 18 -- their existing 18 foot wide access road. To ensure this small pathway section is built in the future, staff is recommending a DA provision that the multi-use pathway be constructed by this owner if the existing home is redeveloped or subdivided prior to the city constructing the pathway in the easement. Otherwise, the city will build it via having control over the easement. Five foot detached sidewalks are proposed along all internal local streets in accord with the standards in UDC 11-3A-17. A five foot wide detached sidewalk is required to be constructed with the required frontage improvements along Victory Road. This sidewalk should be constructed within the required 25 foot landscape buffer along Victory Road. A 25 foot wide common lot is depicted on the plat, but is proposed with no new improvements. The applicant states that the existing and mature spruce trees along Victory Road have to be removed in order to construct the frontage improvements with a detached sidewalk. Staff finds that the existing trees do offer a quality landscape buffer between Victory and the proposed -- proposed subdivision, but I'm afraid that if the frontage improvements do not occur now they may

never be installed. The frontage improvements are required by city code and, therefore, the applicant is asking for a Council waiver to require the improvements at a later date when the lot with the existing home is redeveloped or subdivided in the future. A minimum of ten percent qualified open space meeting the standards listed in UDC 11-3G-3B is required. Based on the proposed plat of 7.35 acres, a minimum of .74 acres of common open space should be provided -- of qualified common open space to be specific. According to the applicant's revised open space exhibit, the applicant is proposing approximately 39,888 square feet of open space, .92 acres, which is approximately 12.45 percent, consisting of common lots with open space. The exhibit also labels 32,295 square feet of that 39,000 -- approximately .74 acres as qualifying open space. That's approximately 10.09 percent. Just over the minimum. This is a reduction of approximately 10,000 square feet from the previous plat -- the previous open space exhibit. I apologize. Let me go back to -- from this previous open space exhibit. The open space is primarily proposed as two common open space lots, with one residing in the very southeast corner of the site and one more centralized, but smaller. The common open space lot in the south of the proposed project is also going to be used for storm drainage and meets the minimum 20,000 square feet lot size for that to count as open space by a few feet. The open space is to be available at the time of development, as the project is no longer being phased. All lots appeared to meet -- all common open space lots appear to meet UDC requirements to count towards the qualified open space. The proposed open space meets the minimum UDC requirements by less than 200 square feet. Staff finds that the proposed open space again meets the requirements, but is not premiere. The revised open space exhibit and plat has also presented a couple of issues regarding Lot 19, Block 1, which is the lot containing the temporary turnaround in the center of the development. The revised plat shows some of the nonqualifying -- qualifying open space on this lot, which is the green area around it, which the applicant has deemed this as nonbuildable until the stub street is extended via a plat note and the temporary turnaround is removed. Staff agrees with this designation, but making it nonbuildable and also including any overall open space depicts a potential issue in the future. Will this lot be a future common open space a lot or will it be a future buildable lot? Staff wants to ensure that all of the open space numbers, regardless whether qualifying or nonqualifying -- sorry. And the numbers of the building lots are confirmed prior to this application being developed. In addition, if Lot 19, Block 1, is intended to be a common open space lot in the future, instead of a buildable lot, an additional small pocket of open space is not ideal. If this is the intended purpose of this lot, staff recommends that the applicant revise the plat to have the proposed open space more contiguous to each other. Minimally, the applicant should clarify what the intent of this lot is in the future. With the revised plat and the open space exhibit, the applicant has also not proposed an amenity. The future pathway cannot be counted as an amenity as it is not being provided with this application and development. Staff requested that the landscape plan be revised to show an amenity on one of the common open space lots prior to the Commission hearing, but staff did not receive those updated plans. The city has received a number of written testimony regarding this project dating back to the original public hearing date. Some of them -- we have received I think one or two since the continuance in June as well. I will go over these briefly. Mrs. McLaferty, which is a board member of the Tradewinds Subdivision HOA directly to the west, has concerns

over additional traffic being the only access for this development is through their subdivision -- cites issues of the emergency response times and concerns over the drainage pond and it's correct engineering and in addition height of homes abutting the east side of Tradewinds and the west side of this development. Trisha Garcia-Brown, also a Tradewinds Subdivision resident, concerns over the single access into Teakwood through their subdivision. Mrs. Mary DeChambeau, which is a neighbor to the east, concerns over construction vehicle traffic not utilizing their private road for access -- her private road for access and drainage concerns of Eight Mile Lateral -- or the Eight Mile Canal -- Creek -- whatever word you would like to use there. Mr. Sandy Blaser, Tradewinds President, has concerns over the single access into Teakwood and concerns over building height for those homes directly abutting Tradewinds as well. Mr. Mike McClure, Tuscany Subdivision, which is to the south, concerns over pathway connections from his subdivision into this one. His specific requests were that there would be a connection. Unfortunately, there are not any common open space lots adjacent to this, so there -- there really is no way to do that. And, then, again, Mrs. McLaferty responded a little later and had the same concerns. Hopefully, Commissioners were able to review those pictures of the pond in Tradewinds. My understanding is that there is no pond proposed here, but they are going to be using the -- again, the open space lot in the south of the development as their storm drainage lot. Despite these issues and the plat being of a minimum standard, staff does recommend approval. Staff notes that the Commission should determine if this is an appropriate time for this annexation and -- and appropriateness of its quality. Staff will stand for questions. Thank you.

Fitzgerald: Thanks, Joe. Are there questions for staff? Commissioner Holland.

Holland: Mr. Chair. Just to clarify, Joe, the -- the open space lot that's on the right side of our picture off of the cul-de-sac is the one that they are looking for a drainage pond?

Dodson: Commissioner Holland, that is correct. At least -- well, let's clarify --

Holland: And I thought I remember seeing something, but did -- did you have discussions with the applicant about ways to reconfigure the open space, so it could be all a little bit more central and bigger, instead of having the two smaller chunks. Did they have any comments back on that?

Dodson: Commissioner Holland, Members of the Commission, I have not received any comments back about my staff report. No, ma'am. That is something that has been discussed more than a few times along different lines and for different reasons, but this is what they have revised and proposed.

Holland: Okay. Thank you, Joe.

Dodson: You're welcome.

Fitzgerald: Thank you, Commissioner Holland. Any additional questions for staff? Not hearing any at this time, would the applicant like to come forward and do a presentation on the application?

Lardie: Good evening, Mr. Chairman, Commissioners. Dan Lardie, Leavitt & Associates. 1324 1st Street South, Nampa. 83651. So, first of all, let me -- let me say thank you to Joe and to staff for -- for helping out with this. We -- we have been working hard at trying to make things more palatable for everyone involved. Joe, did -- did actually meet us on site and that was -- that was very nice to meet him. I actually put a name to the face, which was nice. For that -- do I need to access my PowerPoint from here or is it on your guys --

Weatherly: Mr. Lardie, you have the ability to share your screen, so you can pull it up on your computer.

Lardie: Okay. Okay. So, if I just pull it up, then, I can share my screen?

Weatherly: Yes. And you will click the green button at the bottom of the Zoom that says share screen and, then, choose the screen shot that you want to share and that should be your presentation.

Lardie: Okay. Can you guys see it? Oh, share screen.

Fitzgerald: It shares what picture you -- or the actual screen you want to show.

Lardie: Do we see the annexation and rezone for proposed Teakwood Subdivision? Blue screen?

Fitzgerald: Not yet.

Lardie: Not yet. Okay. Let's see here. Apologize.

Weatherly: Mr. Lardie, did you press the green share screen button at the bottom of the Zoom window?

Lardie: No, I have not. Let's see.

Weatherly: If you hover over the bottom of the Zoom window there should be a green share screen icon right in the middle. There you go. Correct.

Lardie: Are we there?

Weatherly: Yes.

Lardie: Sorry about that. So, I won't restate it, but I will try and just hit a few of the highlights. So, we reduced the density -- okay. So, the density was reduced and so now



we are down at 4.23 dwelling units per acre, if -- it meets the future land use representation of medium density R-8. So, it's located on the south -- on the southeast corner. Here is the outlined property. You have seen that in the staff report. So, in this -- in this slide we see -- oops. Too far. Sorry. So, here we see the fact that there are no sidewalks adjacent to the -- adjacent to the site. So, the property due west doesn't -- is actually -- I believe it's an enclave. There are no sidewalks in front of it. And there -- there is no sidewalk in front of this portion of Sagewood -- or Sageland. It does have a detached pathway and it meanders back and forth and actually feeds everybody back into their subdivision and, then, to the east we have -- we have irrigation property, which owns this -- this access to their -- to their path or to their -- so, they can service the -- the canal and, then, there is no -- there is no other pathway or sidewalk to our east. There is a sidewalk across the street on the north side of Victory. With -- with this -- and that's one of the reasons why we are asking for is not to -- to build the detached sidewalk along Victory, which would just create the fact that people would go out there and attempt to cross the -- cross the road here and possibly creating a public nuisance or a public safety hazard, which is -- which is problematic. The Richardsons, who live in -- who live in the existing home, they have been there since the '90s and they watched the ground develop and they are just trying to exercise their private property right in order to get to where they need to be for -- to develop their ground and -- utilize their home -- stay in their home without being uprooted and, then, still not have to care for the 7.35 acres that they own. They -- they have gotten used to the traffic out on -- out on Victory Road. They are used to going out there. They have watched it develop around and they have dealt with it. So, the traffic isn't a problem for the homeowner, which is the reason why we are asking for the existing driveway access to remain. They also still have some large vehicles, including a gooseneck trailer that they still like to be able to access off of Victory in order to get into their -- into their site, which they don't have quite the same access as coming in off of East Fathom. The city -- let's see. Apologize. So, currently Victory Road is actually -- is actually at its full width across our frontage. It's built out to its full width as far as three lanes and it does have existing curb, gutter. It's only missing the detached sidewalk. There are -- there are some mature trees in this location, which I will show you later, and, then, there are some large irrigation boxes that run along Victory Road, which are problematic to -- to be relocated. They can be, but that's the only -- that's the reason why we are not asking -- or why we are requesting not to build a detached sidewalk. One, it's a sidewalk to nowhere and, two, there are a lot of obstructions that could possibly wait to -- to be developed when the area around -- and it's more conducive to develop those particular items. So, the access and the future sidewalk should be addressed in a development agreement and noted on the plat, which my client is willing to do, that it could be done -- those things could be provided for at a later date when the Richardsons leave their home or that Lot 2, Block 2, develops. So, this is -- this slide is the development as a whole. You have seen this one. The eastern stub is in the common lot. It's intended to be a common lot in the future. Even when this cul-de-sac decides to -- or can be abandoned, it will remain as open space, which will provide -- which could provide a segue into open space into the future development of this property when it's -- when it gets -- when it gets abandoned. So, we moved the large open space to the cul-de-sac to allow for safe play and -- and additional parking around the cul-de-sac, which was achieved by a larger cul-de-sac. This area can be accessed through the internal

sidewalks of the -- of the project, which are a requirement and can get you there safely. The green space -- let's see. The open space on Lot 7 provides a respite -- a buffer to the homeowners, a respite stop area that might be more serene for someone to use versus the large play area in the back, which may have a large gathering or such. The green space around the curve, which helps the buffer, Lot 2, Block 2, from the subdivision and allows -- or prevents double fronted access, if they -- which -- being that we are asking for the existing access out to Victory to remain, we don't want them to take access off of Fathom until this lot redevelops. So, the next slide is the open space summary. You have seen this. It's -- it's the same thing that -- that Joe has shown and a picnic table was proposed meeting UDC requirements, both in -- in the large open space and in the small pocket space, Lot 7, and at the end of the cul-de-sac. This is a blow up area of the cul-de-sac. So, last time I was before you Commissioner Holland had stated that she would like to see some way to handle some parking, because this is an issue that the city faces constantly is parking jammed up in a cul-de-sac. Originally we had tried park -- putting a parking island in the middle and we submitted that to the Fire Department and the Fire Department came back and said, no, they wouldn't allow anything in the middle. They suggested a larger -- a larger cul-de-sac to provide access -- or parking around the side -- or along the outside and, then, still providing their safe access and turn around in the middle. So, here -- this is a photograph of Victory Road and it -- and this is looking east towards our site. Those large evergreens are on our site that you see off to the -- to the left -- or to the right. Excuse me. There is a large irrigation structure there that I had mentioned earlier, which is one of the drawbacks of -- or not drawbacks, but one of the deterrents for providing that detached sidewalk. More photographs of the -- the existing mature trees. Again this is the existing mature trees looking -- looking westward. These power poles also exist in the -- in the -- within that same area where we are trying to put that sidewalk and this is our property -- the subject property and, then, the slope down from the existing Victory Road. It -- it comes right off the curb, it's a foot flat, and, then, it starts dropping into our site and there is a large irrigation structure here, which is another deterrent for putting that -- or installing that existing sidewalk -- or not existing sidewalk -- the proposed detached sidewalk. Pardon me. I won't bore you with the same thing. And, then, this is the sidewalk across the road. This is on the north side of Victory and this actually attaches to the city's multi-use pathway to the east along the Eight Mile Lateral, which to our thought on our side doesn't exist and probably won't exist for quite some time due to the neighboring develops -- or our neighbors -- neighboring -- neighboring landowners. So, some modifications to the staff report or at least trying to make -- make -- if we apply for a waiver on those I don't want to be held up by some of the staff report modifications -- portions 8-A-1-F, all -- all dealing with the access to Victory and the -- the publication -- or, excuse me, the construction of the detached sidewalk and I believe that's 8-A-1-F and, then, 8-2 -- 8-A-2-B and that has to do with access to Victory. Victory Road. We would like -- we would like that to say that it's subject to a development agreement and that Lot 2, Block 2, is allowed access and 8-3-F. That includes -- that -- that is concerning the frontage improvements along Victory Road also being made subject to a development agreement. With that I will stand for any questions. Thank you.

Fitzgerald: Thank you. One quick question for you. So, the amenity -- just to be clear -- is the two picnic tables; is that correct?

Lardie: Yes. Meeting UDC's requirements. I believe there is a shelter structure or some shade structure -- whether that be from trees or an actual structure will be proposed on those.

Fitzgerald: Okay. And, then, the second question is how much of that chunk in the back of the south side open space are you using for drainage? Because I -- being that the water table is as high as it -- it seems to be out there, I -- I mean you and I both know that we have seen the open spaces turn into marshes real fast, so what are -- I mean I -- usable open space for the neighborhood versus a -- you know, a swale, give me your thoughts there.

Lardie: We have not done a -- we have not done a preliminary calc on that. I was hoping to go underground and use a side -- a side sand filter. So, we infiltrate into one side -- or we go into one side, be cleaned, and, then, transfer over the other side and percolate in, which is usable for shallow groundwater. You have something like that up on the storage units on McMillan and -- I can't think of the side street. I believe it's near Goddard Creek. Something similar to that situation -- or to that system to function here, which should allow most of that space to be usable above surface and below surface for drainage. We are not making a marsh out of it.

Fitzgerald: Additional questions for the applicant? Anyone? Thoughts? I will ask one more while you guys are discussing -- thinking about it. Dan, what about that the -- the -- I guess it's the cul-de-sac that the turnaround for the firetruck -- how do you calculate in that -- that common space or the open space behind that? Is that part of your calculation? Is it not? Just to clarify that.

Lardie: Mr. Commissioner, it is in our open space. It is not qualified in our open -- it's not qualified open space.

Fitzgerald: And, then, in regards to taking access off, is there a real reason -- I understand the -- the ease of use and with their trailer, but I -- kind of when you develop you develop; right? So, if -- I understand that ACHD was giving a waiver here, but it seems that it's really easy to access that back road from their property. Give me the -- the real reason besides the trailer to close that access off.

Lardie: Mr. Commissioner -- or excuse me. Mr. Chair, the -- on the site plan, if we can -- if we can go back to the site plan real quick. Let's see. So, in order to -- if we were to get access off of -- off of Victory to get the gooseneck -- and they actually take -- they actually take access off of here. They have an agreement with the irrigation district to provide this access and they utilize this access to get back and around into their -- into their larger area where they bring the trailer in -- again, it's just -- they are very used to this access and they didn't want to have to take access through and I know the neighbors are already complaining about 22 -- or 21 homes. If they start bringing their gooseneck through here -- well, of course -- I don't believe that they can get the gooseneck in through -- off of Fathom and around to their shop back here. At one point in time we had talked about putting an easement here and that just wasn't working for them, because they

would have to drag that all the way through. It was easier for them to keep their access off of Victory and that's really the only reason. The neighboring -- property -- and part of the problem with -- with some of the thoughts or suggestions with the property to the -- to the west of this was allowed to keep their access off of Victory and I know -- we mentioned this to Joe and Joe -- Joe was very right. He said, you know, two wrongs don't make a right and so -- and we agree. But the Richardsons are very used to this access and they -- they needed to -- to actually access this building in the rear.

Fitzgerald: Any additional questions for the applicant? Commissioner Cassinelli or Commissioner Grove?

Grove: Mr. Chair?

Fitzgerald: Go right ahead, sir.

Grove: I have a question for you regarding the -- the future plans for this site and how it relates to it being laid out now in terms of when the owner of the residence decides to have their current house developed, how does that impact this current layout in terms of making it doable by extending Fathom in and -- it -- I'm just having a hard time seeing how that -- it looks like we might have future problems is what I'm trying to get at I guess. So, what's the plan?

Lardie: Mr. Chair, Commissioner Grove, so future development of this lot -- I would have to leave it to the future development, but I believe that you could pull a common drive off of Fathom and supply -- I believe six -- six lots back that way and still provide a -- and, then, do away with the access off of Victory.

Fitzgerald: So, do you have a follow up?

Grove: Not necessarily. Just kind of thinking out loud. I don't -- I think the common drive is maxed out at four. Is that -- that might be a question for staff, but -- that's a future question. But I'm just having a hard time with this layout knowing that something else will have to happen at some point.

Dodson: Commissioner Grove. Or Mr. Chair? This is staff.

Fitzgerald: Go right ahead, Joe.

Dodson: The max in our code is actually six off of a common drive. How a common drive would work here staff does question exactly where they would pull that off of, because it couldn't be off of that emergency access, unless there is an easement across it and so I wanted to clarify that.

Fitzgerald: Commissioner Grove, did that help?

Grove: Yeah.

Fitzgerald: Any additional questions for the applicant at this time?

Cassinelli: Mr. Chair?

Fitzgerald: Commissioner Cassinelli.

Cassinelli: Dan, what did the Fire Department -- I have got several concerns with this and one of -- one of which is the -- the -- what came up before, the parking on the cul-de-sac. The Fire Department -- you said the Fire Department said you couldn't put a parking island in there. What was their -- what was their reasoning on that? Did they want it even larger to be able to do that or what?

Lardie: Mr. Chairman, Commissioner Cassinelli, when I spoke with the assistant chief, the fire chief, he said that he wouldn't allow anything in the middle of that cul-de-sac, no matter its size, and I stated the fact that there are some of these that already exist. We actually had elongated the cul-de-sac and widened it and provided that parking in the middle and I sent that over to the Fire Department and he just absolutely said no.

Cassinelli: He didn't give you anything if it was another ten feet wider he would allow it, he just -- it was a flat out denial.

Lardie: If it -- it was a flat out denial and his suggestion was to make the cul-de-sac larger, the 57 foot, and that way he could have his turnaround, his safe turning distance inside of that.

Cassinelli: Okay. Thank you.

Fitzgerald: Commissioner Cassinelli, did you have any additional -- did you have additional questions?

Cassinelli: Not right now.

Fitzgerald: Okay.

Dodson: Mr. Chair?

Fitzgerald: Commissioner Seal? Oh, Joe. Go right ahead.

Dodson: No. The other guy in here. The -- from my understanding Mr. Bongiorno had said that it doesn't meet fire code. He did not state what fire code that is, but he said it does not meet fire code to have parking in the center of the cul-de-sac.

Fitzgerald: Okay. Thank you for that. And if there are no additional questions at this time, Mr. Lardie, we will get back to you and let you close after we take public testimony. Does that work, sir?

Lardie: Mr. Chairman, thank you.

Fitzgerald: Thank you, sir. Madam Clerk, do we have folks who would like to testify -- that signed up to testify?

Weatherly: Mr. Chair, we have several people signed up, two of which have exhibited a wish to testify. The first is Pat Thacker joining us via Zoom. Pat, you should have the ability to unmute yourself.

Thacker: Okay. Did that do it?

Fitzgerald: Yes, Mr. Thacker. Welcome to the Commission. Please state your name and your address for the record and the floor is yours, sir.

Thacker: Pat Thacker. 1033 West Newfield Drive, Eagle, Idaho. I represent the landowners. We are very in favor of the plat as proposed. We have worked for about 15 months now with the developer. Very hard. Joe was gracious enough to meet us on site to -- a picture's worth a thousand words and when you meet on site you kind of get a -- a reality check on how these things need to work. But we are very much in favor of the way it's proposed. I would like to address a couple of issues. One would be the sidewalk on Victory Road. In our conversations with ACHD they are going to do some future developments to the intersection of Locust Grove and Victory Road and they are -- they are -- they are very fine with us keeping our driveway, the entrance onto Victory Road, and when they finish the intersection of Locust Grove and Victory, at that time they are proposing that they will complete the sidewalks and at that -- and they have -- when they did the bridge a few years ago they did a small taking of property for a better easement in front of the Richardson's property and so I think it would be logical, plus much safer for the public, if ACHD continued those sidewalks at that time. At this time if you go there and stand on it, traffic gets rolling pretty fast by the time it gets in front of this property here and the bridge and it would really be a dangerous spot if we had children or cyclists and stuff trying to cross the road there, as opposed to the crosswalks that are over at Victory and Locust Grove right now. The buffer in front of there is a virtual forest of blue spruce, et cetera. So, it's really a nice buffer for the subdivision. Another issue I bring up is that this does create a second emergency access. The one that's proposed for Teakwood also gives a second one for Tradewinds. So, that doubles the amount of emergency access for Tradewinds, which I think is a great benefit to the public. And another thing is -- as far as them keeping their access, they do still have a couple of old horses that they would like to keep and part of the property that is going to be abutting the subdivision is where their small pasture will be, so they can finish out keeping those horses, which have been part of their family for decades. And, then, they do have an agreement with the irrigation district and that's where they come in with their trucks and trailers and they use that shop out back. So, taking their access off of Fathom would be difficult. If you haul trailers very much you would see it would be pretty hard and it would take away any opportunity for them to continue to use their shop and their pastures. So, those would really be difficult for them. And, then, the open space -- they have given up about 25 percent of what they had wanted to keep in order to help the developer meet

the open space requirements and where those open spaces are I think are already quite nice for people in both subdivisions to use and it creates more walking space and, then, on the back of that pasture, since I'm familiar with the land -- I have known the owners for about 30 years. On the open space to the south there is already -- on the very southern edge I believe that's where some of the irrigation currently travels through, there is a very low spot at the very very south edge and so I think that -- the proposed drainage that Mr. Lardie was proposing I think would work quite well. I think the majority of that would be very usable open space. Is there any questions?

Fitzgerald: So, I do have one question. So, you just said something that caught my attention. So, you said they are currently using access that the ditch rider has, not their own access, to get that trailer out. So, they don't need their main access to get their trailer out if they -- the shop's in the back if they are already using the ditch rider road. What's the reason to have the additional road access if you have that right there?

Thacker: Well, you -- you couldn't get to their house from that backside. They -- that driveway goes right into their house and into their shop out front and so they wouldn't have any way to get in there, because that all --

Fitzgerald: I understand that piece, but the argument is that you can't get the gooseneck trailer out through the neighborhood and if they are using the ditch rider's road, then, that in my mind negates that argument, because if they are accessing the shop through that road off to the north -- or I'm sorry -- off to the east, they are not accessing the -- they are accessing their house through the access off of Victory, but not to their shop; correct?

Thacker: That's correct.

Fitzgerald: Okay. I just want to make sure I'm clear.

Thacker: Yeah. But I don't understand how that negates --

Fitzgerald: The access to -- I mean if they are -- they can take that road right onto Fathom.

Thacker: Take which road right onto Fathom?

Fitzgerald: Their -- their -- their driveway. Instead of accessing Victory they can spin a road right onto Fathom and access their house.

Thacker: That would go right through their shop. It would go right through their pump house. They wouldn't be able to get to their house that way.

Fitzgerald: Okay. I appreciate that.

Thacker: They have got a garage and a -- and a pump house and what have you back there.

Fitzgerald: Okay.

Thacker: Then the shop's on the other end. So, the way the property is laid out they -- they wouldn't be able to do that.

Fitzgerald: Okay. And the layout -- the layout that's in front of us right now there looks to be quite a bit of room around that house. I just -- just walking through the different components of this thing -- because we have seen the thing -- I think this is the third time and I -- I'm having concerns, like where we -- we go to develop, we kind of got to either jump in or not and so I understand the need to keep the house and they want to keep the house and so I'm just having some challenges finding the balance, if you will, so -- but I will let my -- I will pop out of the mix and let my other Commissioners comment or ask questions if they have them.

Thacker: All right.

Fitzgerald: Are there additional questions for Mr. Thacker? Okay. Sir, thank you very much for your time. Thanks for being here tonight.

Thacker: Thank you very much.

Fitzgerald: Madam Clerk, who do we have next?

Weatherly: Thank you, Mr. Chair. That would be Sandy Blaser joining us in person. Madam -- Mr. Blaser, I think the clerk is waiting for you in the other room, so -- hopefully you will be joining us in a second.

Blaser: This is Sandy Blaser. My residence is 3370 South Como Avenue in Meridian. We are on the -- just on the -- we are the houses abutting the development to the east. I guess I can't get my head around the way ACHD interlocks different subdivisions. I mean I'm looking at this property and I'm looking at it from the standpoint that each subdivision should be self -- if -- I mean it should be -- should have its own access and not depend on another subdivision, because we have got 40 -- 41 homes there that are going to be impacted by another 22 plus homes and if that other lot is developed maybe five or six more and it's going to substantially change the -- the traffic and in our opinion, most of the homeowners, the quality of life there. Also as I'm sure you are aware, Locust Grove is a north-south street and I think the load on -- the traffic load on Locust Grove right now exceeds the east-west traffic load on -- on Victory and I just -- looking at this property I just can't see why we can't accommodate this road to go through directly to Victory. I know ACHD is saying Victory is a major arterial. Well, I think Locust Grove is also a major arterial and the other -- the other situation is emergency services having to go -- have to go to Victory, then, having to make a -- go south on Locust Grove and, then, to go east into our entrance on Coastline and, then, we go through over to Fathom and, then, back to that -- to the development, it's just going to take more time for emergency services to get to a situation. So, I just think as one of the homeowners it's just a bad -- a bad plan and most of the homeowners, again, are -- are against the traffic load being increased at



Tradewinds. And the other concern I have, which I have already stated before, is that although we can't force the developer to do this, but to try to balance the homes that are going to be constructed right adjacent to our homes on the west that basically we don't have higher elevation homes facing lower elevation homes on Como. If they can mix that properly so it -- it looks sort of continuous as far as the heights of the various structures that would be appreciated. And that's -- that's really all I have and I thank you for considering my testimony.

Fitzgerald: Any questions for Mr. Blaser? Thank you so much, sir.

Blaser: Thank you.

Fitzgerald: Madam Clerk, do we have additional testimony?

Weatherly: Mr. Chair, that's all who signed up.

Fitzgerald: Okay. Is there anyone who would like to testify on this application that is here virtually or in the audience? Please raise your hand either via Zoom or in person and Commissioner Seal and the clerk will point you out and we can get you squared away. So, not seeing anyone raise their hand on the attendees -- okay. Mr. Lardie, would you like to come back up and join us, sir? Or join us virtually I guess it would be.

Lardie: Mr. Chair, I'm here.

Fitzgerald: Would you like to close, sir? Any additional comments and I will open it for questions.

Lardie: Additional comments. Mr. Blaser's -- Mr. Blaser's concerns about traffic -- I understand his concerns. I'm not sure what to tell him about traffic concerns and ACHD is -- is the controlling factor on -- ACHD and the city control how we access our property. So, I don't have anything else more to say to him about it -- at least traffic. I can't help that. The home sites, you know, we have -- we have proposed homes, we have provided elevations on those, and they are mostly single stories, with maybe a buffer -- or a bonus room above, which will be like one and a half stories, but they all meet -- they will all meet the zoning ordinance as far as height. With that I can stand for questions, Mr. Chair.

Fitzgerald: Dan, would you be willing to match their -- their lot to lot for -- you know, one story to one story?

Lardie: Mr. Chair, I don't know that I can commit to that. You know, it -- it's zoned a certain way and the zoning has their own height restrictions and I'm willing to comply with those or state that we will comply with those.

Fitzgerald: Okay. Appreciate that. Additional questions for the applicant? Hearing none -- none at this time.

Holland: Mr. Chair? I do have a question.

Fitzgerald: Commissioner Holland, go ahead.

Holland: So, I know -- I know we have already talked about this a little bit, but one of my biggest pet peeves in looking at this is, again, the open space -- having the piece on the south be kind of a drainage field slash open space, but just the ability to have usable open space for those in there. Was there any other configuration we could look at on how to combine those two sizes of open space to make it more usable for -- for the neighborhood and make kind of a bigger green spot? I still keep going back to that and I just wanted to get your thoughts on it.

Lardie: Mr. Chairman, Commissioner Holland, there is a chance that we could possibly swap some for some. There is a chance that we could look at that and try and maybe utilize a little bit of space in Lot 18 and lot -- maybe Lot 15, that way it's at least contiguous across. So -- let me see if I can grab my -- can you guys see my pointer? Probably not, so --

Holland: I don't think we can.

Lardie: Okay. So, Lot 19 there is -- oh.

Holland: Now we can. Yeah. We are with you.

Lardie: Okay. So -- and this is kind of what Joe had suggested was Lot -- Lot 19 and maybe creating a pathway through on Lot 19 and maybe squaring this lot and, then, trading Lot 7 for Lot 15 and, then, this becomes open -- Lot 19 becomes open space, connected to Lot 15, and, then, that way at least provides a pathway from future when -- when the roundabout -- or, excuse me, the turnaround gets -- gets abandoned or even -- even still it provides a pathway to -- from one road to the other, aside from the sidewalk. But, then, Lot 7 wouldn't become a buildable lot.

Holland: Okay. And, then, one follow-up question. I -- I apologize if I missed this. Did you already talk about an amenity -- a site amenity that you could add into the open space?

Lardie: Mr. Chair, Commissioner Holland, so if we were to reconfigure this open space we would provide a pathway from one road to the other, that would -- that would count as an amenity, but, then, we would also -- what we are currently proposing is a picnic table on both open space areas, along -- meeting the UDC code, which -- if that means it needs a shelter or some additional trees for shade, we would do that.

Holland: Thank you. Appreciate it.

Fitzgerald: Additional questions for the applicant?

Cassinelli: Mr. Chair?

Fitzgerald: Commissioner Cassinelli.

Cassinelli: Dan, did you guys ever provide a -- some concepts for -- for the additional development of the existing home there and what that might look like?

Lardie: Mr. Chair, Commissioner Cassinelli, we did at one point in time have that lotted out for a future phase and everyone was against the phase development, so we took it off.

Cassinelli: Not phase, but just future -- you know, once that house is sold it becomes part of this -- you mentioned I think four or five lots --

Lardie: That would be phased development in my -- in my opinion and we did show that as lotted as -- as -- as a future phase, which would be when that lot became available and it was -- it was frowned upon from both staff and from the Commission. Well, I don't know about the Commission. I won't put words in your mouth. But it was frowned upon from staff.

Cassinelli: Joe, can you speak to that?

Dodson: Commissioner Cassinelli, Mr. Chair, yes. That is correct. Originally they did show some phasing. This one -- here you go. This is what they did have. Staff was not supportive of phasing it, mostly because of the request to keep the access to Victory and not do any frontage improvements. We were showing a concept plan of how this large lot with the existing home could redevelop is perfectly fine. They -- I'm sure Dan can make that exhibit relatively with ease with his expertise. But in general phasing the project was not something I was in support of, because I wanted to ensure that the -- as much of the site got developed now rather than later, because there is no guarantee we will get that existing home. Part of that phase two was, again, keeping that access to Victory. We wanted to make sure that we had that now closed.

Fitzgerald: Questions?

Cassinelli: Okay.

Fitzgerald: Commissioner Cassinelli, do you have follow up?

Cassinelli: For -- for Joe when we are done with the applicant.

Fitzgerald: Okay. Perfect. Additional questions for the applicant? With that can I get a motion to close the public hearing?

Seal: Mr. Chair?

Fitzgerald: Commissioner Seal.

Seal: I move that we close the public hearing for Teakwood Place Subdivision, File No. H-2020-0006.

McCarvel: Second.

Weatherly: Mr. Chair?

Fitzgerald: I have a motion -- oh. Yes, ma'am.

Weatherly: I apologize. We have a newcomer in the audience online that has their hand raised. I don't know how you want to handle that.

Fitzgerald: Let's bring them on and, then, we will let Mr. Lardie respond if he needs to.

Weatherly: Tony, you should have the ability to unmute yourself.

Johnson: Madam Clerk, Tony can verify, but I believe he is speaking on another application this evening.

Fitzgerald: Oh. Okay. Perfect. So, I have a -- I have a motion. We want to restate that motion, please, motion maker.

Seal: Move to close the public hearing for Teakwood Place Subdivision, File No. H-2020-0006.

McCarvel: Second.

Fitzgerald: I have a motion and a second to close the public hearing on H-2020-0006, Teakwood Subdivision. All those in favor say aye. Any opposed?

**MOTION CARRIED: SIX AYES. ONE ABSENT.**

Fitzgerald: Okay. The application is properly before you all. Anybody want to kick it off?

Seal: Mr. Chair?

Cassinelli: Mr. Chair?

Fitzgerald: Commissioner Cassinelli.

Cassinelli: I had a couple of questions for Joe. First of all, access from the -- I can't see the name of the street that goes -- the stub street to the east, but assuming that property develops to the east and that's the -- that's the big if is -- I mean that could be beyond our lifetimes. I mean it -- or it could be in five years. I guess it's Richardson Street. Who

would be responsible -- would it be the -- because I think the -- the property adjacent has the lateral running through it, so it would be that -- it would be their responsibility to bridge that, because -- and would that be a requirement to eventually have access -- cross-access go out Richardson and, then, assuming to a mid mile connector or something up to Victory? Is that going to make that assumption?

Dodson: Mr. Chair, Commissioner Cassinelli, yes, that is correct. It would be up to the HOA at the time after this is developed to remove that temporary turnaround off of Lot 19 and, then, the subdivision, if there were one -- the property to the east would, then, redevelop and likely construct their portion of the pathway along the lateral, as well as extend that street within their subdivision and continue that on through the site and stub it to Mrs. DeChambeau's property, which is further to the east on the other side of the lateral.

Cassinelli: Would that be a requirement of any future development directly to the east that -- that Richardson be extended all the way, so that there would be full cross-access in a -- and, basically, access to Victory out that direction or would we find ourselves with that being -- somehow being closed off forever?

Dodson: Commissioner Cassinelli, the short answer is, yes, that is a standard requirement that we want a local street plan infrastructure layout, for lack of a better term, to connect and, then, eventually get to a mid mile mark. However, the site directly abutting this to the east is landlocked somewhat by the lateral, so their only access is over the lateral. If that property were to redevelop it would be -- it would, then, be stubbed to the property to its east and north, which is Mrs. DeChambeau's, which is a larger property. But until such time that that property develops there would not be an access out to Victory.

Holland: Commissioner Cassinelli --

Fitzgerald: Follow up -- oh, go ahead, Commissioner Holland.

Holland: I was just going to make a comment. I believe we heard from that property owner directly to the east last time we heard this application. I think Commissioner Cassinelli was absent, but they had indicated that they didn't have a desire to redevelop at anytime in the near future and they planned to stay where they were. So, it's unlikely we would see something come through in the near future at least.

Cassinelli: I -- I remember this, but I don't remember the -- I don't remember that -- that neighbor's testimony on that and that's certainly a concern to me that that could be -- Richardson could -- could not have cross-access for what could be a very long time.

Fitzgerald: Additional comments? Commissioner Holland, did you have anything additional while you are off mute?

Holland: Sure. I think -- I could go next. You know, the -- the open space I agree with staff that it's -- it's okay, it meets the minimum standards, but it's not premier and I think

we try really hard to make sure that we prioritize open space in all of the subdivisions that come through and if we are not doing a good job of being premier, I'm wondering if there is still something that they could do to make it a little bit better before it goes to Council and I was open to the applicant's idea of reconfiguring the green space to be kind of between that cul-de-sac and that -- the other stub road and be a little bit more central and a little bit more usable. Having a pathway to me doesn't seem like enough of an amenity, because it's such a short distance through there. I think I would at least want to see a picnic table and shade structure there at a minimum, in addition to their pathway. I struggle with the roadway improvements on Victory. I understand what the applicant is saying on why that's difficult until that property redeveloped, but at the same time we don't get sidewalks on major roads until things like this come through. So, if we were to allow them to wait to do that I would want to see some sort of condition that said they could wait until redevelopment or until one of the neighboring properties to the east or west of them redeveloped at some point in the future and put in sidewalks and maybe have that be part of a development agreement and I'm not sure if that's even possible, but that's one thought I had. Let's see what else I have.

Fitzgerald: The only comment to that, Commissioner Holland, is if that's the case, then, I would probably look for a bond for it, because if -- if they are going to have -- like that's my concern is we never get another shot at the deal.

Holland: Right. I agree. I think it would be reasonable to ask them to have it in the development agreement and bond for that future improvements, so that they could move forward on it when the neighboring property comes in and does sidewalks on there. The third thing I wanted to say is I still would prefer to also see access off of Victory removed and have them access the neighborhood. It's a little cleaner, because there is not a lot of opportunity to redo that again in the future either. Those are my three comments right now.

Dodson: Mr. Chair?

Fitzgerald: Go right ahead.

Dodson: Thank you, Mr. Chair. Commissioner Holland, just wanted to clarify that the pathway -- they are not proposing a pathway with this. It's just an easement. So, that is not an amenity and I believe Mr. Lardie said that their amenities that they are proposing are a couple picnic tables. I did not see that on any of the landscape plans, so that's -- I appreciate him presenting that tonight though.

Holland: Yeah. And, Joe, just to clarify, when he was talking about reconfiguring the open space and moving it a little more central, I asked what amenity could be in there and he said if they put it more central they would have a pathway that would connect the two areas, the cul-de-sac basically to that stub street and that could be counted as an amenity and I would agree with you that that doesn't seem like enough of an amenity to me.

Dodson: Understood. Thank you.

Holland: Unless I misunderstood what he said.

Seal: Mr. Chair?

Fitzgerald: Other comments? Yeah, go ahead, Commissioner Seal.

Seal: I really struggle with this one. So, I understand what the occupants are trying to do. I guess the problem that I have with it is they are -- they want to keep everything -- they are not willing to -- to -- you know, they -- they don't want to do anything that is, essentially, required by code, but at the same time they want, you know, the Commission or the -- you know, the planning bodies to -- you know, to kind of work around all of that. So, I mean to me this -- you know, you use the term it's -- they are trying to be a little bit pregnant here. So, I just don't -- I don't understand, you know, the layout as it exists. I mean the answer to this is to develop all of it, so -- in my mind. You know, I sympathize for the -- for the couple that are trying to stay there, but, you know, at this point the -- the open space is -- you know, again, it's just big grassy areas and a water catch. I mean in order to make the emergency access count as open space they added, you know, shrubbery and things like that. So, that's another expense of the subdivision that's going to have to deal with -- you know, it doesn't help them, it doesn't beautify their space, but, you know, it counts as open space. So, you know, that's another expense that they are going to have to deal with. You know, I mean basically I agree with everything that the staff report says and has to offer, with the exception that I -- I wouldn't approve this. I just don't think it fits and I think that it's -- you know, it needs to all develop or not develop at all.

Grove: Mr. Chair?

Fitzgerald: Commissioner Grove.

Grove: I kind of echo some of that. I have -- I don't know that I have seen this before, so it's new to me -- or at least if it was not new to me it feels new to me, but I'm just struggling with it. It feels forced and it feels like we are going to have problems down the road with it developing after the fact. I don't like the access onto Victory. I think if we do move forward that that driveway does need to go in, especially after, you know, hearing the back and forth that you had, Mr. Chair, with Mr. Thacker on the -- the trailer situation and whatnot. It also feels like that we are just hitting the bare minimums on absolutely everything for this project and it doesn't feel -- you know, if we don't add in certain pieces like the sidewalks or removing access, it feels like we are not extending the urban and suburban fabric of our community and we are just kind of popping in houses without strategy almost and I don't -- I don't know. I have a really hard time with this one. I don't quite see it yet.

Fitzgerald: Thank you, Commissioner Grove. Commissioner McCarvel.

McCarvel: Yeah. I have got notes written all over here. But pretty much echo what's been going on and I know it is -- the subdivision will access the subdivision to the west, there is just -- there is no doubt about it and I see in the future where it won't have any access to Victory, that it will have to depend on, obviously, the sub -- whatever develops in the future to the east and I have got comments written here -- you know, they want min -- they want to just barely meet minimum code on everything, but, then, they want -- they are going to turn around and when -- when and if that other piece of land where the original house sits gets developed, then, they want to use the maximum of put six lots on a common driveway. I mean it just -- I agree, it is just either all -- it's just that piece of land that either just all needs to get developed or not, because it is just in between other things and, I agree, it makes -- I don't like having -- leaving that access off of Victory. I mean I can kind of see where it makes sense to leave some of that frontage improvement until either the time that Locust Grove and Victory gets improved or as the neighbors develop, because I know that -- that irrigation situation out there and just the way that land sits is probably difficult to even envision having a sidewalk on it, but -- but, yeah, the money would have to -- I just -- I think it's just not the right time. I mean you can't have your cake and eat it, too. That's kind of where I'm at with it. Because of the way it's been chopped up and the open space here and there, I just think it could be -- it -- it's in between stuff anyway and it's going to be hard to connect with everything, but trying to keep the original house and all that property there is making the design that much harder and that much more chopped up. I don't --

Fitzgerald: I'm in agreement with what you just outlined. I think -- we always -- we try to do the best we can. I think my -- there are two big concerns I have. One is that big open space is going to be used as a drainage swell and/or a drainage bed and we have seen where we have attempted to -- the technology is getting better about the transitioning of water under -- under the -- underground, but based on the picture we saw from the public there is a high water table out there, I think the test report that they got back where the water table was pretty high. That's going to be unusable space. So, the common area becomes nonfunctional and, then, we are -- we have limited access to go to public parks that are across the street. I think we are -- we are shoehorning this thing in here and I understand -- I agree with Commissioner Seal's comments about being a little bit pregnant. I -- I understand and I totally sympathize with the landowner about wanting to do the development in the back and maintain their life in the front, which I understand that, but kind of got -- when you develop you kind of got to jump in and do it and so you got to choose and -- and if they are -- they want to do the development that's great, but we need a different tact in taking it on and so I'm just -- I'm having trouble as well. Commissioner Cassinelli, did you have thoughts, sir?

Cassinelli: I'm going to -- I'm going to echo a lot of these thoughts. I think there is just -- a question, Joe. Would -- given that to the south is R-4 does this fit under -- if this were to develop as R-4, would that be -- would that be within the future of the comp plan future land use map designation? And, then, maybe -- and my thought there is that maybe some of these concerns -- if this were developed as an R-4, maybe -- maybe it can be configured as that. Just a -- just a thought there. Joe, would that -- is that -- is R-4 acceptable?



Dodson: Commissioner Seal, thank you for your question, sir. It -- yes and no. The zoning is not what ties it to the density, the density is low. It's on the very low end of the medium density residential, so it's probably already less density than the subdivision to the south that is R-4, they are just requesting R-8 to make sure they have a couple lots that can go below the 8,000. But like I said in my staff report, it is -- the average lot size is 10,000 square feet, which is over the minimum lot size for the R-4. So, it -- the density is the key there and they are right at the bottom at three dwelling units per acre.

Cassinelli: So, they are -- they are almost into the R-4 anyway, is that what you are saying?

Dodson: Yes, sir. Yeah.

Cassinelli: Okay. So, I guess continuing on with my thoughts, I'm -- one of my biggest concerns -- and this is an ACHD thing -- is that we may never see access on -- onto Victory, which I don't get, because, you know, to the north of Victory there you have got two access points to the development to the north coming in on Victory. Why they wouldn't allow one to the eastern-most portion -- in the future, granted, the house is there right now. I -- I get that they want to develop it. I fully get the property rights. But all these concerns, the common area, the -- a big concern to me is the amount of -- is the amount of number of homes that will take access only off -- off of one point, off of Locust Grove, and yet ACHD's report -- we only get traffic counts for Victory. We get nothing from Locust Grove. I was perplexed by that. I think they could adjust the driveway and bring it in off Fathom and still take the access from -- from the irrigation district's -- from that -- from their access point over there and not have to worry about that. But, yeah, I have got -- I have got all these concerns myself and I just don't think -- I don't think it's the right layout. I don't -- not necessarily not the right time, it's just -- I think the whole layout has to be just completely rethought.

Dodson: Mr. Chair?

Seal: I think you are muted, Mr. Chair.

Fitzgerald: Oh. Okay. Additional thoughts? I think we have some -- motions are always in order, but do you guys have any thoughts additional?

Dodson: Mr. Chair, this is Joe.

Fitzgerald: Joe, go right ahead.

Dodson: I had just one last comment on the ACHD staff report and this is also related to what Mr. Thacker had said. The ACHD staff report does state that they are requiring -- or they were -- one of their site conditions of approval are to construct the detached sidewalk along Victory. So, just wanted to clarify that.

Fitzgerald: So, Joe, to follow up on that, he did mention -- Mr. Thacker also mentioned that in that report or in their comments work with them, they said they would be -- they would construct everything -- when they did Victory and Locust Grove that would be completely done by -- by ACHD; is that correct? Just to make sure we are clear.

Dodson: Mr. Chair, that is the conversation that I was not a part of and it is not in the staff report that I am aware of. That was I think a sidebar discussion that I was not a part of. So, I would say that I -- no, I'm not aware that they would be constructing this when they can get it through development as is the norm.

Fitzgerald: Okay. Thank you, sir. Additional thoughts? Commissioner McCarvel.

McCarvel: Yeah. Mr. Chair. I think, you know, we have spent a lot of time on this one a couple of times. I think we are unfortunately -- I'm guessing from all of the thoughts that we have heard tonight I think we are just at the point of about recommending denial and let City Council figure -- you know, take our recommendation and go from there, because I don't think -- I mean the layout isn't going to change all that much as long as that -- the original house and all that property stays up front.

Fitzgerald: And I appreciate the comments about maneuvering through the common area into the middle, but that was the feedback we gave them the first time -- or the second time that we had a conversation and we are still back to a similar layout. So, I'm -- I'm concerned we are going down the same road and not meeting the goals we were trying to lay out and get to. So, I'm -- I'm of a similar mind.

Seal: Mr. Chair?

Fitzgerald: Commissioner Seal, did I cut you off? Sorry. Go ahead.

Seal: That's okay. I will -- I will throw a motion out there, unless anybody else has --

Fitzgerald: Good.

Seal: -- more to contribute. After considering all staff, applicant, and public testimony, I move to recommend denial to the City Council of file number H-2020-0006 as presented during the hearing on July 16, 2020, for the following reasons: It does not fit well into the city's vision for annexation and premier properties, as well as -- or concerning minimal and unusable space -- open space, as well as the undeveloped property takes too much away from the developed property.

McCarvel: Second.

Fitzgerald: I have a motion and a second to recommend denial of file number H-2020-0006 to City Council. Any additional comments?

Holland: Mr. Chair?

Fitzgerald: Commissioner Holland, go right ahead.

Holland: Just to put it on the record, I think when Council looks at this, if they decide to go a different route than the denial route from our recommendation, if they were going to consider still approving it, I would say they would need to see a different plat with more significant open space, more centralized, that shows at least that usability and, then, resolve some of these issues that we have been chatting with tonight if they wanted a chance to have Council look at another option there.

Fitzgerald: And I agree. That said, all those in favor of recommending denial of H-2020-0006 say aye. Any opposed? Motion passes. Thank you very much.

MOTION CARRIED: SIX AYES. ONE ABSENT.

**4. Public Hearing Continued from June 4, 2020 for Landing South (H-2020-0005) by Jim Jewett, Located at 660 S. Linder Rd.**

- A. Request: Rezone of 2.43 acres of land from the R-4 to the R-8 zoning district.
- B. Request: Preliminary Plat consisting of 11 building lots and 2 common lots on 2.27 acres of land in the proposed R-8 zoning district.

Fitzgerald: Thanks, Joe. We appreciate it. Moving on to the next item on our agenda, which is the public hearing for Landing South, file number H-2020-0005, and let's start with the staff report.

Allen: Thank you, Mr. Chair. This application was before you a while back. The Commission continued this project in order for the applicant to work with ACHD to facilitate a construction entrance off of Linder Road until initial occupancy and reconfigure the plans to include a pathway between Lots 58 and 59 that complies with UDC standards and specifically fencing standards, possibly reduce the density or modify the design to improve parking and internal circulation and revise the east lots to more of an R-4 size. So, the plan there on your left is the original plat that was submitted. The applicant has submitted a revised plat shown on the right that depicts two fewer buildable lots for the Commission's consideration in response to their direction at the hearing on June 4th. They plan to retain the existing 50 inch silver maple tree on the site, which will reduce their mitigation requirements to 17 inches and that is in regard to condition number 3-B. ACHD will allow a temporary construction entrance off of Linder Road during development of the subdivision, but not during home construction. There are two on-street parking spaces and two additional spaces at the end of each of the two common driveways for a total of six spaces, in addition to those provided on individual lots and garages and parking pads. Private sidewalks are proposed to each of the lots from the sidewalk along Linder Road. A common lot with a pathway from Spoonbill to Linder Road is not proposed and the lots on the east side of the development were increased to have an R-4 size, 8,000



## AGENDA ITEM

**ITEM TOPIC:** Public Hearing for Paramount Point (H-2020-0082) by Brighton Development, Inc., Located at 6357 N. Fox Run Way

A. Request: To Short Plat 4 commercial building lots and 2 common lots on 3.88 acres of land in the C-C zoning district.



# PUBLIC HEARING INFORMATION

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**Staff Contact:** Joseph Dodson

**Meeting Date:** August 25, 2020

**Topic:** **Public Hearing for Paramount Point (H-2020-0082) by Brighton Development, Inc., Located at 6357 N. Fox Run Way**

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**Request:**

- A. Request: To Short Plat 4 commercial building lots and 2 common lots on 3.88 acres of land in the C-C zoning district.

**Information Resources:**

[Click Here for Application Materials](#)

[Click Here to Sign Up to Testify at the City Council Public Hearing](#)

**STAFF REPORT**  
**COMMUNITY DEVELOPMENT DEPARTMENT**



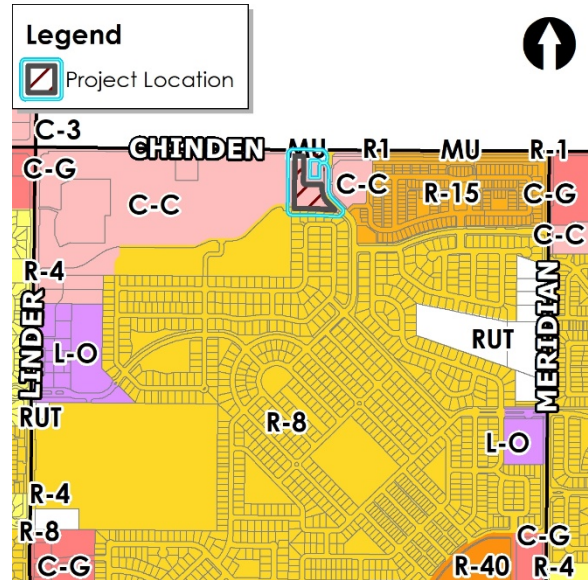
HEARING DATE: 08/25/2020

TO: Mayor & City Council

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

SUBJECT: H-2020-0082  
 Paramount Point Short Plat

LOCATION: 6357 N. Fox Run Way, in the NW ¼ of the NE ¼ of Section 25, Township 4N., Range 1W.



**I. PROJECT DESCRIPTION**

Request to short plat 4 commercial building lots and 2 common lots on 3.88 acres of land in the C-C zoning district, by Brighton Development.

**II. APPLICANT INFORMATION**

A. Applicant:

Kody Daffer, Brighton Development – 2929 W. Navigator Drive, Meridian, ID 83642

B. Owner:

DWT Investments, LLC – 2929 W. Navigator Drive, Meridian, ID 83642

C. Representative:

Same as Applicant

**III. NOTICING**

	City Council Posting Date
Legal notice published in newspaper	8/7/2020
Radius notice mailed to property owners within 300 feet	8/4/2020

**IV. STAFF ANALYSIS**

The proposed short plat will create four (4) separate building lots and two (2) common lots for ownership purposes. The northern common lot is being created along Chinden Boulevard for the purpose of dedicating additional right-of-way to Idaho Transportation Department (ITD); the other is a common lot being used as a buffer lot to the existing residential properties abutting the subject site to the south. In addition, there are existing sidewalks and landscaping along both Chinden and N. Fox Run Way adjacent to the subject site.

The subject site obtained CZC and DES approval for an urgent care facility in 2019 and that building is proposed in the northwest corner of the site (A-2019-0365), on proposed Lot 2, Block 1. In addition, an additional CZC and DES were approved in 2020 for a new bank building located in the northeast corner of the site (A-2020-0078). The bank property is no longer a part of this property because a Property Boundary Adjustment (PBA) was completed to move existing property lines and place the bank on its own property. That PBA was approved in 2019 under A-2019-0364 in conjunction with the urgent care facility application and was recently filed with the county assessor. Compliance with the design standards, parking and landscaping were reviewed and approved with those applications. Future commercial building sites will be reviewed through the CZC and DES application process for code compliance and this includes cross-access for those proposed parcels that do not have street frontage. The short plat does depict future easements for this and said instrument numbers should be on the plat prior to obtaining City Engineer signature.

Submitted plans show that access to this site is proposed via driveway connections (see Exhibit VII.A); one connection is proposed to N. Fox Run Way to the east and the other driveway connection is shown near the south end of the site and connects to W. Plaza Shops Drive, a future east-west road that bisects this property as part of the Linder Village project from the west. This future road is already approved and the right-of-way is in the process of being dedicated outside of this process in conjunction with the Linder Village project approvals—the road dedications are currently in escrow according to the Applicant. Staff is recommending a condition of approval to ensure the road dedication is executed prior to receiving signature on this plat. ACHD has approved of the proposed driveway locations and the road dedication currently in process.

The submitted landscape plans show adequate parking lot landscaping in compliance with UDC requirements. However, the landscape plans do not depict the landscape buffers to Chinden, Fox Run Way, or the future Plaza Shops Drive. This should be corrected prior to receiving City Engineer signature.

Staff has reviewed the proposed short plat for substantial compliance with the criteria set forth in UDC 11-6B-5A.2 and deems the short plat to be in substantial compliance with said requirements.

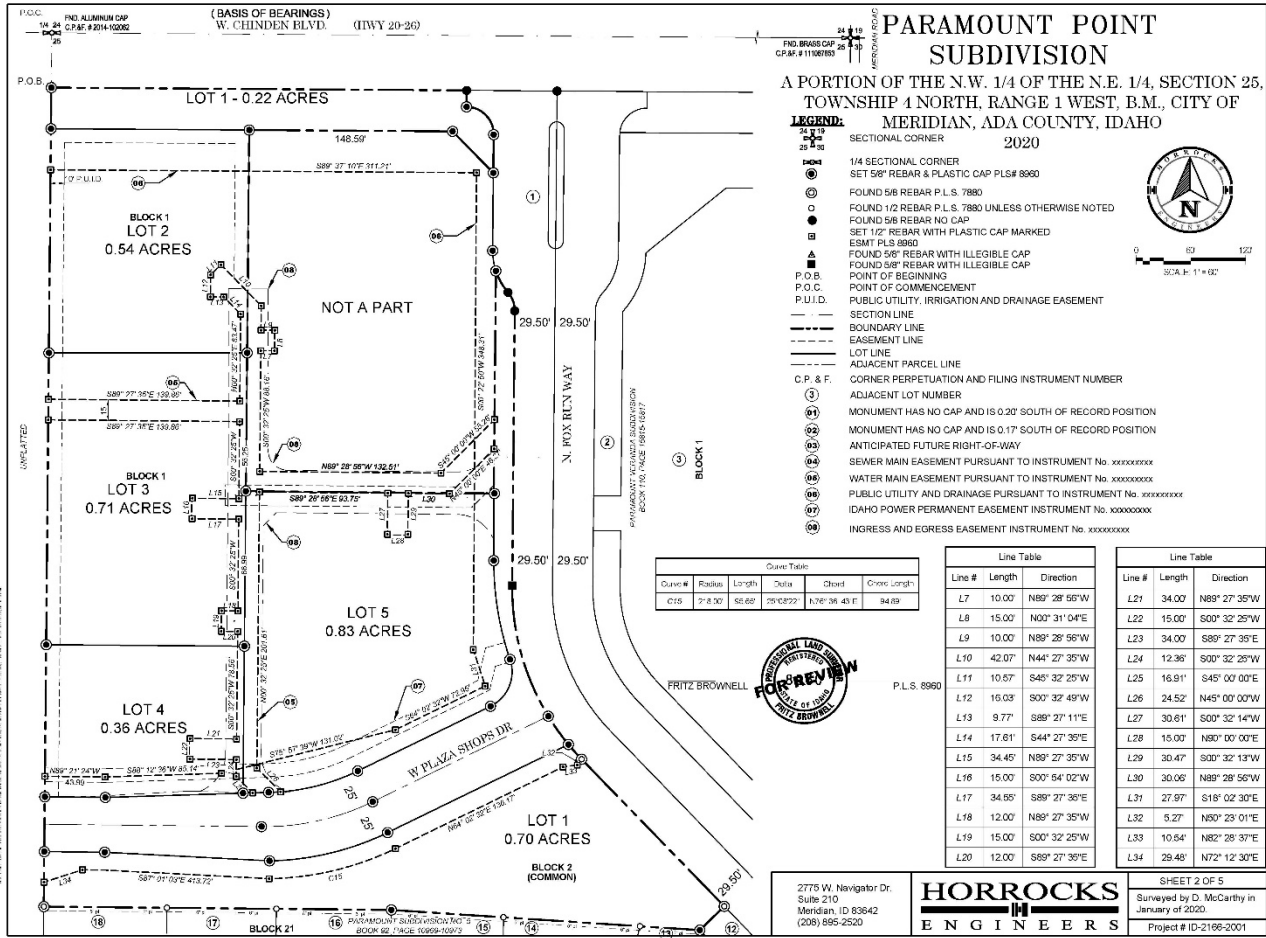
**V. DECISION**

Staff:

Staff recommends approval of the proposed short plat with the conditions noted in Section VII of this report and in accord with the findings in Section VIII.

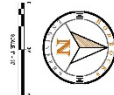
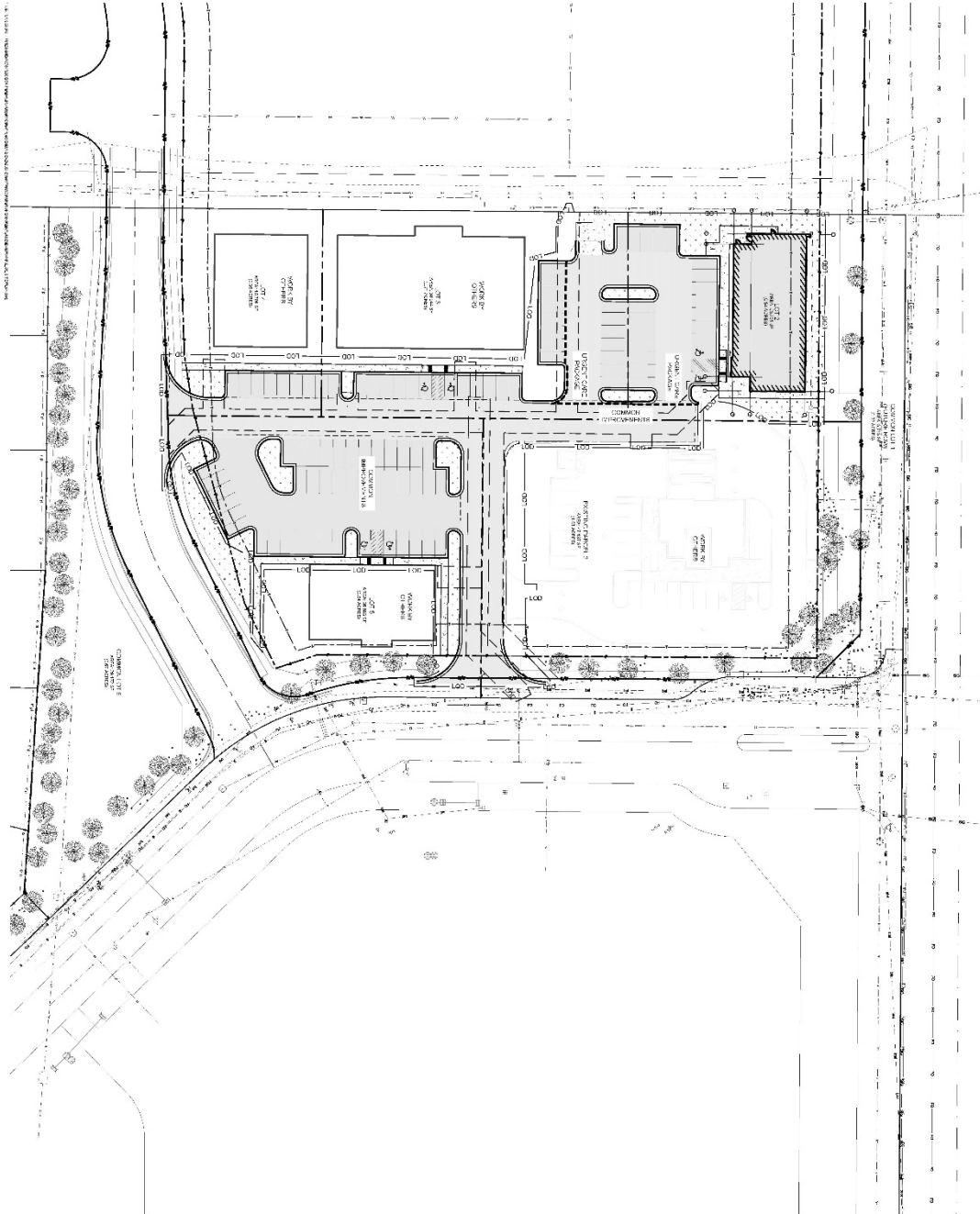
VI. EXHIBITS

A. Short Plat (date: January 2020)





B. Site Plan (approved with Paramount Urgent Care application)



**Cushing Terrell**  
 LEAD ARCHITECTS  
 600 S. 2ND ST.  
 MERIDIAN, IDAHO 83642  
 208.257.4322  
 cushingterrell.com

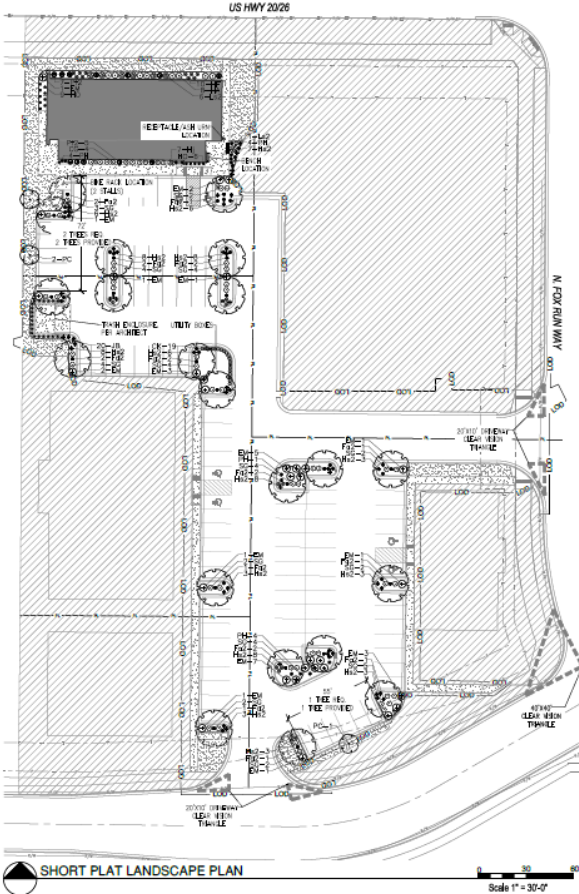
MERIDIAN, IDAHO  
 CONSTRUCTION DOCUMENTS  
**PARAMOUNT URGENT CARE**



DAVID J. ALLEN REGISTERED  
 PROFESSIONAL ENGINEER  
 LICENSE NO. 12345  
 MECHANICAL  
 STATE OF IDAHO

OVERALL SITE PLAN  
**CS000**

C. Landscape Plan



**PLANT SCHEDULE**

SYMBOL	QTY	BOTANICAL / COMMON NAME	SIZE	NATURE SIDE HOW	CLASS
(Tree symbol)	21	BOTANICAL / COMMON NAME	2" GAL BAB	20'X30'	Class 1
(Tree symbol)	2	BOTANICAL / COMMON NAME	2" GAL BAB	20'X30'	Class 1
(Tree symbol)	3	BOTANICAL / COMMON NAME	2" GAL BAB	20'X30'	Class 1
(Shrub symbol)	21	BOTANICAL / COMMON NAME	2" GAL	NATURE SIDE HOW	
(Shrub symbol)	4	BOTANICAL / COMMON NAME	2" GAL	NATURE SIDE HOW	
(Shrub symbol)	31	BOTANICAL / COMMON NAME	2" GAL	NATURE SIDE HOW	
(Shrub symbol)	8	BOTANICAL / COMMON NAME	5" GAL	NATURE SIDE HOW	
(Shrub symbol)	7	BOTANICAL / COMMON NAME	5" GAL	NATURE SIDE HOW	
(Shrub symbol)	20	BOTANICAL / COMMON NAME	5" GAL	NATURE SIDE HOW	
(Shrub symbol)	7	BOTANICAL / COMMON NAME	2" GAL	NATURE SIDE HOW	
(Shrub symbol)	44	BOTANICAL / COMMON NAME	2" GAL	NATURE SIDE HOW	
(Annual symbol)	15	BOTANICAL / COMMON NAME	1" GAL	NATURE SIDE HOW	
(Annual symbol)	82	BOTANICAL / COMMON NAME	1" GAL	NATURE SIDE HOW	
(Annual symbol)	16	BOTANICAL / COMMON NAME	1" GAL	NATURE SIDE HOW	
(Grass symbol)	21	BOTANICAL / COMMON NAME	2" GAL	NATURE SIDE HOW	
(Grass symbol)	19	BOTANICAL / COMMON NAME	1" GAL	NATURE SIDE HOW	
(Grass symbol)	13	BOTANICAL / COMMON NAME	1" GAL	NATURE SIDE HOW	
(Ground cover symbol)	5,259 SF	BOTANICAL / COMMON NAME			

**LANDSCAPE MATERIALS**

LANDSCAPE BOLLER (21'-0") SEE DETAIL 2/A/1.1  
 6" BENCH SEE DETAIL 2/A/1.1

RECYCLED ASPH CURB SEE DETAIL 6/A/1.1  
 18" BENCH SEE DETAIL 2/A/1.1

**LANDSCAPE LEGEND**

SYMBOLS FOR FUTURE PAD SITE BY OTHER

**LANDSCAPE REQUIREMENTS**

Per Meridian City Code Title 11.000

ITEM	REQUIREMENT	PROVIDED
STREET TREES	N/A	
ADJACENT USE BUFFER	N/A	
RES. SUBDIVISION TREES	N/A	
COMMON OPEN SPACE	N/A	
COMMON LOT	N/A	
TREE MITIGATION	N/A	

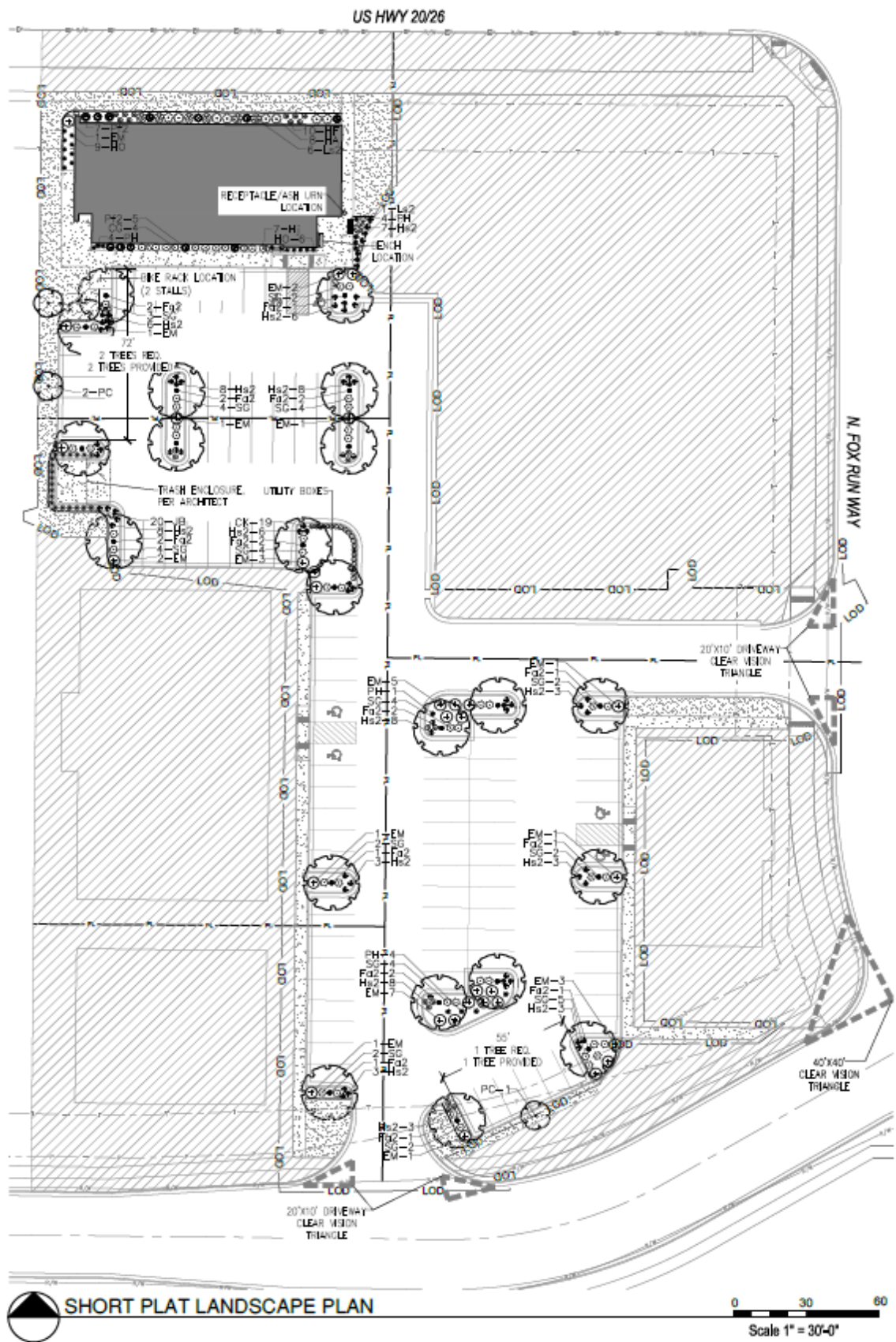
**DEVELOPER**  
 PVA DEVELOPMENT, LLC  
 2700 W. HANCOCK DR.  
 SUITE 200  
 MERRIDIAN, IDAHO 83642  
 PHONE: 208-616-1000

**LANDSCAPE ARCHITECT**  
 BAER DESIGN GROUP, LLC  
 10004 N. SAGE HOLLOW WAY  
 BOISE, IDAHO 83724  
 CONTACT: JOHN REHNER  
 208-867-5883



Meridian  
 Paramount Urgent Care  
 Meridian

City of Meridian  
 Short Plat Landscape Plan  
 L1.0



## VII. CITY/AGENCY COMMENTS & CONDITIONS

### A. Planning Division

#### Site Specific Conditions:

1. Applicant shall comply with all previous conditions of approval associated with this development (AZ-13-005; PP-13-008; Development Agreement Inst. #103137116 113083665, 2016-005060, 2017-003462 and H-2017-066043).
2. Prior to the receiving City Engineer's signature on this short plat, the Applicant shall obtain a Development Agreement Modification approval in order to be in compliance with the previous development agreements and subsequent modifications on this site.
3. Prior to the receiving City Engineer's signature on this short plat, the Applicant shall provide proof to the Planning Department that the right-of-way for W. Plaza Shops Drive has been dedicated to ACHD.
4. If the City Engineer's signature has not been obtained within two (2) years of the City Council's approval of the short plat, the short plat shall become null and void unless a time extension is obtained, per UDC 11-6B-7.
5. Prior to submittal for the City Engineer's signature, obtain the signatures of the Ada County Highway District and the Central District Health Department.
6. The short plat prepared by Horrocks Engineers prepared on January 2020 by Fritz Brownell, included in Section VII.A shall be revised as follows:
  - a. Include recorded sewer instrument number.
  - b. Include recorded water main instrument number.
  - c. Include recorded public utility and drainage instrument number.
  - d. Include recorded Idaho Power instrument number.
  - e. Include recorded ingress and egress instrument number.
  - f. Include recorded ACHD instrument number for W. Plaza Shops Drive.
7. The landscape plan prepared by Baer Design Group, dated May 19, 2020, included in Section VII.C shall be revised prior to receiving City Engineer signature on the plat as follows:
  - a. Depict the required landscape buffers along Chinden Boulevard (SH 20/26), N. Fox Run Way (a collector street), and future W. Plaza Shops Dr.
  - b. Show the existing landscaping within the street buffers to Chinden Boulevard and N. Fox Run Way.
  - c. Show the required landscaping along future W. Plaza Shops Drive within the required landscape buffer on Lots 4 and 5, Block 1, and on Lot 1, Block 2 in accord with UDC 11-3B-7C.
  - d. Depict the location of the required 10-foot multi-use pathway along Chinden (SH 20/26).
8. Prior to submittal for City Engineer signature, the applicant shall submit a public access easement for the multi-use pathway along Chinden Boulevard (SH 20/26). Submit easements to the Planning Division for Council approval and subsequent recordation. The easements shall be a minimum of 14' wide (10' pathway + 2' shoulder each side). Use standard City template for public access easement. Easement checklist must accompany all easement submittals. Coordinate with Kim Warren from the City of Meridian Parks Department.

9. Staff's failure to cite specific ordinance provisions or conditions from the previous approvals noted above does not relieve the Applicant of responsibility for compliance.

## **B. Public Works**

### **Site Specific Conditions:**

1. The width of sanitary sewer and water mainline easements shall be provided consistent with those detailed in General Condition #20 below without overlapping.

### **General Conditions:**

2. Sanitary sewer service to this development is available via extension of existing mains adjacent to the development. The applicant shall install mains to and through this subdivision; applicant shall coordinate main size and routing with the Public Works Department, and execute standard forms of easements for any mains that are required to provide service. 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.
3. Water service to this site is available via extension of existing mains adjacent to the development. The applicant shall be responsible to install water mains to and through this development, coordinate main size and routing with Public Works.
4. 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.
5. Upon installation of the landscaping and prior to inspection by Planning Department staff, the applicant shall provide a written certificate of completion as set forth in UDC 11-3B-14A.
6. A letter of credit or cash surety in the amount of 110% will be required for all incomplete fencing, landscaping, amenities, pressurized irrigation, prior to signature on the final plat.
7. The City of Meridian requires that the owner post with the City a performance surety in the amount of 125% of the total construction cost for all incomplete sewer, water 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 applicant shall be required to enter into a Development Surety Agreement with the City of Meridian. 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.
8. 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, and water infrastructure for a duration of two years. This surety amount will be verified by a line item final cost invoicing 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.
9. In the event that an applicant and/or owner cannot complete non-life, non-safety and non-health improvements, prior to City Engineer signature on the final plat and/or prior to occupancy, a surety agreement may be approved as set forth in UDC 11-5C-3C.
10. 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.

11. 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.
12. Applicant shall be responsible for application and compliance with any Section 404 Permitting that may be required by the Army Corps of Engineers.
13. Developer shall coordinate mailbox locations with the Meridian Post Office.
14. All grading of the site shall be performed in conformance with MCC 11-1-4B.
15. 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.
16. The 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.
17. 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.
18. 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.
19. Street light plan requirements are listed in section 6-7 of the Improvement Standards for Street Lighting ([http://www.meridiancity.org/public\\_works.aspx?id=272](http://www.meridiancity.org/public_works.aspx?id=272)). All street lights shall be installed at developer's expense. Final design shall be submitted as part of the development plan set for approval, which must include the location of any existing street lights. The contractor's work and materials shall conform to the ISPWC and the City of Meridian Supplemental Specifications to the ISPWC. Contact the City of Meridian Transportation and Utility Coordinator at 898-5500 for information on the locations of existing street lighting.
20. 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 signature of the final plat by the City Engineer.
21. Applicant shall be responsible for application and compliance with and NPDES permitting that may be required by the Environmental Protection Agency.
22. 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 Water Department at (208)888-5242 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.

- 23. Any existing septic systems within this project shall be removed from service per City Ordinance Section 9-1-4 and 9 4 8. Contact the Central District Health Department for abandonment procedures and inspections.
- 24. The City of Meridian requires that pressurized irrigation systems be supplied by a year-round source of water (MCC 9-1-28.C.1). 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 development plan approval.
- 25. 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.

**VIII. REQUIRED FINDINGS FROM THE UNIFIED DEVELOPMENT CODE**

In consideration of a short plat, the decision-making body shall make the following findings:

**A. The plat is in conformance with the Comprehensive Plan and is consistent with the Unified Development Code;**

The Comprehensive Plan designates the future land use of this property as Mixed Use Community and the current zoning district of the site is C-C. Staff finds the proposed short plat complies with the Comprehensive Plan and is being developed in accord with UDC standards for the existing zoning district.

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

Staff finds that public services will be provided to this property and are adequate to serve the future commercial building sites.

**C. The plat is in conformance with scheduled public improvements in accord with the City’s capital improvements program;**

Staff finds that the development will not require the expenditure of capital improvement funds. All required utilities were provided with the development of the property at the developer’s expense.

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

Staff finds that the development will not require major expenditures for providing supporting services as services are already being provided to the immediate area.

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

Staff finds the proposed short plat to create new commercial building lots will not be detrimental to the public health, safety or general welfare.

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

Staff is not aware of any significant natural, scenic or historic features associated with short platting this site.



## AGENDA ITEM

**ITEM TOPIC:** Public Hearing for Brundage Estates (TECC-2020-0001) by LC Development, Generally Located East of S. Linder Rd. Between W. Victory Rd. and W. Amity Rd.

A. Request: A 2-year Time Extension on the preliminary plat in order to obtain the City Engineer's signature on a final plat.





# PUBLIC HEARING INFORMATION

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**Staff Contact:** Sonya Allen

**Meeting Date:** August 25, 2020

**Topic:** **Public Hearing for Brundage Estates (TECC-2020-0001) by LC Development, Generally Located East of S. Linder Rd. Between W. Victory Rd. and W. Amity Rd.**

- A. Request: A 2-year Time Extension on the preliminary plat in order to obtain the City Engineer’s signature on a final plat.

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**Information Resources:**

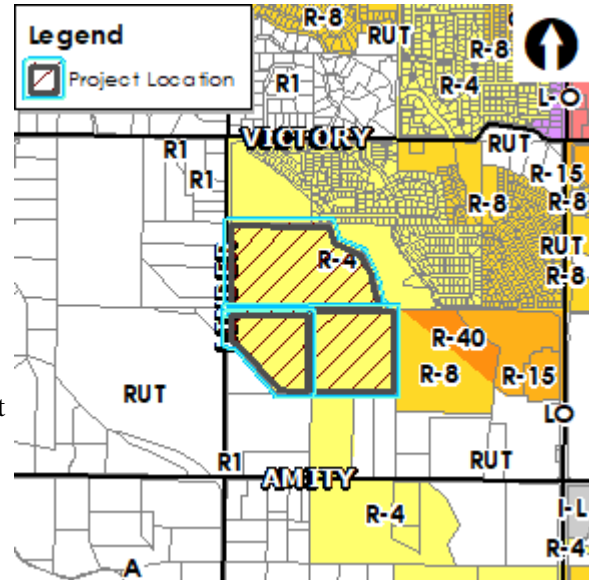
[Click Here for Application Materials](#)

[Click Here to Sign Up to Testify at the City Council Public Hearing](#)

**STAFF REPORT**  
**COMMUNITY DEVELOPMENT DEPARTMENT**



HEARING DATE: 8/25/2020  
 TO: Mayor & City Council  
 FROM: Sonya Allen, Associate Planner  
 208-884-5533  
 SUBJECT: TECC-2020-0001  
 Brundage Estates  
 LOCATION: East of S. Linder Rd. between W. Victory Rd. & W. Amity Rd., in the west 1/2 of Section 25, T.3N., R.1W.



**I. PROJECT DESCRIPTION**

Request for a 2-year time extension on the preliminary plat in order to obtain the City Engineer’s signature on a final plat.

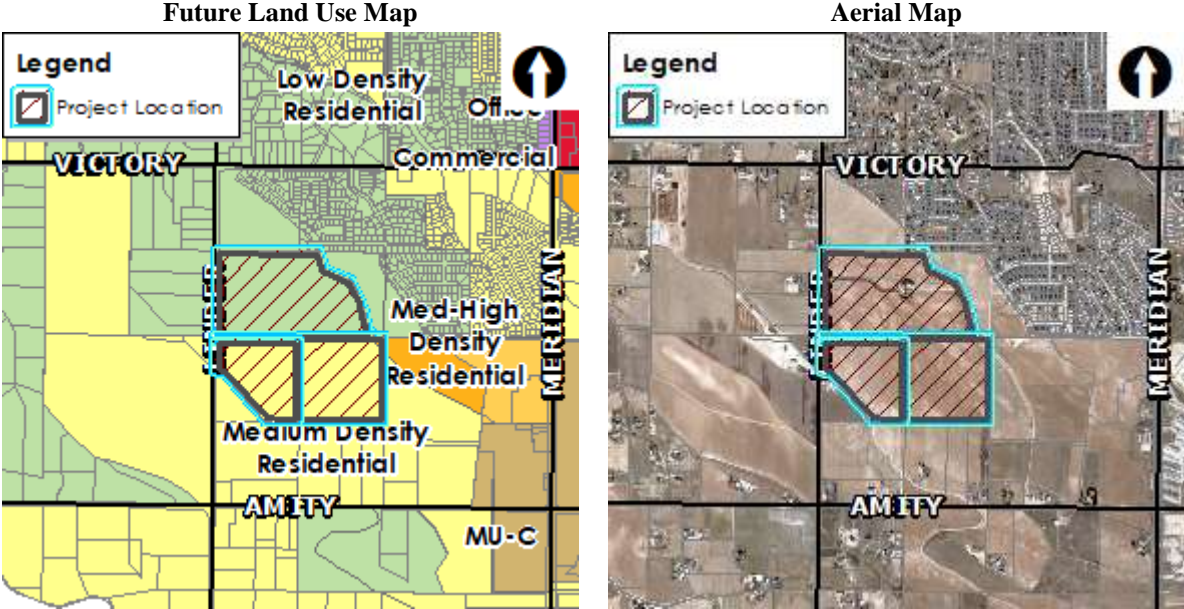
**II. SUMMARY OF REPORT**

A. Project Summary

Description	Details	Page
Acreage	136.63	
Existing/Proposed Zoning	R-4	
Future Land Use Designation	Low Density Residential (LDR) 64+/- acres & Medium Density Residential (MDR) 73+/- acres	
Existing Land Use(s)	Rural residential/agricultural	
Proposed Land Use(s)	Single-family residential	
Lots (# and type; bldg./common)	366 buildable lots, 20 common lots and 1 other lot	
Phasing Plan (# of phases)	11	
Number of Residential Units (type of units)	366 single-family detached	
Density (gross & net)	2.68 units/acre (gross)/3.5 units/acre (net)	
Open Space (acres, total [%]/buffer/qualified)	20.48 acres (or 14.99%) consisting of an 8.24 acre City neighborhood park, 2 pocket parks, a linear open space area where the William’s Pipeline is located, 1/2 the street buffer along Linder Rd., street buffers along collector streets and parkways along internal streets.	
Amenities	Tot lot with children’s play structure and a park bench, a multi-use pathway within the William’s pipeline easement and along the Calkins Lateral, micro-paths and a gazebo.	

Description	Details	Page
Physical Features (waterways, hazards, flood plain, hillside)	The Williams Northwest Gas Pipeline crosses this site & lies within a 75' wide easement; the Calkins Lateral runs along the southwest corner of the site & the Sundall Lateral runs along the northeast corner of the site; another small irrigation ditch also crosses the site.	
Neighborhood meeting date; # of attendees:	July 16, 2020 (Zoom) – No one RSVP'd for the Zoom meeting but the Applicant did speak via phone to 4 people.	
History (previous approvals)	AZ-13-014 (Ord. 14-1594) Victory South; H-2016-0001 (PP); A-2018-0231 (TED) <i>A Development Agreement is required to be executed prior to submittal of the first final plat application; the specific provisions of the DA are included in the <a href="#">Findings</a> for the preliminary plat.</i>	

B. Project Area Maps



III. APPLICANT INFORMATION

- A. Applicant:  
Cody Stoeger, L2 Construction, Inc. – PO Box 1669, Meridian, ID 83680
- B. Owner:  
Centers Farm, LLC – PO Box 518, Meridian, ID 83680
- C. Representative:  
Same as Applicant

**IV. NOTICING**

	<b>Planning &amp; Zoning Posting Date</b>	<b>City Council Posting Date</b>
Notification published in newspaper	8/7/2020	
Notification mailed to property owners within 300 feet	8/4/2020	
Applicant posted public hearing notice on site	8/13/2020	
Nextdoor posting	8/4/2020	

**V. UNIFIED DEVELOPMENT CODE ANALYSIS (UDC)**

*Per UDC 11-6B-7C, “Upon written request and filing by the applicant prior to the termination of the period in accord with subsections A and B of this section, 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 this title.”*

The preliminary plat for this project was approved by City Council on July 26, 2016 and was valid for 2 years. Prior to the expiration date, an administrative time extension (A-2018-0231) was requested and approved by the Director on July 16, 2018, which granted an additional 2 year period of time until July 26, 2020 in order to obtain the City Engineer’s signature on a final plat. The reason for the previous time extension was due to incomplete sewer and water line extensions as well as upcoming improvements to Harris Street. No new conditions were placed on the application with the time extension.

Prior to expiration of the previous time extension, the Applicant submitted a request for a subsequent time extension. The reason for the request per the Applicant’s narrative, is that the Developer has been focusing on development of the adjacent Biltmore Estates (Oakwood) and Graycliff Estates.

Since the preliminary plat and previous time extension were approved, there have not been any code changes that would necessitate new conditions being placed on the subject time extension. Therefore, Staff recommends approval of the Applicant’s request without any new conditions; the Applicant is still required to comply with all previous conditions of approval for this project.

Approval of the subject time extension will allow the Applicant to obtain the City Engineer’s signature on a final plat and proceed with development of the property. If City Council does *not* approve the requested time extension, the preliminary plat will expire and a new preliminary plat application will be required.

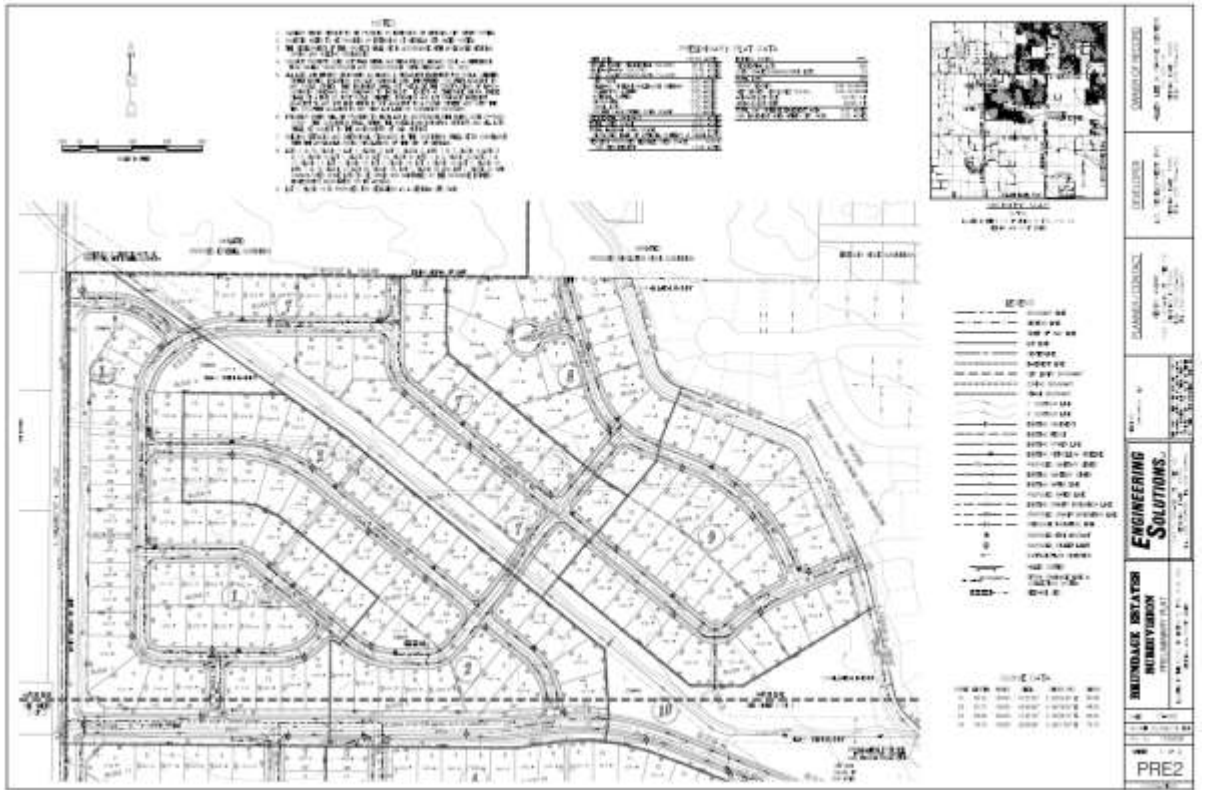
**VI. DECISION**

**A. Staff:**

Staff recommends approval of the proposed time extension for a time period of 2 years as requested to expire on July 26, 2022.

### VII. EXHIBITS

#### A. Preliminary Plat (date: 1/6/2016)





## AGENDA ITEM

**ITEM TOPIC:** Public Hearing for Landing South (H-2020-0005) by Jim Jewett,  
Located at 660 S. Linder Rd.

A. Request: Rezone of 2.43 acres of land from the R-4 to the R-8 zoning district.

B. Request: Preliminary Plat consisting of 11 building lots and 2 common lots on 2.27 acres of land in the proposed R-8 zoning district.



# PUBLIC HEARING INFORMATION

---

**Staff Contact:** Sonya Allen

**Meeting Date:** August 11, 2020

**Topic:** **Public Hearing for Landing South (H-2020-0005) by Jim Jewett, Located at 660 S. Linder Rd.**

- A. Request: Rezone of 2.43 acres of land from the R-4 to the R-8 zoning district.
  - B. Request: Preliminary Plat consisting of 11 building lots and 2 common lots on 2.27 acres of land in the proposed R-8 zoning district.
- 

**Information Resources:**

[Click Here for Application Materials](#)

[Click Here to Sign Up to Testify at the City Council Public Hearing](#)

**STAFF REPORT**  
**COMMUNITY DEVELOPMENT DEPARTMENT**

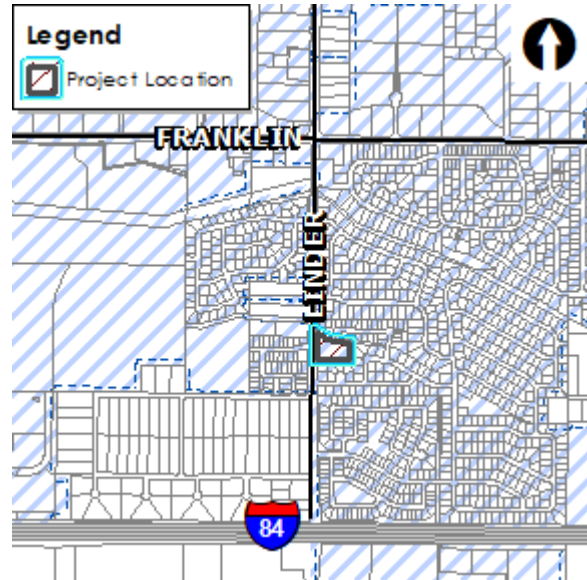


HEARING DATE: August 25, 2020  
 DATE: Continued from August 11, 2020

TO: Mayor & City Council  
 FROM: Sonya Allen, Associate Planner  
 208-884-5533

SUBJECT: H-2020-0005  
 Landing South – RZ, PP

LOCATION: 660 S. Linder Rd. (Parcel #S1213233965; NW ¼ of Section 13, T.3N., R.1W.)



**I. PROJECT DESCRIPTION**

Rezone of 2.43 acres of land from the R-4 to the R-8 zoning district; and Preliminary plat consisting of 10 building lots and 3 common lots on 2.27 acres of land in the proposed R-8 zoning district.

**II. SUMMARY OF REPORT**

A. Project Summary

Description	Details	Page
Acreage	2.27 (includes area to section line of Linder Rd. that is owned fee simple)	
Existing/Proposed Zoning	R-4 existing/R-8 proposed	
Future Land Use Designation	Medium Density Residential (MDR) (3-8 units/acre)	
Existing Land Use(s)	Residential (single-family home & accessory structures)	
Proposed Land Use(s)	SFR (single-family residential)	
Lots (# and type; bldg./common)	10 buildable lots/3 common lots	
Phasing Plan (# of phases)	1 phase	
Number of Residential Units (type of units)	14 units total [(4) 2-family duplex dwellings with a total of 8 units & 6 standard SFR detached dwellings]	
Density (gross & net)	6.16 units/acre (gross); 7.65 units/acre (net)	
Open Space (acres, total [%]/buffer/qualified)	0.37 of an acre including street buffer along Linder Rd. and area where the Kennedy Lateral is located. (Note: Qualified open space is not required because the site is below 5 acres in size)	
Amenities	None proposed (Note: Qualified site amenities are not required because the site is below 5 acres in size)	
Physical Features (waterways, hazards, flood plain, hillside)	The Kennedy Lateral runs along the north boundary of the site and has been piped	



Description	Details	Page
Neighborhood meeting date; # of attendees:	10/17/19; 3 attendees	
History (previous approvals)	Johnson Annexation (Ord. 631 in 1994), no DA; ROS #2605 (created subject parcel)	

B. Community Metrics

Description	Details	Page
Ada County Highway District		
<ul style="list-style-type: none"> <li>Staff report (yes/no)</li> <li>Requires ACHD Commission Action (yes/no)</li> </ul>	<p>Yes</p> <p>No</p>	
Access (Arterial/Collectors/State Hwy/Local)(Existing and Proposed)	Access is proposed via an existing local stub street from the north (S. Spoonville Ave.); an emergency access via Linder Rd. exists to the north on Lot 55, Block 5 in Landing Subdivision No. 12	
Traffic Level of Service	Better than "E" (Linder Rd.)	
Stub Street/Interconnectivity/Cross Access	No other stub streets exist to this property other than from the north (S. Spoonville Ave.), from which access is proposed; no stub streets are proposed to adjacent properties to the east or south as those properties have already developed.	
Existing Road Network	None	
Existing Arterial Sidewalks / Buffers	There is an existing attached sidewalk along Linder Rd. constructed in 2015 with the adjacent road improvements but no street buffer	
Proposed Road Improvements	None (proposed right-of-way dedication to total 48' from section line of Linder Rd. abutting the site)	
Fire Service		
<ul style="list-style-type: none"> <li>Distance to Fire Station</li> <li>Fire Response Time</li> <li>Resource Reliability</li> <li>Risk Identification</li> <li>Accessibility</li> <li>Special/resource needs</li> <li>Water Supply</li> <li>Other Resources</li> </ul>	<p>2.3 miles</p> <p>Falls within 5:00 minute response time area - nearest station is Fire Station #1 – <i>can</i> meet response time goals</p> <p>75% - does <i>not</i> meet the target goal of 80% or greater</p> <p>2 – current resources would <i>not</i> be adequate to supply service</p> <p>Project meets all required access, road widths and turnaround.</p> <p>Project will not require an aerial device; can meet this need in the required timeframe if a truck company is required.</p> <p>Requires 1,000 gallons per minute for one hour, may be less if buildings are fully sprinklered.</p>	

Police Service	
• Distance to Police Station	2.5 miles
• Police Response Time	In an emergency, just over 3 minutes, with an average time of just under 4 minutes (meets target goal)

Meridian Police Department - The Landing South	
Location of new development -	660 S Under Road
Time Frame -	02/01/2019 - 01/31/2020
Level of Service (LoS)- Delivered	By Reporting District (RD - M749)
<b>Calls for Service (CFS): Response Times: Dispatch to Arrival (all units)</b>	
Average Response Times by Priority: 'City of Meridian'	
Priority 3	3:49
Priority 2	7:09
Priority 1	10:34
Average Response Times by Priority: 'M749'	
Priority 3	3:12
Priority 2	6:04
Priority 1	9:45
<b>Calls for Service (CFS): Calls occurring in RD 'M749'</b>	
CFS Count Total	2,505
<b>% of Calls for Service split by Priority in 'M749'</b>	
% of P3 CFS	1.7%
% of P2 CFS	71.9%
% of P1 CFS	24.8%
% of PD CFS	1.6%
<b>Crimes</b>	
Crime Count Total	343
<b>Crashes</b>	
*Crash Count Total	51

West Ada School District	
• Distance (elem, ms, hs)	
• Capacity of Schools	
• # of Students Enrolled	
• # of Students Predicted from this development	9

	Enrollment	Capacity	Miles (Dist. to School)
Peregrine Elementary	556	650	.3
Meridian Middle School	1200	1250	1.9
Meridian High School	1978	2400	1.0

Due to the abundant amount of growth in the area, West Ada is actively building new schools, and boundaries are always changing. These future students could potentially attend Pleasant View Elementary, and Owyhee High School.

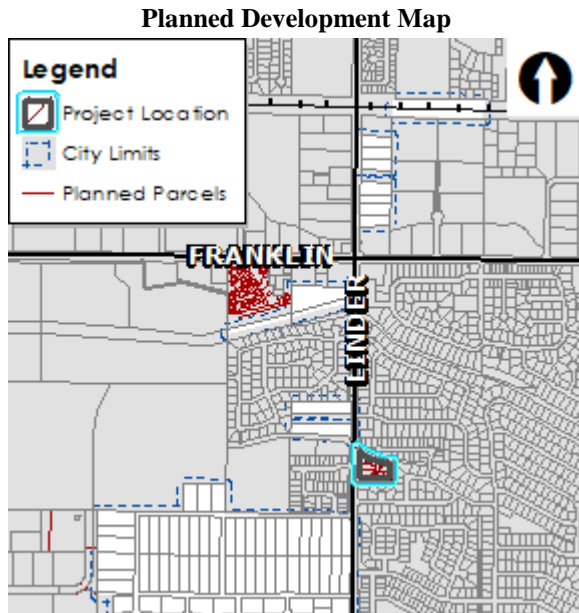
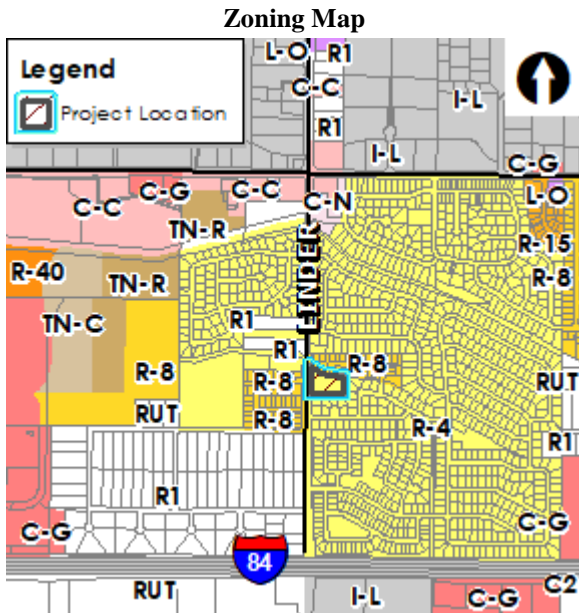
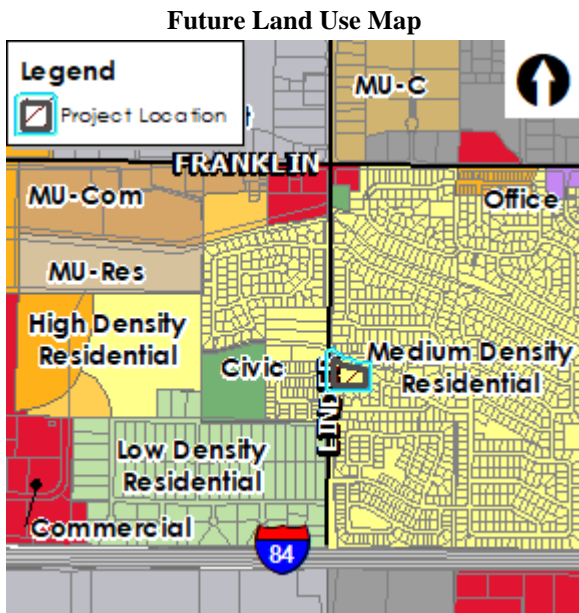
Wastewater	
• Distance to Sewer Services	Directly adjacent
• Sewer Shed	South Black Cat Trunk Shed
• Estimated Project Sewer ERU's	14 units total – (4) 2-family duplex dwellings for a total of 8 units & 6 standard SFR detached dwellings
• WRRF Declining Balance	13.88
• Project Consistent with WW Master Plan/Facility Plan	No sewer mainlines in common drives, only sewer services (reminder that a maximum of three services are allowed into a manhole, with a minimum 30-degrees of angle separation).

Water	
• Distance to Water Services	Directly adjacent
• Pressure Zone	3
• Estimated Project Water ERU's	14 units total - (4) two-family duplex dwellings for a total of 8 units & 6 standard SFR detached dwellings
• Water Quality	None
• Project Consistent with Water Master Plan	Yes

- Impacts/Concerns

Terminate the water main at the south end of the cul-de-sac with a fire hydrant.  
Water services only in the common drives, not water mains.

C. Project Area Maps



A. Applicant:

Jim Jewett – 776 E. Riverside Dr., Ste. 204, Eagle, ID 83616

B. Owner:

Jim Jewett & Mary Stevens – 776 E. Riverside Dr., Ste. 204, Eagle, ID 83616

C. Representative:

Nick Bennett, Sawtooth Land Surveying – 2030 S. Washington Ave., Emmett, ID 83617

III. NOTICING

	Planning & Zoning Posting Date	City Council Posting Date
Notification published in newspaper	3/13/2020	7/24/2020
Notification mailed to property owners within 300 feet	3/11/2020	7/21/2020
Applicant posted public hearing notice on site	5/20/2020	8/12/2020
Nextdoor posting	3/12/2020	7/21/2020

IV. COMPREHENSIVE PLAN ANALYSIS ([Comprehensive Plan](#))

The Future Land Use Map (FLUM) contained in the Comprehensive Plan designates this property as Medium Density Residential (MDR).

The purpose of the MDR designation is to allow small lots for residential purposes within City limits. Uses may include single-family homes at gross densities of 3 to 8 dwelling units per acre.

The proposed development consists of six (6) single-family detached homes and four (4) 2-family duplexes for a total of 14 units overall at a gross density of 6.16 units per acre consistent with the Plan.

The following Comprehensive Plan Policies are applicable to this development:

- “Encourage a variety of housing types that meet the needs, preferences, and financial capabilities of Meridian’s present and future residents.” (2.01.02D)

*The proposed medium density single-family detached and 2-family duplex dwellings will contribute to the variety of housing types as desired.*
- “Permit new development only where it can be adequately served by critical public facilities and urban services at the time of final approval, and in accord with any adopted levels of service for public facilities and services.” (3.03.03F)

*City water and sewer service is available and can be extended by the developer with development in accord with UDC 11-3A-21.*
- “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)

*Two housing types (i.e. single-family detached and 2-family duplex dwellings) are proposed in this development which contributes to the diversity of housing types available in this area.*
- “Encourage compatible uses and site design to minimize conflicts and maximize use of land.” (3.07.00)

*The proposed residential dwellings should be compatible with adjacent existing and future single-family detached homes. Staff is concerned the proposed site design with only two (2) available on-street parking spaces may not be adequate to serve the site; however, the*

*required off-street parking is being met. Four (4) additional spaces are proposed at the ends of the two common driveways.*

- “Ensure development is connected to City of Meridian water and sanitary sewer systems and the extension to and through said developments are constructed in conformance with the City of Meridian Water and Sewer System Master Plans in effect at the time of development.” (3.03.03A)

*The proposed development will connect to City water and sewer systems; services are required to be provided to and though this development in accord with current City plans.*

- “Encourage infill development.” (3.03.01E)

*The subject property is an infill property that was previously annexed into the City but never developed. Development of this property will maximize public services by servicing land already in the City as opposed to parcels on the fringe.*

- “Require urban infrastructure be provided for all new developments, including curb and gutter, sidewalks, water and sewer utilities.” (3.03.03G)

*Urban sewer and water infrastructure and curb, gutter and sidewalks along the internal street is required to be provided with development as proposed.*

*In summary, Staff believes the proposed development plan is generally consistent with the vision of the Comprehensive Plan in regard to land use, density and transportation.*

**V. UNIFIED DEVELOPMENT CODE ANALYSIS ([UDC](#))**

**A. Rezone:**

The proposed rezone is for 2.43 acres of land, which includes adjacent Linder Road right-of-way to the section line, from the R-4 to the R-8 zoning district. The proposed gross density of 6.16 dwelling units/acre and plan to develop single-family detached and 2-family duplex dwellings on the site is consistent with the Medium Density Residential (MDR) Future Land Use Map (FLUM) designation for this site. A legal description for the rezone area is included in Section VIII.A.

The City may require a development agreement (DA) in conjunction with a rezone 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 the rezone with the provisions included in Section IX. 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 rezone for approval by City Council and subsequent recordation.

**B. Preliminary Plat:**

The proposed plat consists of 10 buildable lots and 2 common lots on 2.27 acres of land in the proposed R-8 zoning district. The minimum lot size proposed is 4,004 square feet (s.f.) with an average lot size of 6,305 s.f.; the gross density is 6.16 units/acre with a net density of 7.65 units/acre. The subdivision is proposed to develop in one phase.

Single-family detached dwellings are proposed on Lots 62-67 and 2-family duplex dwellings are proposed on Lots 57-60.

**Existing Structures/Site Improvements:**

There is an existing home and accessory structures on the site that are proposed to be removed with development. All existing structures should be removed prior to signature on the final plat by the City Engineer.

**Proposed Use Analysis:**

Single-family detached and 2-family duplex dwellings are listed as a principal permitted uses in the R-8 zoning district in UDC Table 11-2A-2.

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

R-8 district: ([UDC Table 11-2A-6](#))

The property sizes and street frontages of the proposed lots and width of the street buffer along Linder Rd. comply with the minimum dimensional standards of the R-8 district; future development should comply with the minimum building setbacks and maximum building height standards of the district as required.

**Subdivision Design and Improvement Standards (UDC [11-6C-3](#))**

Development of the subdivision is required to comply with the subdivision design and improvement standards listed in UDC 11-6C-3, including but not limited to streets, common driveways and block face.

There are two (2) common driveways proposed; such driveways should be constructed in accord with the standards listed in UDC 11-6C-3D. **The common driveway that provides access to Lots 63-65 should be placed in a common lot. An exhibit should be submitted with the final plat application that depicts the setbacks, fencing, building envelope, and orientation of the lots and structures accessed via the common driveway; if a property abuts a common driveway but has the required minimum street frontage and is taking access via the public street, the driveway should be depicted on the opposite side of the shared property line from the common driveway. A perpetual ingress/egress easement is required to be filed with the Ada County Recorder, which should include a requirement for maintenance of a paved surface capable of supporting fire vehicles and equipment as set forth in UDC 11-6C-3D; a copy of the recorded easement should be submitted to the Planning Division with the final plat for City Engineer signature.**

**Access (UDC [11-3A-3](#))**

Access is proposed via the extension of an existing stub street (S. Spoonbill Ave.) from the north boundary of the site; direct access via S. Linder Rd. is not proposed or approved. An emergency access via Linder Rd. exists to the north on Lot 55, Block 5, Landing Subdivision No. 12. Because the surrounding properties are developed and the Applicant is extending the only existing stub street, no other stub streets are necessary to be provided. The extension of the existing street results in a cul-de-sac in excess of the maximum length (i.e. 500') allowed by the UDC; because this is an existing condition and access via Linder Rd. is not allowed, no other alternatives exist.

**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 detached and 2-family duplex dwellings based on the number of bedrooms per unit. Based on 3-bedrooms per unit as proposed, a minimum of 4 spaces are required per unit with at least two (2) in an enclosed garage, other spaces may be enclosed or a minimum 10' x 20' parking pad. Future development should comply with these standards. **The proposed dwellings all include 2-car garages and outside parking pads; however, the parking pads are only 16' wide and need to be widened to 20'.**

A parking plan was included on the plat that depicts a total of two (2) on-street parking spaces available after driveways are provided for each lot (see Section VIII.B). Another four (4) spaces are provided at the end of each of the common driveways (2 at the end of each driveway). **Staff is concerned there may not be adequate on-street parking for guests; however, there is no**

**UDC standard for on-street parking. Staff is also concerned there will not be adequate area for trash receptacles at the street on pick-up day with the proposed design.**

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

A 10’ wide multi-use pathway is designated on the Pathways Master Plan along the frontage of this site adjacent to S. Linder Rd. **Because the existing sidewalk is in good condition, the Park’s Dept. is not requiring the pathway to be constructed at this time; however, a 14-foot wide public pedestrian easement for a future detached pathway is required.**

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

Sidewalks are required to be provided adjacent to all streets as set forth in UDC 11-3A-17. A 5’ wide detached sidewalk is typically required along arterial streets (i.e. S. Linder Rd.); however, the Director may waive this requirement to detach the sidewalk where there is an existing attached sidewalk. In this case, there is an existing attached sidewalk along Linder Rd. that is in good condition; there is also existing attached sidewalks on the adjacent developments to the north and south. For these reasons, the Director approves a waiver to this requirement.

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

A 25-foot wide street buffer (measured from back of sidewalk) is required adjacent to N. Linder Rd., an arterial street, landscaped per the standards listed in [UDC 11-3B-7C](#), which require buffers to be planted with a mix of trees and shrubs, lawn, or other vegetative groundcover. Just lawn and trees are proposed; **Staff recommends shrubs are added at a minimum.**

Common open space is required to be landscaped in accord with the standards listed in [UDC 11-3G-3E](#). At a minimum, one tree per 8,000 square feet of common area is required to be provided along with lawn. Because the common area along the north boundary of the site where the Kennedy Lateral is located is within an Irrigation District easement, no trees are allowed. Therefore, all of the required trees are proposed to be placed in the street buffer along Linder Rd.

**There are several existing trees on this site that are proposed to be removed with development that require mitigation per the standards listed in UDC 11-3B-10C.5. The City Arborist inspected the site and determined an additional 67 caliper inches of trees need to be provided on the site for mitigation. The 50-inch caliper silver maple along Linder Rd. is required to be retained on the site and protected during construction, unless required to be removed by ACHD. Mitigation calculations should be included in the Landscape Calculations table demonstrating compliance with the aforementioned UDC standard.**

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

A minimum of 10% *qualified* open space meeting the standards listed in UDC 11-3G-3B is required for developments over 5 acres in size; because this property is only 2.27 acres, this standard does not apply. However, the Applicant did submit an open space exhibit that depicts 0.37 of an acre of common open space including street buffer along Linder Rd. and area along the north boundary of the site where the Kennedy Lateral is located.

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

Because the development area is below 5 acres in size, the standards listed in UDC 11-3G-3 for site amenities do not apply. No amenities are proposed or required.

**Storm Drainage:**

An adequate storm drainage system is required in all developments in accord with the City’s adopted standards, specifications and ordinances. Design and construction is required to follow Best Management Practices as adopted by the City.

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

The Kennedy Lateral runs along the northern boundary of this site and has been piped. The Irrigation District (NMID) has a 55’ wide total easement in this area for the lateral, 20’ from the centerline on this site. Any encroachments in this easement will require a signed License Agreement and approved plan prior to construction. **If the easement encroaches on adjacent buildable lots more than 10’, the easement area should be included in a common lot that is a minimum of 20’ wide and outside of a fenced area, unless modified by City Council at a public hearing with notice to surrounding property owners per UDC 11-3A-6E. The location of the easement should be clearly depicted on the plat.**

**Fencing (UDC 11-3A-7):**

All fencing is required to comply with the standards listed in UDC 11-3A-7. Fencing exists along the south and east boundaries of the site that is proposed to remain. No new fencing is proposed on the landscape plan. **Fencing is required to be constructed by the Developer adjacent to common open space lots to distinguish common from private areas as set forth in UDC 11-3A-7A.7a. The Applicant states that wrought iron fencing will be constructed at the back edge of the street buffer along Linder Rd. and along the Kennedy Lateral easement at the north boundary of the site; fencing should be depicted on the landscape plan accordingly.**

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

The Applicant submitted sample elevations of the homes planned to be constructed in this development which are included in Section VIII.E. Single-family detached homes are a single-story in height and constructed with a stucco finish with stone veneer accents. *Single-family detached dwellings are exempt from the design standards in the Architectural Standards Manual.*

Duplex dwellings are 2-stories in height and constructed of a mix of vertical and horizontal siding. The rear/east street-facing elevations do not have any windows. **The proposed elevations are not approved with this application; final design is required to comply with the design standards listed in the Architectural Standards Manual. An application for Design Review should be submitted and approved by the Planning Division prior to submittal of applications for building permits for the duplex dwellings.**

**VI. DECISION**

A. Staff:

Staff recommends approval of the requested rezone with the requirement of a Development Agreement and approval of the requested preliminary plat with the conditions noted in Section IX per the Findings in Section X.

B. The Meridian Planning & Zoning Commission heard these items on June 4, and July 16, 2020. At the public hearing on July 16<sup>th</sup>, the Commission moved to recommend *denial* of the subject RZ and PP requests.

1. Summary of Commission public hearing:

- a. In favor: Josh Beach, Sawtooth Land Surveying (Applicant’s Representative); Jim Jewett, Applicant
- b. In opposition: None
- c. Commenting: Jeanette Ockerman, Anthony Baggio
- d. Written testimony: Chris & Candace Johnson; Jeff Bolen; Kenneth “Scott” Grapatin; Josh Beach, Applicant’s Representative
- e. Staff presenting application: Sonya Allen
- f. Other Staff commenting on application: None


2. Key issue(s) of public testimony:



- a. Request for Joshua St. to extend to the west to Linder Rd. as a permanent access instead of emergency only, or at the very least, that construction traffic is allowed to use this access for development of the subdivision; and that a “No Outlet” sign be installed on S. Tylee Way where it intersects Waltman Dr. to notify drivers the street dead ends to prevent unnecessary traffic;
- b. Mr. Grapatin expressed concern pertaining to the continued provision of irrigation water to his property, which currently runs through the north side of the proposed project & accessibility of the ditch for repairs and cleaning;
- c. The Applicant requested conditions #3b and #3c pertaining to specific tree mitigation be amended based on coordination with the City Arborist to take place prior to the Council hearing;
- d. The Applicant testified there would be one large trash dumpster/enclosure for the development instead of individual receptacles for each unit to eliminate the issue of receptacles in the right-of-way or blocking sidewalks/driveways;
- e. Concerns pertaining to traffic and parking.
3. Key issue(s) of discussion by Commission:
  - a. The provision of a pathway from the sidewalk along Spoonbill Ave. to the sidewalk along Linder Rd. and to the north to the pathway along the Kennedy Lateral;
  - b. The Commission directed the Applicant to consider revisions to the plat to make the eastern lots R-4 sized (8,000 s.f. lots) and possibly reduce the density, improve parking and internal circulation, work with ACHD to facilitate a construction entrance off of Linder Rd. until initial occupancy, and include a pathway connection between Lots 58 & 59 from Spoonbill to Linder Rd.;
  - c. Concern pertaining to parking and placement of trash carts on pick-up day;
  - d. Reduce the number of units by replacing the duplex units with single-family detached units; and,
  - e. Possibly reconfiguring the plat so that lots are R-4 size and are a “pinwheel” design off the cul-de-sac.
4. Commission change(s) to Staff recommendation:
  - a. The Commission recommended denial of the project for the following reasons: doesn’t fit the comp plan, challenges with turnarounds and access drives, and revised plat doesn’t address the previous concerns of the Commission.
5. Outstanding issue(s) for City Council:
  - a. None

VII. EXHIBITS

A. Rezone Legal Description & Exhibit Map



## Sawtooth Land Surveying, LLC

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2030 S. Washington Ave. Emmett, ID 83617 P: (208) 398-8104 F: (208) 398-8105	1044 Northwest Blvd., Ste. G Coeur d'Alene, ID 83814 P: (208) 714-4944 F: (208) 292-4453	141 1 <sup>st</sup> Avenue East Jerome, ID 83338 P: (208) 329-5303 F: (208) 324-3621
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January 21, 2020  
The Landing 13 Boundary Description

**BASIS OF BEARING** for this description is South 0°00'35" East between an aluminum cap monument marking the northwest corner of Section 13 and a 5/8" rebar with an illegible cap marking the W1/4 corner of Section 13, T. 3 N., R. 1 W., B.M., City of Meridian, Ada County, Idaho.

A parcel of land located in the NW1/4 of Section 13, T. 3 N., R. 1 W., B.M., City of Meridian, Ada County, Idaho, more particularly described as follows;

**COMMENCING** at an aluminum cap monument marking the northwest corner of said Section 13;

Thence South 0°00'35" East, coincident with the westerly boundary of said NW1/4 of Section 13, a distance of 1948.81 feet to the **POINT OF BEGINNING**;

Thence leaving said westerly boundary of the NW1/4, South 56°05'40" East, coincident with the southerly boundary of The Landing Subdivision No. 12, as recorded in Book 114 of Plats, at Pages 16940-42, Ada County Records, 192.54 feet;

Thence South 77°14'25" East, coincident with said southerly boundary, 98.02 feet;


Thence South 81°30'40" East, coincident with said southerly boundary, 148.80 feet to the northwest corner of The Landing Subdivision No. 7, as recorded in Book 69 of Plats, at Pages 7085-7086, Ada County Records;

Thence South 0°00'35" East, coincident with the westerly boundary of said Landing Subdivision No. 7, a distance of 212.83 feet;

Thence South 89°59'23" West, coincident with the northerly boundary of said Landing Subdivision No. 7, a distance of 402.54 feet to a 5/8" rebar with no cap on said westerly boundary of the NW1/4;

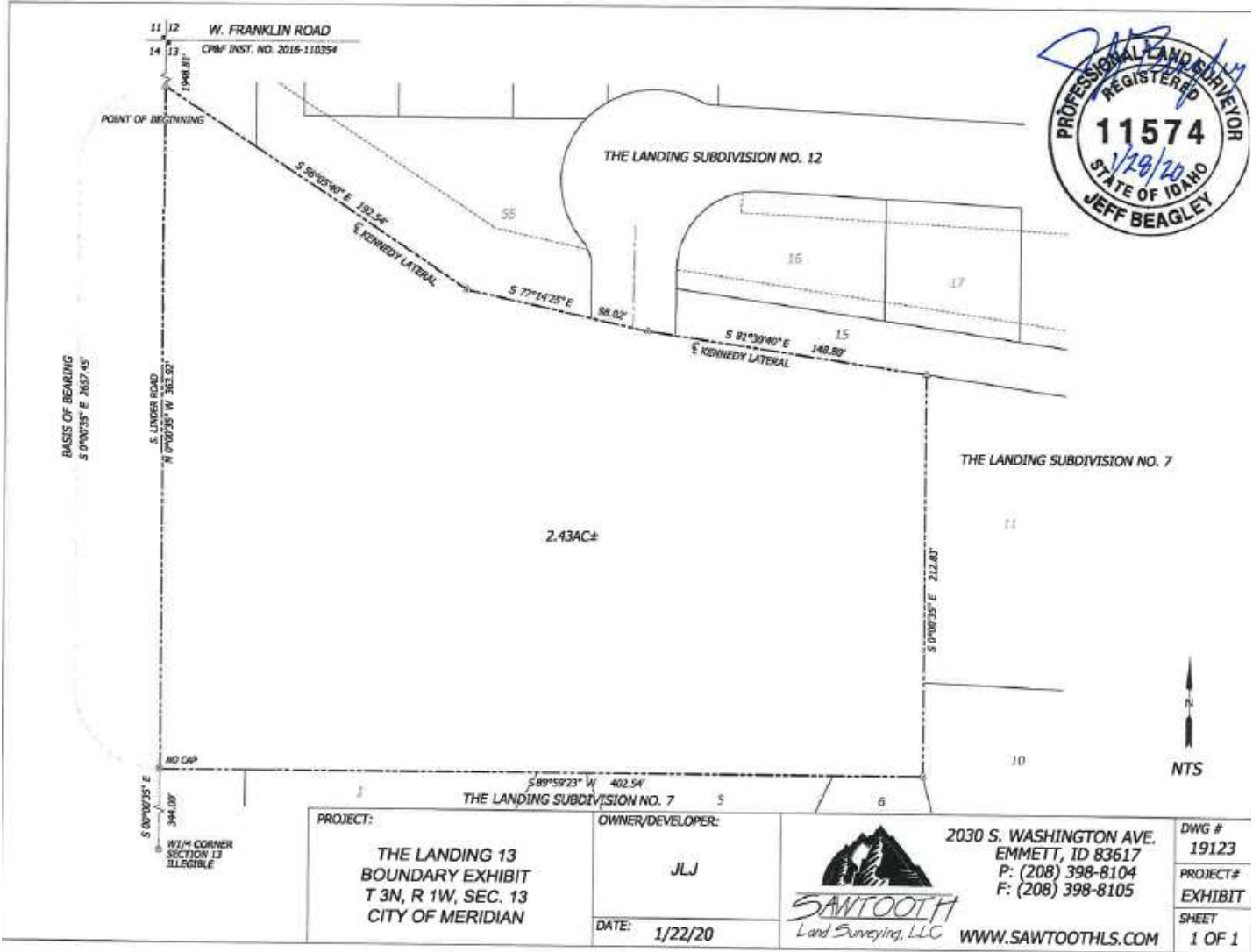
Thence North 0°00'35" West, coincident with said westerly boundary of the NW1/4, a distance of 363.92 feet to the **POINT OF BEGINNING**.


The above described parcel contains 2.43 acres, more or less,



P:\2019\19123-THE LANDING 13\Survey\Drawings\Descriptions\19123 THE LANDING 13 BOUNDARY.docx  
Page | 1

Item #7.



<p>PROJECT:</p> <p><b>THE LANDING 13 BOUNDARY EXHIBIT T 3N, R 1W, SEC. 13 CITY OF MERIDIAN</b></p>	<p>OWNER/DEVELOPER:</p> <p><b>JLJ</b></p> <p>DATE: <b>1/22/20</b></p>	 <p>2030 S. WASHINGTON AVE. EMMETT, ID 83617 P: (208) 398-8104 F: (208) 398-8105 <a href="http://WWW.SAWTOOTHLS.COM">WWW.SAWTOOTHLS.COM</a></p>	<p>DWG # <b>19123</b></p> <p>PROJECT# <b>EXHIBIT</b></p> <p>SHEET <b>1 OF 1</b></p>
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C. Landscape Plan (date: 5/29/2020)

### PLANT PALETTE

SYM.	COMMON NAME	SCIENTIFIC NAME	HT.
	ORNAMENTAL GRASS	POEONIA ANSERINA (ORNAMENTAL GRASS)	3'-6" (100)
	SHRUB	HYDRANGEA	6'-8" (180)
	TREE	FRAXINUS	25'-30' (750)
	TREE	QUERCUS	25'-30' (750)
	TREE	PLATANUS	25'-30' (750)
	TREE	AVICENNIA	25'-30' (750)
	TREE	ACER	25'-30' (750)
	TREE	FRAXINUS	25'-30' (750)
	TREE	QUERCUS	25'-30' (750)
	TREE	PLATANUS	25'-30' (750)
	TREE	AVICENNIA	25'-30' (750)
	TREE	ACER	25'-30' (750)
	TREE	FRAXINUS	25'-30' (750)
	TREE	QUERCUS	25'-30' (750)
	TREE	PLATANUS	25'-30' (750)
	TREE	AVICENNIA	25'-30' (750)
	TREE	ACER	25'-30' (750)

**NOTES**

- ALL PLANTINGS SHALL BE INSTALLED IN ACCORDANCE WITH THE CITY OF MERIDIAN'S LANDSCAPE REQUIREMENTS.
- ALL PLANTINGS SHALL BE INSTALLED WITH PROPER IRRIGATION SYSTEMS AND MULCHING.
- PLANTINGS SHALL BE INSTALLED WITH PROPER SOIL AMENDMENT AND FERTILIZATION.
- PLANTINGS SHALL BE INSTALLED WITH PROPER PRUNING AND MAINTENANCE SCHEDULES.
- PLANTINGS SHALL BE INSTALLED WITH PROPER WATERING AND CARE.
- PLANTINGS SHALL BE INSTALLED WITH PROPER LIGHTING AND PROTECTION.
- PLANTINGS SHALL BE INSTALLED WITH PROPER WEEDING AND MAINTENANCE.
- PLANTINGS SHALL BE INSTALLED WITH PROPER PROTECTION FROM VANDALISM AND DAMAGE.

### DEVELOPMENT DATA

DATE: 5/29/2020  
 DRAWN BY: [Name]  
 CHECKED BY: [Name]  
 PROJECT: [Name]

### LANDSCAPE CALCULATIONS

ITEM	QUANTITY	SIZE	SPACING	AREA	NOTE
1. PLANTING	10	6"	6"	3600	
2. PLANTING	5	12"	12"	1800	
3. PLANTING	3	24"	24"	1440	
4. PLANTING	2	48"	48"	4320	
5. PLANTING	1	96"	96"	8640	

APPROXIMATELY 10% OF PLANTINGS SHALL BE INSTALLED WITH PROPER IRRIGATION SYSTEMS AND MULCHING.

① PLANTER OR BED EDGE

② SHRUB PLANTING

③ TREE PLANTING/SEALING

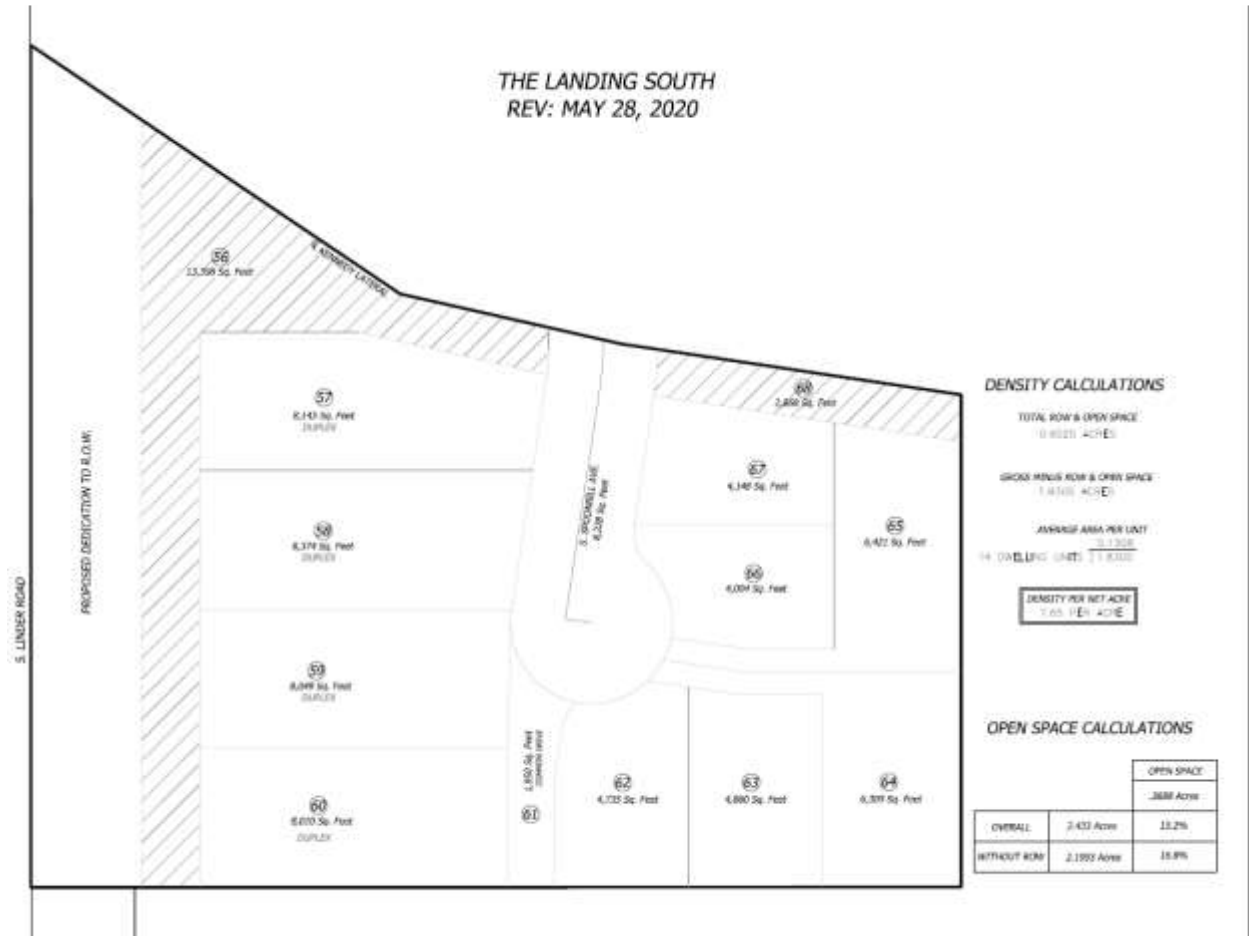
**THE LANDING No.13**  
 PRELIMINARY PLAT LANDSCAPE  
 MERIDIAN, IDAHO

DATE: 5/29/2020  
 SCALE: 1"=10'

**LANDSCAPE PLAN**

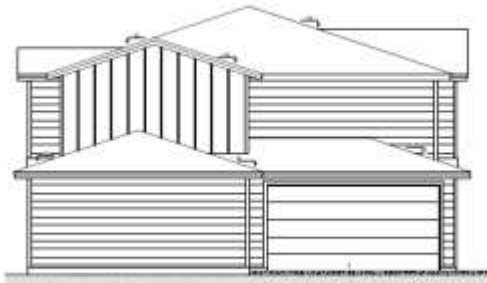
Sheet Number  
**L1**

D. Open Space Exhibit (dated: May 28, 2020)



E. Conceptual Building Elevations





2 REAR ELEVATION (EAST)  
SCALE 1/8" = 1'-0"

EXTERIOR ELEVATIONS:  
ELEVATIONS TO BE A MIXTURE OF  
HARDBOARD HORIZ. LAP SIDING, BOARD  
& BATTEN SIDING AND/OR STUCCO

NOT APPROVED



1 FRONT ELEVATION (WEST)  
SCALE 1/8" = 1'-0"

OPENING / FRONT FACADE RATIO = 26.6%  
DOORS & WINDOWS = 117.5 Sq Ft  
FRONT FACADE = 579 Sq Ft



3 S. SIDE ELEVATION (SOUTH)  
SCALE 1/8" = 1'-0"



4 L. SIDE ELEVATION (NORTH)  
SCALE 1/8" = 1'-0"

ALL WORK TO BE PROVIDED BY LICENSED CONTRACTOR. CONSULT WITH THE BEST PRACTICES OF TRADE PRACTICES. SUCH CONTRACTOR IS RESPONSIBLE TO VERIFY ALL DIMENSIONS AND CONDITIONS SPECIFIED BY THESE PLANS RELATIVE TO THEIR TRADE BEFORE STARTING CONSTRUCTION AND CONFORMANCE WITH ALL APPLICABLE CODES. CONTRACTOR TO BE RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS AND APPROVALS FROM THE CITY OF BOISE, IDAHO COUNTY, AND BOISE CONTRACTOR CONTRACTORS.



PROJECT INFO  
**PARCEL B**  
A PORTION OF LOT 36, BLOCK 1  
12817 W. LEWISBURG CT.  
BOISE, ADA COUNTY, IDAHO



DATE: 01/11/2023  
SCALE: 1/8" = 1'-0"  
SHEET NO.: 2 OF 2  
EXTERIOR ELEVATIONS 2 OF 2  
**A3.0**

ALL WORK TO BE PROVIDED BY LICENSED CONTRACTOR. CONSULT WITH THE BEST PRACTICES OF TRADE PRACTICES. SUCH CONTRACTOR IS RESPONSIBLE TO VERIFY ALL DIMENSIONS AND CONDITIONS SPECIFIED BY THESE PLANS RELATIVE TO THEIR TRADE BEFORE STARTING CONSTRUCTION AND CONFORMANCE WITH ALL APPLICABLE CODES. CONTRACTOR TO BE RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS AND APPROVALS FROM THE CITY OF BOISE, IDAHO COUNTY, AND BOISE CONTRACTOR CONTRACTORS.

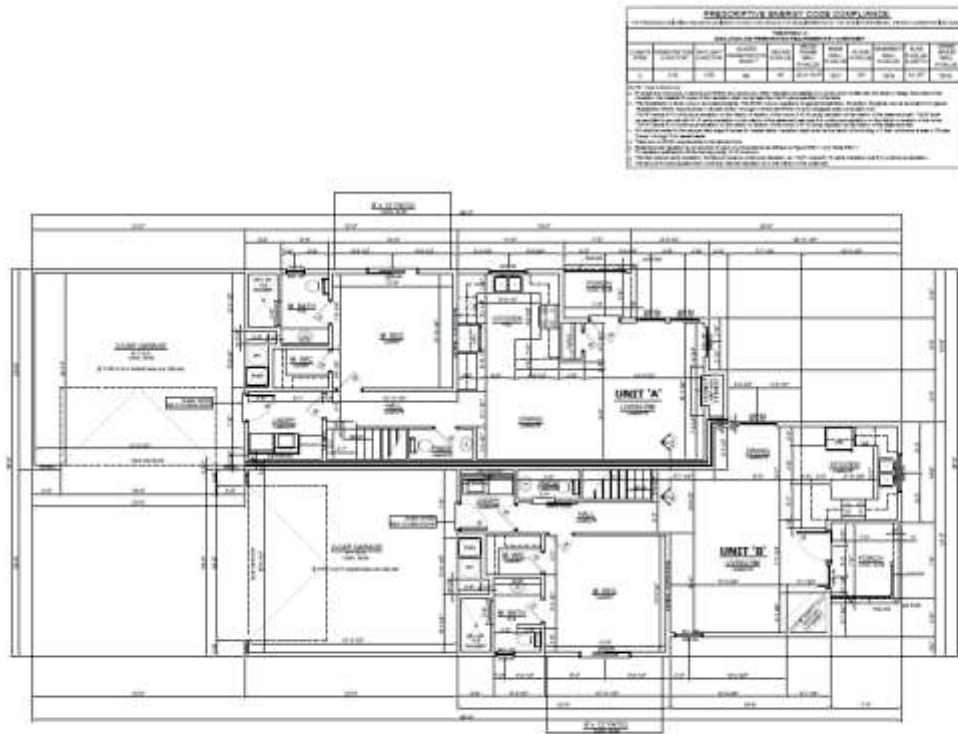


EXTERIOR ELEVATIONS:  
ELEVATIONS TO BE A MIXTURE OF  
HARDBOARD HORIZ. LAP SIDING, BOARD  
& BATTEN SIDING AND/OR STUCCO

PROJECT INFO  
**PARCEL B**  
A PORTION OF LOT 36, BLOCK 1  
12817 W. LEWISBURG CT.  
BOISE, ADA COUNTY, IDAHO



DATE: 01/11/2023  
SCALE: 1/8" = 1'-0"  
SHEET NO.: 2 OF 2  
EXTERIOR ELEVATIONS 2 OF 2  
**A3.1**



1 MAIN LEVEL FLOOR PLAN

**DESIGNER'S BERRY CODE COMPLIANCE**

SECTION	NO.	DESCRIPTION	DATE	STATUS
1	1.01	FOUNDATION	01/15/18	OK
2	2.01	FLOORING	01/15/18	OK
3	3.01	CEILING	01/15/18	OK
4	4.01	WALLS	01/15/18	OK
5	5.01	ROOFING	01/15/18	OK
6	6.01	MECHANICAL	01/15/18	OK
7	7.01	ELECTRICAL	01/15/18	OK
8	8.01	PLUMBING	01/15/18	OK
9	9.01	PAINTING	01/15/18	OK
10	10.01	LANDSCAPING	01/15/18	OK

**FLOOR PLAN NOTES:**

1. ALL WORK TO BE PERFORMED IN ACCORDANCE WITH THE BERKSHIRE COUNTY ZODIAC RESIDENTIAL CUSTOM RESIDENTIAL CODE.
2. THE CONTRACTOR SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS AND APPROVALS FROM THE BERKSHIRE COUNTY ZODIAC RESIDENTIAL CUSTOM RESIDENTIAL DEPARTMENT.
3. THE CONTRACTOR SHALL MAINTAIN ACCESS TO ALL ADJACENT PROPERTIES AT ALL TIMES.
4. THE CONTRACTOR SHALL PROTECT ALL EXISTING UTILITIES AND STRUCTURES.
5. THE CONTRACTOR SHALL MAINTAIN THE SITE AT ALL TIMES.
6. THE CONTRACTOR SHALL MAINTAIN THE SITE AT ALL TIMES.
7. THE CONTRACTOR SHALL MAINTAIN THE SITE AT ALL TIMES.
8. THE CONTRACTOR SHALL MAINTAIN THE SITE AT ALL TIMES.
9. THE CONTRACTOR SHALL MAINTAIN THE SITE AT ALL TIMES.
10. THE CONTRACTOR SHALL MAINTAIN THE SITE AT ALL TIMES.

**AREA CALC**

AREA	sq ft
UNIT A	1,200
UNIT B	1,200
TOTAL	2,400

**PLATE HT**

PLATE	HT
UNIT A	10'-0"
UNIT B	10'-0"

**ZODIAC RESIDENTIAL**  
CUSTOM RESIDENTIAL

**PROJECT INFO**

**PARCEL B**  
A PORTION OF LOT 18, BLOCK 1  
STATE ST. LEWISBURG, CT  
ROSEL, AXK COUNTY, 06450

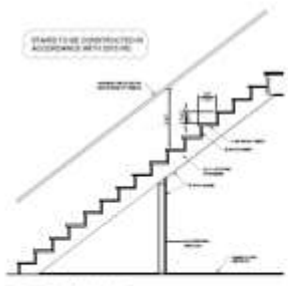
**CONTRACTOR**

**JL**

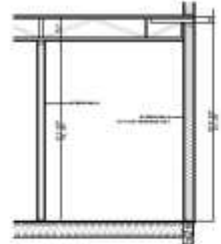
**PLAN STATUS**

**UPPER LEVEL FLOOR PLAN**

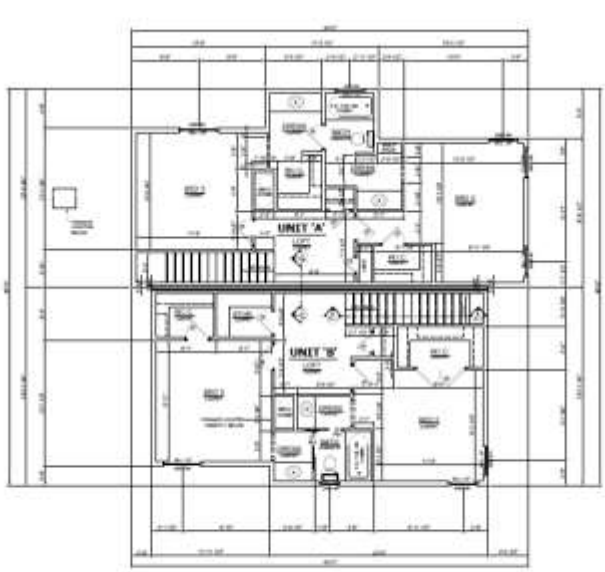
**A1.0**



B-S STAIR SECTION



D MAIN LEVEL WALL HEIGHTS



2 UPPER LEVEL FLOOR PLAN

**DESIGNER'S BERRY CODE COMPLIANCE**

SECTION	NO.	DESCRIPTION	DATE	STATUS
1	1.01	FOUNDATION	01/15/18	OK
2	2.01	FLOORING	01/15/18	OK
3	3.01	CEILING	01/15/18	OK
4	4.01	WALLS	01/15/18	OK
5	5.01	ROOFING	01/15/18	OK
6	6.01	MECHANICAL	01/15/18	OK
7	7.01	ELECTRICAL	01/15/18	OK
8	8.01	PLUMBING	01/15/18	OK
9	9.01	PAINTING	01/15/18	OK
10	10.01	LANDSCAPING	01/15/18	OK

**FLOOR PLAN NOTES:**

1. ALL WORK TO BE PERFORMED IN ACCORDANCE WITH THE BERKSHIRE COUNTY ZODIAC RESIDENTIAL CUSTOM RESIDENTIAL CODE.
2. THE CONTRACTOR SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS AND APPROVALS FROM THE BERKSHIRE COUNTY ZODIAC RESIDENTIAL CUSTOM RESIDENTIAL DEPARTMENT.
3. THE CONTRACTOR SHALL MAINTAIN ACCESS TO ALL ADJACENT PROPERTIES AT ALL TIMES.
4. THE CONTRACTOR SHALL PROTECT ALL EXISTING UTILITIES AND STRUCTURES.
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6. THE CONTRACTOR SHALL MAINTAIN THE SITE AT ALL TIMES.
7. THE CONTRACTOR SHALL MAINTAIN THE SITE AT ALL TIMES.
8. THE CONTRACTOR SHALL MAINTAIN THE SITE AT ALL TIMES.
9. THE CONTRACTOR SHALL MAINTAIN THE SITE AT ALL TIMES.
10. THE CONTRACTOR SHALL MAINTAIN THE SITE AT ALL TIMES.

**AREA CALC**

AREA	sq ft
UNIT A	1,200
UNIT B	1,200
TOTAL	2,400

**PLATE HT**

PLATE	HT
UNIT A	10'-0"
UNIT B	10'-0"

**ZODIAC RESIDENTIAL**  
CUSTOM RESIDENTIAL

**PROJECT INFO**

**PARCEL B**  
A PORTION OF LOT 18, BLOCK 1  
STATE ST. LEWISBURG, CT  
ROSEL, AXK COUNTY, 06450

**CONTRACTOR**

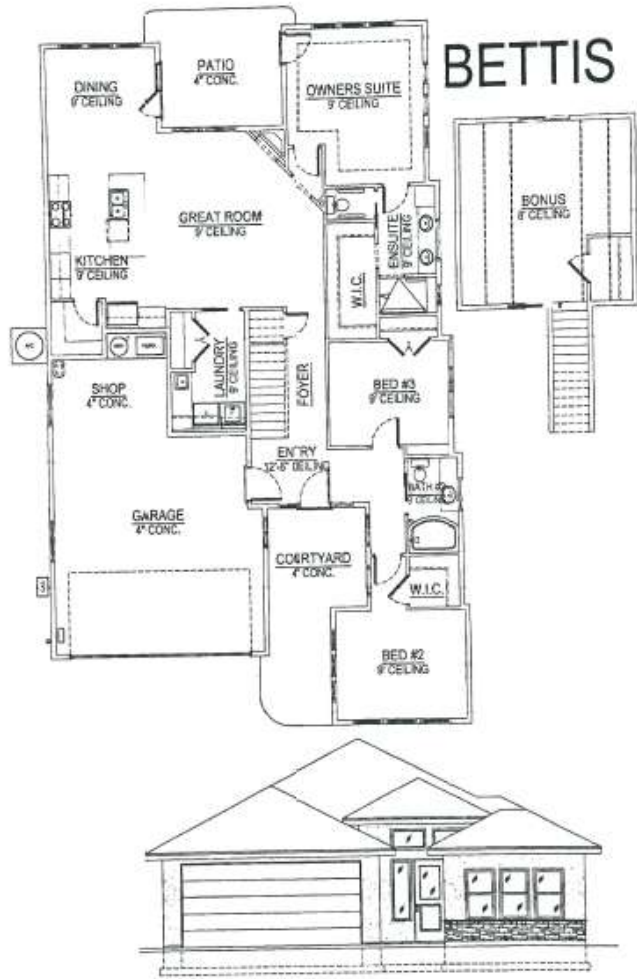
**JL**

**PLAN STATUS**

**UPPER LEVEL FLOOR PLAN**

**A1.1**





## VIII. CITY/AGENCY COMMENTS & CONDITIONS

### A. PLANNING DIVISION

1. ~~A Development Agreement (DA) is required as a provision of rezone of this property. Prior to approval of the rezone ordinance, a DA shall be entered into between the City of Meridian, the property owner(s) at the time of rezone 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 rezone. The DA shall, at minimum, incorporate the following provisions:
  - a. ~~Future development of this site shall be generally consistent with the preliminary plat, landscape plan and conceptual building elevations included in Section VII and the provisions contained herein.~~
  - b. ~~The two family duplex dwellings are required to comply with the design standards listed in the Architectural Standards Manual. An application for administrative Design Review shall be submitted and approved by the Planning Division prior to submittal of applications for building permits for these units. *Single family detached dwellings are exempt from design review.*~~
2. ~~The final plat shall include the following revisions:
 
  - a. ~~Include a note prohibiting direct lot access via S. Linder Rd.~~
  - b. ~~The common driveway that provides access to Lots 63-65 shall be depicted in a common lot.~~
  - c. ~~The easement for the Kennedy Lateral shall be clearly depicted on the plat; if the easement encroaches onto adjacent buildable lots more than 10 feet in width, the easement area shall be included in a common lot that is a minimum of 20 feet wide and outside of a fenced area, unless modified by City Council at a public hearing with notice to surrounding property owners as set forth in UDC 11-3A-6E.~~~~
3. ~~The landscape plan included in Section VIII.A.3, dated 5/29/2020, shall be revised as follows prior to submittal of the final plat application:
 
  - a. ~~Depict wrought iron fencing as proposed by the Applicant along common open space lots to distinguish common from private areas in accord with UDC 11-3A-7A.7a.~~
  - b. ~~Depict an additional 67 caliper inches of trees within common areas on the site as mitigation for removal of existing trees in accord with the standards listed in UDC 11-3B-10C.5. The 50-inch caliper silver maple along Linder Rd. is required to be retained on the site and protected during construction, unless required to be removed by ACHD.~~
  - c. ~~Include mitigation calculations in the Landscape Calculations table based on the City Arborist's inspection, in accord with the standards listed in UDC 11-3B-10C.5; a total of 67 caliper inches of trees is required for mitigation.~~
  - d. ~~Depict shrubs within the street buffer as set forth in UDC 11-3B-7C.3a.~~~~
4. ~~Future development shall be consistent with the minimum dimensional standards listed in [UDC Table 11-2A-6](#) for the R-8 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 detached and two family duplex dwellings based on the number of~~

bedrooms per unit. ~~Parking pads for each unit shall be widened to 20 feet as set forth in UDC Table 11-3C-6 for 3-bedroom units.~~

- 6. ~~An exhibit shall be submitted with the final plat application that depicts the setbacks, fencing, building envelope, and orientation of the lots and structures accessed via the common driveways; if a property abuts a common driveway but has the required minimum street frontage and is taking access via the public street, the driveway shall be depicted on the opposite side of the shared property line from the common driveway as set forth in [UDC 11-6C-3D](#).~~
- 7. ~~All common driveways shall be constructed in accord with the standards listed in UDC 11-6C-3D.~~
- 8. ~~A perpetual ingress/egress easement shall be filed with the Ada County Recorder for all common driveways, which shall include a requirement for maintenance of a paved surface capable of supporting fire vehicles and equipment as set forth in UDC 11-6C-3D; a copy of the recorded easement shall be submitted to the Planning Division with the final plat for City Engineer signature.~~
- 9. ~~Address signage shall be provided at the public street for homes accessed via common driveways for emergency wayfinding purposes.~~
- 10. ~~A 14-foot wide public pedestrian easement for a future detached pathway along S. Linder Rd. is required to be submitted to the Planning Division with the final plat for City Engineer signature; coordinate the details of the easement with Kim Warren, Park's Department.~~
- 11. ~~All existing structures shall be removed prior to signature on the final plat by the City Engineer.~~

**B. PUBLIC WORKS**

**1. Site Specific Conditions of Approval**

- 1.1 ~~No sewer mainlines in common drives, only sewer services (reminder that a maximum of three services are allowed into a manhole, with a minimum 30 degrees of angle separation).~~
- 1.2 ~~Terminate the water main at the south end of the cul-de-sac with a fire hydrant. Water services only in the common drives, not water mains.~~
- 1.3 ~~The geotechnical opinion submitted with this application was from March 2017, and was not derived from an on-site study. It was indicated in that opinion that an on-site geotechnical investigation would be conducted in April of 2017. The applicant shall submit the results of the April 2017 investigation, as well as current monitoring reports, as part of the final plat application.~~

**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](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=184871&dbid=0&repo=MeridianCity>

**D. POLICE DEPARTMENT**

<https://weblink.meridiancity.org/WebLink/DocView.aspx?id=188196&dbid=0&repo=MeridianCity>

**E. PARK'S DEPARTMENT**

<https://weblink.meridiancity.org/WebLink/DocView.aspx?id=184643&dbid=0&repo=MeridianCity>

**City Arborist's Comments:**

<https://weblink.meridiancity.org/WebLink/DocView.aspx?id=189344&dbid=0&repo=MeridianCity>

**F. COMMUNITY PLANNING ASSOCIATION OF SOUTHWEST IDAHO (COMPASS)**

*No comments were received.*

**G. BOISE PROJECT BOARD OF CONTROL**

<https://weblink.meridiancity.org/WebLink/DocView.aspx?id=183794&dbid=0&repo=MeridianCity>

**H. NAMPA & MERIDIAN IRRIGATION DISTRICT**

<https://weblink.meridiancity.org/WebLink/DocView.aspx?id=184912&dbid=0&repo=MeridianCity>

**I. CENTRAL DISTRICT HEALTH DEPARTMENT**

<https://weblink.meridiancity.org/WebLink/DocView.aspx?id=184497&dbid=0&repo=MeridianCity>

**J. DEPARTMENT OF ENVIRONMENTAL QUALITY (DEQ)**

<https://weblink.meridiancity.org/WebLink/DocView.aspx?id=184485&dbid=0&repo=MeridianCity>

**K. IDAHO TRANSPORTATION DEPARTMENT (ITD)**

<https://weblink.meridiancity.org/WebLink/DocView.aspx?id=183952&dbid=0&repo=MeridianCity>

**L. WEST ADA SCHOOL DISTRICT (WASD)**

<https://weblink.meridiancity.org/WebLink/DocView.aspx?id=185551&dbid=0&repo=MeridianCity>

**M. ADA COUNTY HIGHWAY DISTRICT (ACHD)**

<https://weblink.meridiancity.org/WebLink/DocView.aspx?id=185685&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 the proposed zoning map amendment to R-8 and subsequent development is not consistent with the Comprehensive Plan.*

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

*Although the proposed map amendment would allow for the development of a variety of housing types (i.e. single-family detached and two-family duplex) for a range of housing opportunities in this area, the Commission finds the infill property is not large enough to accommodate the proposed development in terms of density, access and parking.*

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

*The Commission 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

*The Commission finds the proposed zoning map amendment would 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.

*This Findings is not applicable as the application is for a rezone, not annexation.*

**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;**

*The Commission finds that the proposed plat is not in conformance with the adopted Comprehensive Plan in that it's too dense for this area.*

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

*The Commission finds that public services could be provided to the subject property with development. (See Exhibit B 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 could be provided with development at the Developer's cost, the Commission 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;**

*The Commission 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 IX for more information.)*

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

*The Commission 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.*

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

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



Fitzgerald: Commissioner Holland, go right ahead.

Holland: Just to put it on the record, I think when Council looks at this, if they decide to go a different route than the denial route from our recommendation, if they were going to consider still approving it, I would say they would need to see a different plat with more significant open space, more centralized, that shows at least that usability and, then, resolve some of these issues that we have been chatting with tonight if they wanted a chance to have Council look at another option there.

Fitzgerald: And I agree. That said, all those in favor of recommending denial of H-2020-0006 say aye. Any opposed? Motion passes. Thank you very much.

MOTION CARRIED: SIX AYES. ONE ABSENT.

**4. Public Hearing Continued from June 4, 2020 for Landing South (H-2020-0005) by Jim Jewett, Located at 660 S. Linder Rd.**

- A. Request: Rezone of 2.43 acres of land from the R-4 to the R-8 zoning district.
- B. Request: Preliminary Plat consisting of 11 building lots and 2 common lots on 2.27 acres of land in the proposed R-8 zoning district.

Fitzgerald: Thanks, Joe. We appreciate it. Moving on to the next item on our agenda, which is the public hearing for Landing South, file number H-2020-0005, and let's start with the staff report.

Allen: Thank you, Mr. Chair. This application was before you a while back. The Commission continued this project in order for the applicant to work with ACHD to facilitate a construction entrance off of Linder Road until initial occupancy and reconfigure the plans to include a pathway between Lots 58 and 59 that complies with UDC standards and specifically fencing standards, possibly reduce the density or modify the design to improve parking and internal circulation and revise the east lots to more of an R-4 size. So, the plan there on your left is the original plat that was submitted. The applicant has submitted a revised plat shown on the right that depicts two fewer buildable lots for the Commission's consideration in response to their direction at the hearing on June 4th. They plan to retain the existing 50 inch silver maple tree on the site, which will reduce their mitigation requirements to 17 inches and that is in regard to condition number 3-B. ACHD will allow a temporary construction entrance off of Linder Road during development of the subdivision, but not during home construction. There are two on-street parking spaces and two additional spaces at the end of each of the two common driveways for a total of six spaces, in addition to those provided on individual lots and garages and parking pads. Private sidewalks are proposed to each of the lots from the sidewalk along Linder Road. A common lot with a pathway from Spoonbill to Linder Road is not proposed and the lots on the east side of the development were increased to have an R-4 size, 8,000

square feet. The applicant is here tonight and can respond to any questions you have on this revised plan.

Fitzgerald: Thanks, Sonya. Are there any questions for staff?

Grove: Mr. Chair?

Fitzgerald: Commissioner Grove.

Grove: Sonya, I have a question with the preliminary plat that we received this afternoon. I'm having a hard time understanding what I'm looking at. Could you walk me through that a little bit just in terms of Lot 62, 63, 64 and 65? I don't fully understand what --

Allen: Yes. Mr. Chair, Commissioner Grove, Commissioners, they have reduced the plat by two lots on the east side, the two buildable lots. They have created flag lots. So, the original lots, if it helps, are shown in a lighter gray color and, then, the new lot lines are shown in black. So, these are flag lots you are looking at here and they are required to have a minimum 30 feet street frontage. So, that is what they are proposing. This is a common driveway right here for access to these two lots and, then, again, these are the configuration of the new lots. For the record, staff's really not in support of the proposed revised plat.

Grove: Follow up questions?

Fitzgerald: Go right ahead.

Grove: What -- do you -- I guess I'm just struggling. What is the piece for Lot 64 that's in between 65 and 63 on the east side?

Allen: I'm not really sure. Let's have the applicant answer that.

Grove: Okay.

Holland: I had the same question.

Fitzgerald: Any additional comments or questions for the staff? I think the applicant is going to have to walk through that preliminary plat with us -- or for us.

Cassinelli: Mr. Chair?

Fitzgerald: Commissioner Cassinelli.

Cassinelli: Sonya, could you repeat what you said there? I think you said that staff is not in favor of the current layout, is that what you said?

Allen: Yeah. The configuration of the lots are really wonky and -- yeah. Prefer the former plat between the two anyway.

Fitzgerald: Do you have follow up, Bill?

Cassinelli: No. I was looking for more of a reason, but I guess wonky is --

Fitzgerald: It's good enough.

Allen: It's an official term now.

Cassinelli: Yeah. Well -- and you said you prefer the -- you prefer the -- the original. We are talking about those 62, '3, '4, '5 versus the six lots that were over there. Yeah. I think it was six. Okay.

Pogue: Mr. Chair? Sonya or Bill, is there any chance you could use the yellow like crayons to draw each of the lots that are now depicted to make it clear? So, Commissioner Grove, I had the same question earlier and it did help to actually see them drawn out.

Allen: Well, I can -- Bill's the color, I am not, Andrea. If you can see my cursor here I can trace the outline of the lot. Like I said, it's the black line, it's not the gray line, so that's that lot. This is the flag for this lot that comes in. This is that lot. And, then, right here is the flag to this back lot.

Pogue: Thank you.

Fitzgerald: Commissioner Grove, did that help? Because I think you -- and we will get the applicant to explain it, but I think you're seeing an overlay with the gray behind it with the old layout, so --

Grove: Yeah. It's not that I couldn't see each, but I just don't understand it, I guess, like --

Fitzgerald: I'm with you, man. And I had the same question during our meeting earlier today, so --

Grove: Okay.

Fitzgerald: Is there additional questions for staff? If not, we will have the applicant come up and explain it so we can get a better handle on it, because I'm with you, that's what I want as well.

Jewett: So, it's Jim -- Jim Jewett at 776 East Riverside Drive, Suite 204, Eagle, Idaho. Can everybody hear me okay?

Fitzgerald: Yeah. Go ahead, Mr. Jewett.

Jewett: Thank you. So, at our last hearing there was a lot of discussion about changing the lots to the east to a more R-4. So, I drove my engineers crazy with trying to create an R-4 lot when you had such limited right of way frontage in which to configure and so we had to use these series of flag lots to maintain the minimum frontage on the public right of way and not use a common driveway. So, what you see is -- is the result of that and, for example, that one little panhandle that goes out to the east between -- and -- and I can't look at the lot numbers on my small screen, I'm sorry. That's just what was left over to make the one triangle'ish looking lot 8,000 square feet. That's all it is. This is -- this is what it looks like. I'm not in favor of it at all and the reason we overlaid it over the old plat was to illustrate how it doesn't work and I tried every other avenue, but if I went back to the common driveways it just made sense to stay with our original plat. So, we are here tonight to support our original plat and I believe that the staff is in the same position and, you know, my planner submitted a letter putting in support for why our regional plat extends and with that I will stand for your questions. I'm sure you will have many more for me.

Fitzgerald: Appreciate it. Commissioner Holland, go right ahead.

Holland: So, in the way that you reconfigured the new lot -- I appreciate you trying to meet our request and eliminate a couple of lots to make it fit better. If you went back to your original plat -- and maybe I -- I mean keep the -- you have got your common drive, but still reduce a couple of lots on there and reconfigure how much space they had, was that not something that was a possibility there?

Jewett: And, I'm sorry, I don't know which Commissioner is talking.

Holland: This is Commissioner Holland.

Jewett: Okay. So, Commissioner Holland, without -- not using the common drive, because what I took from the last hearing was to change the flow and not utilize a common drive, you have to maintain frontages and that only exception is when you use common drives. So, we only have so much frontage to use, so unless we simply kept the common drive and just made the lots bigger, that would be the only other option.

Holland: Well, I think that's what my question is, too, is would you be willing to consider maybe eliminating one of those lots to make those bigger, so you have less number of homes off of that common drive. I think that was our challenge before is we just didn't like that there were one, two, three drive aisles off of that one common drive and, then, there were two off of the -- or three off of the other one, because there is just a lot of homes coming off of that hammerhead there and so if there was the ability to keep a similar configuration, but maybe eliminate one or two lots, making less homes off of those access points, that might be more favorable.

Jewett: Commissioner Holland, certainly that -- we can reduce lots. In looking at it I would think that the reduction would probably be off of the public street, not the common drive. The common drive in its configuration and trying to get to those lots to the east are going to mandate that there is three lots on it regardless of what I do. So, if you lose a lot it will most likely be up to the north on the public frontage. So, I don't know how that helps anybody and I will give you the other side of that story and that is the way we configure now with the six slots, we have a similar size that we have in our existing previous phase, which was the Landing Number 13 and we offered product in that phase in the high 200s to the low 300s with an occasional home being larger into the mid 300s and an affordable product in Meridian right now. If I lost a lot I would simply average that value back into the other lots and you would take in that affordability and notch up, so you would have no more homes in the three -- are low two -- high two and low threes and you would start in the mid threes and I just don't know if that's really what's necessarily needed in Meridian right now is to have more expensive homes. I think we need to fill that medium income family and that's what this lot is intended to do. So, the answer to your question is yes and all I would do is change price points and I guess I would ask if that's really what you want us to do.

Fitzgerald: Well, in follow up to that, Mr. Jewett, because I wasn't here for the original hearing for this, but my understanding is you have duplexes on the west side of the road, whichever side you are looking at, and, then, single family homes on the east; is that correct?

Jewett: That's correct.

Fitzgerald: So, I mean we are -- you are putting in quite a bit -- I mean a large amount of homes in a pretty small space and I understand that we are trying to match price point and those kinds of things, but we also need to make sure we are being safe and not causing a little bit of chaos in that area. So, just -- just want to make sure that's on the record and everybody understands it.

Jewett: So, Commissioner Fitzgerald I believe is who --

Fitzgerald: Yes, sir.

Jewett: Yes, to provide a diversity of housing and to provide the -- along Linder Road, other than the back of people's homes, we did design a duplex product that would front face off of Linder and rear access off of this interior road, which is a unique design that I think that the Commission was in favor in our original hearing. I said I'm -- if -- if the desire of the Commission is to lose a lot and that's the recommendation that I can accept, I just want to make sure that everybody is aware that it just is a rebalance of value and from my original submittal to the city the staff asked me to lose a lot and which I did. So, that would be a total of a two lot reduction from my original proposal. You guys only saw the first lot reduction. This would be a second lot reduction.

Fitzgerald: Additional questions for the applicant?

Cassinelli: Mr. Chair?

Fitzgerald: Commissioner Cassinelli, go right ahead.

Cassinelli: Yeah. Can -- correct me if I'm wrong, but the last time that we looked at this wasn't there an issue with -- and I -- and I don't have the street name there, but wasn't there an issue with the width there and access in and out of that? Wasn't that one of the big issues we faced? And if that's correct can you -- can you address that and where we stand, so if the street got wider?

Jewett: Commissioner Cassinelli, I don't believe the street width was an issue, I think that the terminology that we used in the motion was -- or their recommendation was that I tried to improve the flow and I took that to mean that -- to lose the private drive -- the common driveway. I don't recall a discussion specific to width of the street. Our street width is the same width as a street that comes out of the Landing Number 13. We haven't reduced it below that -- that section, which is at 33 foot back to back.

Cassinelli: And maybe I'm thinking of something else. So thank you.

Holland: Mr. Chair, one more quick follow up question. I read in the staff report about the -- the sidewalk that was connected over to the main road, because we had asked for some sort of sidewalk or pathway that would connect between the homes and it didn't meet pathway requirements, but there was going to be some sort of private sidewalk. Can you just expand that for us?

Jewett: Certainly, Commissioner Holland. At the first hearing there was a discussion of making a little bit more interconnectivity to Linder Road from the cul-de-sac and we had talked about potentially putting a pathway between the lower two duplexes and the other duplexes. Sonya pointed out that had to meet the pathway standards if we put any pathway at all. We looked at that and it reduced the lots too greatly that we would end up losing one entire lot and so we opted just to keep that private -- our connectivity from the sidewalk to the front private amongst those duplexes and their lots, not making it public. Still the public pathway exists along the canal, the Kennedy, which I have built from the first phase -- or in the Landing Number 13, just to the north of the subdivision. Interconnectivity to Linder still exists there, second public pathway within a hundred or so feet of the other one and to have to lose a lot for that didn't seem appropriate.

Holland: So, that -- just to clarify, that private -- private sidewalk, is that still something people could use if they were living in this subdivision and wanted to walk to Linder Road?

Jewett: Certainly. If they -- and most specifically is for anybody that's at the cul-de-sac that wants to reach the front door of any of those duplexes, that's their way of accessing to there. So, certainly anybody else would be able to use it as well. It just wouldn't be meeting the public standards for a pathway and open space, which we didn't need the additional open space and since we couldn't encroach anymore on the open space that

we had to our north -- originally I thought I could squeeze up to the north, but I can't. I don't have sufficient room to do that to create that additional path.

Holland: Thank you.

Grove: One question.

Fitzgerald: Yeah. Commissioner Grove, go ahead.

Grove: Jim, question for you on the -- where do we sit with the trash receptacle situation for this project? At one point it was said that there was going to be like a centralized -- is that still the plan and -- or where do we -- which direction are we going in there?

Jewett: Commissioner Grove, yes, staff raised the question of trash early on in our planning process and we had offered to put a centralized trash receptacle -- a dumpster and -- dumpster containers -- I don't know what we call them now. Then we had the fence and -- instead of having individual trash receptacles and that seemed to solve that issue and I believe that is in the staff report that we will put a centralized facility for that trash, instead of the individual cans. The general location -- the general location of that will be between the northerly two duplexes and the southerly duplexes right along the public right of way is where we would locate that. Again, that was conflicting the pathway that we were putting in, too, and where to focus that trash receptacle.

Fitzgerald: Sonya, can you verify that that's in the staff report, because I -- thinking through it I don't recall off the top of my head.

Allen: I'm sorry --

Fitzgerald: Go ahead.

Allen: -- Chair, could you repeat the question?

Fitzgerald: Can you verify that we have -- the requirement in the staff report for a trash receptacle location? Because I -- I'm blanking on the fact if it's in there or not.

Allen: So, an actual trash enclosure, rather than private ones?

Fitzgerald: Yeah. Yes, ma'am.

Allen: No, there is not one.

Fitzgerald: Okay. Would the staff be amenable to that?

Allen: I thought you were asking the applicant if he was amenable to that. Yes, that's an option if you would like it to be.

Fitzgerald: Okay.

Allen: Although I'm not sure where they would put it exactly.

Seal: Mr. Chair?

Fitzgerald: Commissioner Seal.

Seal: Just a -- I mean if -- if that's something that we condition in here -- I mean the trash enclosure itself has minimums and maximums that it has to be able to fit and I don't know -- with that being a private path already, I don't know that it's going to be there. That would be my -- I kind of share the concern is I don't know where it's going to go in here.

Jewett: Mr. Chairman, Commissioners, what our plan was to locate it between the northerly and southerly set of duplex lots along just west of the public right of way. We would make a trash enclosure there that the trash company once a week would come and unloaded it and we would have a stucco facility or a cement block facility there like you see in some of the commercial projects, albeit a little smaller than those, because it's only going to be servicing this many people. So, it doesn't have to be as large.

Grove: Mr. Chair?

Fitzgerald: Commissioner Grove.

Grove: I have a follow up on that. Which preliminary plat are -- are you referencing in regards to that configuration, the original or the one with the long driveway things?

Jewett: Commissioner, Grove, good question. It's the original one. So, if you look at -- as I'm looking at my screen it's the one on the left and it's between Lots 58 and 59, those to sideways. The southerly part of one unit, northerly part of the other. It would be located between those two driveways.

Fitzgerald: Additional questions for the applicant? Commissioner Grove, did you get everything squared? Did you get --

Parsons: Mr. Chair?

Grove: Yes. I think I'm struggling with how that's actually going to work, because there are size requirements that are -- need to be kind of factored in that I don't see, especially right at the end of -- or where the shared driveway is. I just have some concerns without knowing how it's been thought through.

Parsons: Yeah. Mr. Chair, this is -- this is staff. If I could chime in.

Fitzgerald: Go ahead, Bill.



Parsons: If I could chime in on the enclosure. So, I think we really have to think about that and the reason why I'm thinking about it is because I'm a Meridian resident and my bill has my tote service in with my water and sewer. So, how is our utility billing companies going to figure out how to charge the appropriate trash for each one of these individual lot owners or how is the HOA going to set up the payment for that? So, to me that becomes a problematic issue that we are passing on to future homeowners in this subdivision and that's something that we do not want to do or encourage. So, I would really take that into consideration in your deliberation tonight that I wouldn't encourage that. Certainly that could be considered a commercial rate charge to those homeowners that could potentially be a higher rate than what they anticipate paying is -- all of us as Meridian residents enjoy now that are pretty low tote rates. So, again, I haven't seen it in my 13 years with the city where we have required an enclosure in a residential subdivision. That's really meant for a commercial setting. So, again, I guess from my perspective I would not be supporting that request and I would encourage you not to do the same. Thank you.

Holland: Mr. Chair?

Fitzgerald: Commissioner Holland.

Holland: I was going to ask in case the applicant wanted to address it, but my concern is if you put it between Lots 58 and 59 you may have people that are in that neighborhood that take advantage of that trash enclosure and drop things like furniture or bigger parcels that normally wouldn't be collected by trash carts and, then, you have got a bunch of junk sitting between those two lots that is hard to manage and hard to pin on who dropped it where and I share the same concern that staff just represented. It's tough to figure out the fair distribution of that and I think it would be hard to manage how much trash people would be allowed to have per week as well before they need to, you know, take a run to the dump or something. I think you could have a problem with someone dumping three trash can loads worth of stuff there just because they can. I have a lot of concerns about that, too.

Fitzgerald: Thank you for that and I appreciate, Bill, your input. Thank you. Any additional comments or questions for the applicant? Hearing none, Mr. Jewett, we will come back to you after we take public testimony, if there is any, and we will let you close, sir. Madam Clerk, is there anyone who would like to testify on this application?

Weatherly: Mr. Chair, we didn't have anybody signed in, but I do believe Tony Baggio, who is joining us via Zoom, has his hand raised for this. Tony, one moment, please.

Fitzgerald: Thank you, Madam Clerk.

Weatherly: Tony, you should have the ability to unmute yourself.

Fitzgerald: You can click on the bottom left corner of your screen, there is a mute button on --

Baggio: It does. All right, sir. Let's go.

Fitzgerald: State your name and your address for the record and the floor is yours, sir.

Baggio: All right. Thank you very much. Yeah. It's been a long little thing. So, Anthony Baggio formally. 1414 West Joshua Street, Meridian, Idaho. So, I live in the new development that Jim built and what's being built around the corner is a concern. So, what I would like to understand -- which I didn't get in the conversation -- originally the number a lots for the original preliminary plat was 11, of which there was nine single homes and four duplexes. Now, what's changed is I don't know how many duplexes and single lots, because that was not conferred. So, that's my question, number one.

Fitzgerald: And, Mr. Baggio, we will have Mr. Jewett respond to you when he does his closing, make sure that that's very clear.

Baggio: Okay. Good. Because you have -- okay. So, the reason I bring that up is because the last time we had a TIS done was 2017, before the 28th home was built here. So, the -- the travel and the people getting to Linder have been growing and if we are going to add 60 more cars based on what the Council did with Tanner Creek, which is going to be 550 more cars, we are going to have a big problem. So, I need a TIS. Secondly, I would like to have access -- and I have taught -- I am a director on the HOA for Mallard Landing. We have access for construction, but not for house building. Why can't we have both? That's a request. We have people selling in the original Mallard Landing right across from where I live because of everything happening. They all want to leave, because of the volume of construction traffic. So, what we have here is not a City of Meridian issue, we have an ACHD issue and that -- the Tanner Creek thing and now it's this. So, whoever is running ACHD is not a forward planner. That's second. Then the general trash situation. I wrote down the Council has mentioned their good comments on that and I agree with that. It's ridiculous to have a central dump for duplexes, because Jim Jewett got grant rights for the land that I live on and he got grant rights in the land that he's trying to develop, which is in complete opposition to doing duplexes in Mallard Landing. So, he built his own duplex in our little area and didn't pay the HOA. Now he's going to build four or five -- I don't know how many more, but I'm not very comfortable with somebody who does those types of things. And, then, a central dump site. So, that's it. Thank you very much. I appreciate your time.

Fitzgerald: Thank you, sir. We appreciate you being here tonight. Thanks for participating. If there is anyone else in the public who would like to testify on this application, either via Zoom or in person, please, raise your hand using the Zoom application or raise your hand in the audience, Commissioner Seal will point you out. Not seeing anything on the panelist side or attendee side. Commissioner Seal, we are good in the audience, sir?

Seal: Nobody in the audience.

Fitzgerald: Mr. Jewett, would you like to close. Thank you.

Jewett: Mr. Chairman, it's Jim Jewett again. So, I will answer Mr. Baggio's question. There was a general application and the original proposal that went in front of the neighbors was for seven new residential lots and four duplex lots, totaling 11. After that submittal staff requested that we lose one lot. That resulted in six new residential lots, four duplex lots, and that was the application that came before you in June. So, that is what our request is, is for four duplex lots and six additional residential lots. There was reference to another subdivision. I don't know what that subdivision is, but Mr. Baggio did suggest that we get a TIS. A TIS is -- is not required for an additional traffic count that we have. ACHD has found that all the internal roads meet the requirements of our additional traffic. ACHD and staff are not supportive of any -- putting any additional connections onto Linder Road, so there was no TIS required and there wouldn't be for this many lots. Five hundred lots, yeah, that's -- that's a TSI, but not this. He talked about my grants rights having to do with the subdivision. Yes, I did obtain the grantor's rights for the previous subdivision that will extend to this subdivision. That's a course of business. I don't know if that's really an issue. As I do these annexations I specifically address documents within the HOA documents that provide that I can put a duplex on these additional phases, but not previous phases. Oh. The trash receptacle. I was offering that as a solution to everybody wheeling their trash can to the curb. I wheel my trash cans to the curb. Most of Meridian wheels their trash cans to the curb. There is common driveways all spread out in Meridian and people wheel their trash cans to the curb. So, I'm okay with whichever direction staff and the Council and the Commission wants to go when it comes to trash. I can understand that even in my -- some of my commercial projects I go there and I see trash, but I don't know where it came from and people use them to get rid of stuff. So, I know how trash receptacles can be abused. It was just a way I could offer a solution to what was perceived as a problem having to do with trash receptacles at the curb. Hopefully I would have addressed all of the concerns. With that I would stand for anymore questions.

Fitzgerald: On access, can you address that? That was an ACHD requirement or allowance. Can you talk about that real quick?

Jewett: Yeah. Commissioner Fitzgerald, at the previous hearing it was requested that I inquire. I did inquire and ACHD responded with, yes, during the construction of the subdivision they would allow the temporary access, but not after the road construction was done, because from that point on the -- the individual home construction has to occur through the public streets and I understand their point, they don't have -- no idea the timing of when one home will be built or the next home will be built. In theory we are going to do them all right away, but things happen that change that and they wouldn't want to keep a temporary construction open indefinitely and I get their point and there might be able to be a little room with ACHD if they know that we are going forward with the initial four duplexes right away and allowing that access for those, but I just think that it's not an indefinite thing that ACHD is willing to grant.

Baggio: No. You have to -- no, you have to cut off one of the duplexes to get the rest of the development.

Fitzgerald: Sorry. Mr. Baggio, you had your time. Go ahead, Mr. Jewett. Sorry about that.

Jewett: And so I will continue to work with ACHD and to work with the neighbors. I do understand when the last phase is at the back of any subdivision and all the construction traffic has to go passed the neighbors. I do understand it. I do understand it's an inconvenience. Unfortunately, that's just the way this played out and I will do the best I can in attaining whatever temporary easements I can with ACHD, but I do have to say that construction of the roads and all those dump trucks and cement trucks and grading material won't -- not coming down their street is a great benefit to them, allowing us to utilize our existing access for all that will certainly mitigate a lot of that for the neighbors.

Fitzgerald: Are there any additional questions for Mr. Jewett?

Grove: Mr. Chair?

Fitzgerald: Go right ahead, Commissioner Grove.

Grove: All right. I had a question. You had mentioned being able to -- or be amenable to changing some of the lots to be a different size or shape. Which lots were you considering? Are you talking about Lots 65, 66 and 67 on the original preliminary plat?

Jewett: So, the one lot -- it looks like -- unfortunately, my screen is so small, but it's the three lots to the north of the common driveway going to the east. I would reconfigure those into two lots versus the current three.

Grove: And with that -- just as a follow-up question, with those -- would that street, then, where it is or would you make the cul-de-sac bigger? What -- I guess -- and, then, the access with both -- or for both lots are off of Spoonbill, is that kind of the line of thinking?

Jewett: Commissioner Grove, like I testified earlier, I don't think that reduces the amount of lots that would access to common drive, it would certainly allow the common drive to slide north and make the three lots to the south a little larger and, then, just one lot taking access from the public roads versus two lots and I think that to get to that rear lot without creating a flag lot has to be a common drive. If I turn and made them real skinny that really isn't functional. We just have a real limited frontage along the -- the private -- I mean, excuse me, the public roads. So if we were to lose one more I certainly would want to slide the common driveway slightly north, make the three on the -- lots on the bottom a little deeper and, then, just reconfigure -- have one lot taking access off of Spoonbill and, then, the lot in the back would still take its access of the common drive.

Fitzgerald: Commissioner --

Jewett: And that would -- sorry.

Fitzgerald: Sorry. Go ahead.

Jewett: That would provide for a little -- some additional on-street parking along Spoonbill, having one less driveway cut on that street.

Grove: Thank you. I understand what you are saying. I guess I'm just looking at it a little bit differently and thinking that there would be a way to get better parking up front and have longer lots, but if -- if that's not the direction -- or if that's not feasible I understand, so -- thank you.

Jewett: Commissioner Grove and other Commissioners, I don't -- if you have seen the amount of iterations that we have made on this plat, even before submitting it, it's an in-fill. It's problematic. It's difficult. It's not the easiest thing to do. As you can see in my attempt to make R-4 lots, it -- it is really problematic and we struggled to find a plat even that I was comfortable with submitting. So, I would -- I would just ask you to just please consider all the time I put into this and trying to figure out -- I don't know how I can do the common driveway with one less access. Just -- it's frontage that makes it real problematic.

Seal: Mr. Chair?

Fitzgerald: Sorry. Go ahead.

Seal: Just -- I mean in looking at this I have -- you know, it seems like we have got -- in the current configuration -- and I like what the applicant's attempting to do with facing the homes towards Linder, but it -- I mean there is only so much creativity you can do. I mean I'm kind of getting to -- it seems like we are trying to put ten pounds of apples into a five pound bag here. So, in -- I mean -- and what I'm looking at -- and let's -- instead of trying to go mixed use in here, I mean wouldn't it be simpler to simply have duplexes on both sides of this road, extend the road down to the bottom, and have the turnaround at the bottom of it and call it a day? I mean maybe I'm oversimplifying it, but to me -- I mean there is -- it's a very very small space. I mean either that or, you know, ditch the idea of duplexes and just, you know, do like the land to the south of it, have -- you know, just basically make it a giant turn around with some houses that spring off of it, so -- and -- and I understand this is probably the thousandth hour you have spent on this in the timing of it, so just -- maybe less creativity is something that can be applied here and you will probably rarely if ever hear me say something like that about this, but -- I mean knowing that this is in-fill, I would like to see it filled in, but having it fit a few more criteria would be nice and to me, you know, I think simplifying the road structure and simplifying the layout of it just overall would probably help everybody. I mean that's going to clear up a lot of issues as far as where the trash cans go, how does the Fire Department turn around, you know, on and on and on. For me anyway.

Jewett: I believe that was Commissioner Neal. My screen just says City of Meridian. The -- the idea of putting duplexes on both sides, obviously, simplifies things and I'm certainly not opposed to that. It provides a diversity. I think that the neighbors would rather have seen some level of residential versus all duplexes and I think the mix was appropriate and that's why I went down that path. Again, I appreciate your comments. I

have put a lot of time into it. It is in-fill. It is problematic. Everything I have done here -- I'm not asking for any exceptions to any UDC rule. I have met every UDC rule. I have met every zoning guideline. I'm -- I'm right in the middle of the density, which is appropriate under the Comprehensive Plan. So, I would like to just have a recommendation based on my current plat and we can just go from there.

Fitzgerald: Additional questions or comments for the applicant? Mr. Jewett, thank you for being here tonight, sir. We will deliberate and see where we go from here.

Jewett: Thank you all.

Fitzgerald: Thank you. Can I get a motion to close public hearing?

Holland: So moved, Mr. Chair.

Seal: Second.

Fitzgerald: I have a motion and a second to close the public hearing on H-2020-0005, Landing South. All those in favor say aye? Any opposed? Motion passes.

MOTION CARRIED: SIX AYES. ONE ABSENT.

Fitzgerald: Who wants to lead off? Commissioner Holland, you are unmuted, does that mean you are -- go right ahead, ma'am.

Holland: I suppose I can. I know Commissioner Cassinelli is unmuted, too, but that's all right, I will go first.

Fitzgerald: I saw you first.

Holland: I -- I really struggle with this one and I know we did last time we heard this, too, and we -- I was a little disappointed that the revised plat wasn't more of a significant change that was actually reasonable for consideration, because we had given them some feedback on what we wanted to see differently and what came back to us was not a practical use of the land. So, I was a little disappointed because we -- we didn't really have another option to look at. We basically just rehashed what we saw last time. It was a little bit disappointing there. But I -- I understand that the applicant has worked really hard on this and I certainly appreciate his creativity and trying to bring a different product than Meridian has seen. A couple of comments I had last time, I -- while I like that the -- the units faced Linder Road to kind of give more of that boulevard feel, it almost still feels out of place to me, because you only have a duplex unit facing Linder and everything else was facing internally and so when you are driving it looks a little -- almost out of place versus what you see in like a downtown Boise or you are used to seeing in a downtown Meridian type thing where everything is facing the main road and you have got the access drives on the back. I still struggle with that concept a little bit, even though I understand where they are trying to go with it. If it went for, you know, a quarter mile or a half mile

and had more consistency or was next door to commercial where there was easy walkability and it was nice to have those houses facing Linder, it could be different, but to me it could be a challenge long term, because it might look like it doesn't fit the rest of the neighborhood over there. So, that's one comment I have. Two, I don't like the idea of the shared trash enclosure. I think we have already kind of covered that, though. I think that can be problematic. We talk about shared drives all the time. I -- I hate seeing more than two driveways off of a shared drive, just because it causes challenges for people backing in, people needing to turn around. If someone has a truck, if someone has a motorhome or whatever it is, you are not likely to have a motorhome if you are living in a duplex, but you still might have friends that want to come over and even though there is a few extra parking stalls in there, I don't know that it's sufficient enough if you are going to have someone over for a Super Bowl party or -- or whatnot. So, it's -- it's a small piece of land and a lot of homes in there and not that it's our job to redesign it, but, you know, if I was looking at this with -- if I was a developer, you know, I could consider maybe doing duplexes on the -- where 57 and 58 are and, then, on the right where -- I'm sorry. I can't see the numbers. Where 67 and 66 are, you could do, you know, two sets of duplexes there where you still get your eight units and, then, use the rest of that cul-de-sac just to build out some nicer big lots and maybe -- maybe have a couple shared drives that go two lots in there. That's probably how I would look at configuring it to make it a little bit better. But I think we are still -- we are not where I feel comfortable with this going through. I think it's -- it's a tough layout to me, especially with the way that you get into it is kind of a winding roundabout and I know I heard from a lot of the neighbors last time we heard this application and they wished that they could access Linder directly, but that's just not an option for us, so it is an in-fill parcel. Could it be a little less dense? I would probably be okay saying that because of where it's located. So, that's where I will start off.

Fitzgerald: Thank you, Commissioner Holland. Commissioner Cassinelli, you are unmuted, so I will let you comment next, sir.

Cassinelli: Okay. I'm going to -- mostly I'm going to echo what Commissioner Holland started off with -- with a -- something that's just driving me nuts when I look at this. Why there wasn't a future stub street coming off of either Waltman or Gander to access this and I think, you know, had this been a big loop going into one of those, I don't think we would be having the -- he wouldn't be trying to -- I love Commissioner Seal's analogies tonight -- trying to squeeze ten pounds of apples into a -- into a five pound box. We wouldn't have that problem I don't think, but no on the central trash. As much as I do -- what Commissioner Holland said, as much as I like that idea of the -- of the front of the duplexes facing Linder, but just with -- with just a small number there it doesn't -- it doesn't fit. I understand the applicant wants to maybe try and have a lower price point in there, but it doesn't fit -- even if we did duplexes on both sides, which might make the street -- the layout work a little bit better. It doesn't -- you are putting a product that doesn't fit the surrounding -- surrounding neighborhood I don't think. So, I -- I hate to tell them to go back to the drawing board, since they have already spent so much time on, but it -- I -- and I get it, I mean it gets difficult, this -- what they are trying to -- trying to in-fill this. It's just -- man, it's a hard piece, especially when you can't take access off of Linder or anything, it's difficult. I sympathize with him on that. I just -- it just doesn't seem to fit the

existing neighborhood right now. I don't have a -- I don't have a magic wand that I could make it happen, but it just doesn't fit for me. So, those are my comments. Not -- not that I'm necessarily opposed to it, it just doesn't fit.

Fitzgerald: Commissioner McCarvel.

McCarvel: Yeah. I would -- you know, we have had comments that he's spent a lot of time on it, but I just -- since we made our comments at the last hearing for this, you know, what was brought back was not a lot of time spent. I don't think it's a reasonable layout to even be considered. So, I think, you know, it -- it is, it's just -- it's trying to fit too much in there or just the wrong product mix, because I think it could be real simple just bringing that road in just a little farther and lining things up around a nice big cul-de-sac, instead of trying to put all these little inlets trying to squeeze all that in. Yeah. And here we are again on another application where we have spent a ton of time a second time. Yeah. I don't know that we do another continuance or just recommend denial on this at this point, since this has always been offered.

Fitzgerald: My thoughts on -- just giving my two cents. I -- we are doing our best to get things squared away and help the applicant get down the road and the staff is doing an amazing job of working with them trying to do that, too. If after the first one we can't get it down the road, then, we got to move it forward in a direction that recommends what we think and so I don't want us as -- we are relatively lay people, it's not our job to redesign projects. We can give them our thoughts and give them the aspects that we can provide, but we got to trust our staff and -- and try to figure out how best to do it. But I -- I'm -- I mean I understand that there was an attempt to do a duplex and, then, modulate into a single family residential -- the buffer in between, but I agree with Commissioner McCarvel's comments exactly, you know, bringing a cul-de-sac in and -- finishing it off with a cul-de-sac and making those all lots that were similar even easier, although you do have a -- backing up to Linder Road, which is kind of a white elephant. So, I think per your comments I agree, I think we have got to help -- like we can give a continuance once, that's great. I think last round -- we did give them two rounds, which was -- didn't seem to help either, so -- then we got to do the application that's in front of us and see where we can go from -- go from there. I don't know if we are making progress in some of these where we are continuing with our thoughts and they -- they are coming back without a great deal of additional thought.

Grove: Mr. Chair?

Fitzgerald: Commissioner Grove.

Grove: I will throw my two cents in really quick. I don't have as much issue with the Linder facing fronts. I -- I understand what the other Commissioners have said. I don't have as much problem with that. I was really looking forward to this application coming back, because I thought that we would get a higher -- or a lot -- different creativity with the layout on the east side of this project and I was excited to see what they came up with and the -- the long driveway piece and weird shapes weren't what I thought they were



going to come back with and I'm just really struggling with both of the preliminary plats that they have shown for the reasons that we mentioned last time and all the things that we have said today. So, I don't know what -- where to go with this, but I still have some concerns.

Fitzgerald: Additional comments? Commissioner Seal, did you have thoughts there?

Seal: No, nothing further. Thank you.

Fitzgerald: Okay. Well, folks -- Commissioner Holland, go right ahead, ma'am.

Holland: I was just going to say I think everybody's kind of on the same page. I -- I would agree that at this point I don't know that continuing is going to help us that much to get where we want to be, so I would lean -- lean towards recommending denial on this project and if Council decides they want to, you know, reconfigure some things and see if they can make it work -- I know we have made a lot of recommendations to the applicant if they wanted to try and revise something before the Council hearing if they still want to try and move forward with a denial recommendation, but the way that it sits right now I just don't feel like it's a good fit for the -- what the city's Comprehensive Plan has, what the -- with the trash enclosures, with the tightness of turnarounds, all those things, there is a lot of challenges with it to me, so -- so, with that I want to be sure I have the right file number here. Hang on. This is Landing South; right?

Fitzgerald: Yes.

Holland: So, after considering all staff, applicant and public testimony, I move to recommend denial to the City Council for file number H-2020-0005 as presented during the hearing on June -- it's not June 4th, but it is July 16th, 2020, for the following reasons: That it doesn't seem to fit the -- the Comprehensive Plan. There are some challenges with turnarounds and access drives and the revised preliminary plat didn't solve some of the issues that we had discussed as a Commission previously.

Cassinelli: I will second that.

Fitzgerald: Have a motion and a second to recommend denial of file number H-2020-0005, Landing South. Any additional comments before we take a vote? Hearing none, all those in favor say aye. Any opposed? Motion passes.

**MOTION CARRIED: SIX AYES. ONE ABSENT.**

Fitzgerald: Moving on to the next application on the docket --

Parsons: Mr. Chair? Mr. Chair? This is staff.

Fitzgerald: Yes, sir.

Parsons: Before we move on to the next item, could I suggest a five minute break and let staff get re-adjusted so we can start presenting our applications to you?

Fitzgerald: Absolutely. So, let's take a five minute break and go from there.

Parsons: All right. Thank you.

Fitzgerald: Thank you.

(Recess: 8:40 p.m. to 8:45 p.m.)

**6. Public Hearing for 2020 Comprehensive Plan Policy Prioritization (H-2020-0073) by City of Meridian Planning Division**

- A. Request: To amend the text of the City of Meridian Comprehensive Plan by adding priority levels and assigning responsible department leads to the existing policies of the Plan. This amendment makes no revisions to the text of the Plan, except to add priorities and responsible leads for the policies adopted in December of 2019.

Fitzgerald: So, moving on on the docket, like to open the public hearing for the 2020 Comprehensive Plan Policy Prioritization, H-2020-0073, and we will turn it over to Brian McClure for the staff report. Brian, go ahead, sir.

McClure: Good evening, Commissioners. I'm here tonight to discuss the Comprehensive Plan text amendment with you. Really briefly, though, the current Comprehensive Plan was adopted in December of last year. It's still very shiny. There are 492 policies, 380 which are action items. The plan is really two documents, the regular text policies and, then, the map, of course, which is the Comprehensive Plan and that focuses on the report and, then, the existing conditions report, which is an addendum to the Comprehensive Plan. The report is needed to address some of the state requirements and it's focused on where we have been and where we are today. It's usually updated every few years. Why do we plan and what are the state requirements? In summary, we plan because we are supposed to for the community good and to incorporate the community's vision. The 17 required components of the state enabling legislation, which is on the right, is part of the Local Land Use Planning Act, and which just also note in there that Planning and Zoning is specifically called out in that act. And this is why we are here tonight. This amendment does not change the map and it doesn't revise any of the text in the adopted plan. The purpose of this update is to add priorities and responsibilities to the adopted policies. This is needed for transparency, so the public can understand our priorities and to be efficient. We also said we do it, which is incorporated into the text of the plan. The text on the right here is straight out of Chapter One under the next steps and I have highlighted the relevant sections in red. We can't go through all the policies due to the number of them, but you have the complete information in your packets. On a high level



## AGENDA ITEM

**ITEM TOPIC:** Request to Withdraw Application for Villas at Twelve Oaks East (H-2020-0014) by Jim Jewett, Located at 115 S. Linder Rd.



# PUBLIC HEARING INFORMATION

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**Staff Contact:** Sonya Allen

**Meeting Date:** August 4, 2020

**Topic:** Request to Withdraw Application for Villas at Twelve Oaks East (H-2020-0014) by Jim Jewett, Located at 115 S. Linder Rd.

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**Information Resources:**


[Click Here for Application Materials](#)

Item #8.

ATTN: City of Meridian, City Clerk

Withdraw Request: Villas at Twelve Oaks East - MDA, AZ H-2020-0014 FFCL

JLJ Inc requests to withdraw the zoning and annexation application regarding the Villas at Twelve Oaks East - MDA, AZ H-2020-0014 for the purpose of resubmitting a different application at a later date.

**X**  
  
\_\_\_\_\_  
Jim Jewett



## AGENDA ITEM

**ITEM TOPIC:** Ordinance No. 20-1890: An Ordinance (H-2020-0039 – Ascent Townhomes) for Annexation of a Portion of the Southeast  $\frac{1}{4}$  of the Southwest  $\frac{1}{4}$  of Section 10, Township 3 North, Range 1 West, Boise Meridian, Ada County, Idaho, as Described in Attachment “A” and Annexing Certain Lands and Territory, Situated in Ada County, Idaho, and Adjacent and Contiguous to the Corporate Limits of the City of Meridian as Requested by the City of Meridian; Establishing and Determining the Land Use Zoning Classification of 5.25 Acres of Land From RUT to R-15 (Medium-High Density Residential) Zoning District in the Meridian City Code; Providing that Copies of this Ordinance Shall be Filed with the Ada County Assessor, the Ada County Recorder, and the Idaho State Tax Commission, as Required by Law; and Providing for a Summary of the Ordinance; and Providing for a Waiver of the Reading Rules; and Providing an Effective Date

**CITY OF MERIDIAN ORDINANCE NO. 20-1890**

**BY THE CITY COUNCIL:**

**BERNT, BORTON, CAVENER,  
HOAGLUN, PERREAULT, STRADER**

**AN ORDINANCE (H-2020-0039 – ASCENT TOWNHOMES) FOR ANNEXATION OF A PORTION OF THE SOUTHEAST ¼ OF THE SOUTHWEST ¼ OF SECTION 10, TOWNSHIP 3 NORTH, RANGE 1 WEST, BOISE MERIDIAN, ADA COUNTY, IDAHO, AS DESCRIBED IN ATTACHMENT “A” AND ANNEXING CERTAIN LANDS AND TERRITORY, SITUATED IN ADA COUNTY, IDAHO, AND ADJACENT AND CONTIGUOUS TO THE CORPORATE LIMITS OF THE CITY OF MERIDIAN AS REQUESTED BY THE CITY OF MERIDIAN; ESTABLISHING AND DETERMINING THE LAND USE ZONING CLASSIFICATION OF 5.25 ACRES OF LAND FROM RUT TO R-15 (MEDIUM-HIGH DENSITY RESIDENTIAL) ZONING DISTRICT IN THE MERIDIAN CITY CODE; PROVIDING THAT COPIES OF THIS ORDINANCE SHALL BE FILED WITH THE ADA COUNTY ASSESSOR, THE ADA COUNTY RECORDER, AND THE IDAHO STATE TAX COMMISSION, AS REQUIRED BY LAW; AND PROVIDING FOR A SUMMARY OF THE ORDINANCE; AND PROVIDING FOR A WAIVER OF THE READING RULES; AND PROVIDING AN EFFECTIVE DATE.**

**BE IT ORDAINED BY THE MAYOR AND THE CITY COUNCIL OF THE CITY OF MERIDIAN, COUNTY OF ADA, STATE OF IDAHO:**

**SECTION 1.** That the following described land as evidenced by attached Legal Description herein incorporated by reference as Exhibit “A” are within the corporate limits of the City of Meridian, Idaho, and that the City of Meridian has received a written request for annexation and re-zoning by the owner of said property, to-wit: *Christiansen Family Limited Partnership*.

**SECTION 2.** That the above-described real property is hereby annexed and re-zoned from RUT to R-15 (Medium High Density Residential) Zoning District in the Meridian City Code.

**SECTION 3.** That the City has authority pursuant to the laws of the State of Idaho, and the Ordinances of the City of Meridian to annex and zone said property.

**SECTION 4.** That the City has complied with all the noticing requirements pursuant to the laws of the State of Idaho, and the Ordinances of the City of Meridian to annex and re-zone said property.

**SECTION 5.** That the City Engineer is hereby directed to alter all use and area maps as well as the official zoning maps, and all official maps depicting the boundaries and the zoning districts of the City of Meridian in accordance with this ordinance.

**SECTION 6.** All ordinances, resolutions, orders or parts thereof in conflict herewith are hereby repealed, rescinded and annulled.

**SECTION 7.** This ordinance shall be in full force and effect from and after its passage, approval and publication, according to law.

**SECTION 8.** The Clerk of the City of Meridian shall, within ten (10) days following the effective date of this ordinance, duly file a certified copy of this ordinance and a map prepared in a draftsman manner, including the lands herein rezoned, with the following officials of the County of Ada, State of Idaho, to-wit: the Recorder, Auditor, Treasurer and Assessor and shall also file simultaneously a certified copy of this ordinance and map with the State Tax Commission of the State of Idaho.

**SECTION 9.** That pursuant to the affirmative vote of one-half (1/2) plus one (1) of the Members of the full Council, the rule requiring two (2) separate readings by title and one (1) reading in full be, and the same is hereby, dispensed with, and accordingly, this Ordinance shall be in full force and effect upon its passage, approval and publication.

**PASSED BY THE CITY COUNCIL OF THE CITY OF MERIDIAN, IDAHO, this**  
\_\_\_\_\_ day of \_\_\_\_\_, 2020.

**APPROVED BY THE MAYOR OF THE CITY OF MERIDIAN, IDAHO, this**  
\_\_\_\_\_ day of \_\_\_\_\_, 2020.

\_\_\_\_\_  
**MAYOR ROBERT E. SIMISON**

**ATTEST:**

\_\_\_\_\_  
**CHRIS JOHNSON, CITY CLERK**

STATE OF IDAHO,        )  
                                  ) ss:  
County of Ada         )

On this \_\_\_\_ day of \_\_\_\_\_, 2020, before me, the undersigned, a Notary Public in and for said State, personally appeared **ROBERT E. SIMISON** and **CHRIS JOHNSON** known to me to be the Mayor and City Clerk, respectively, of the City of Meridian, Idaho, and who executed the within instrument, and acknowledged to me that the City of Meridian executed the same.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my official seal the day and year first above written.



Item #9.

(SEAL)

NOTARY PUBLIC FOR IDAHO  
RESIDING AT: \_\_\_\_\_  
MY COMMISSION EXPIRES: \_\_\_\_\_

**CERTIFICATION OF SUMMARY:**

William L.M. Nary, City Attorney of the City of Meridian, Idaho, hereby certifies that the summary below is true and complete and upon its publication will provide adequate notice to the public.

\_\_\_\_\_  
William L. M. Nary, City Attorney

**SUMMARY OF CITY OF MERIDIAN ORDINANCE NO. 20-1890**

An ordinance (H-2020-0039 Ascent Townhomes) for annexation of a portion of the Southeast ¼ of the Southwest ¼ of Section 10, Township 3 North, Range 1 West, Boise Meridian, Ada County, Idaho as defined in the map published herewith; establishing and determining the land use zoning classification from RUT to R-15 (Medium-High Density Residential) zoning district; providing that copies of this ordinance shall be filed with the Ada County Assessor, the Ada County Recorder, and the Idaho State Tax Commission, as required by law; and providing an effective date. A full text of this ordinance is available for inspection at City Hall, City of Meridian, 33 East Broadway Avenue, Meridian, Idaho. This ordinance shall be effective as of the date of publication of this summary.

[Publication to include map as set forth in Exhibit B.]

# EXHIBIT A

**EXHIBIT** \_\_\_  
Description For  
**R-15 ZONE AND ANNEXATION  
ASCENT SUBDIVISION**

A portion of the Southeast 1/4 of the Southwest 1/4 of Section 10, Township 3 North, Range 1 West, Boise Meridian, Ada County, Idaho being more particularly described as follows:

Commencing at the S1/4 corner of said Section 10 from which the SW corner of said Section 10 bears North 89°15'34" West, 2640.54 feet;

thence along the South boundary line of said Section 10 North 89°15'34" West, 376.47 feet to the **REAL POINT OF BEGINNING**;

thence continuing along said South boundary line North 89°15'34" West, 366.65 feet;

thence leaving said South boundary line North 00°34'26" East, 843.25 feet to a point on the approximate centerline of Purdam Stub Drain;

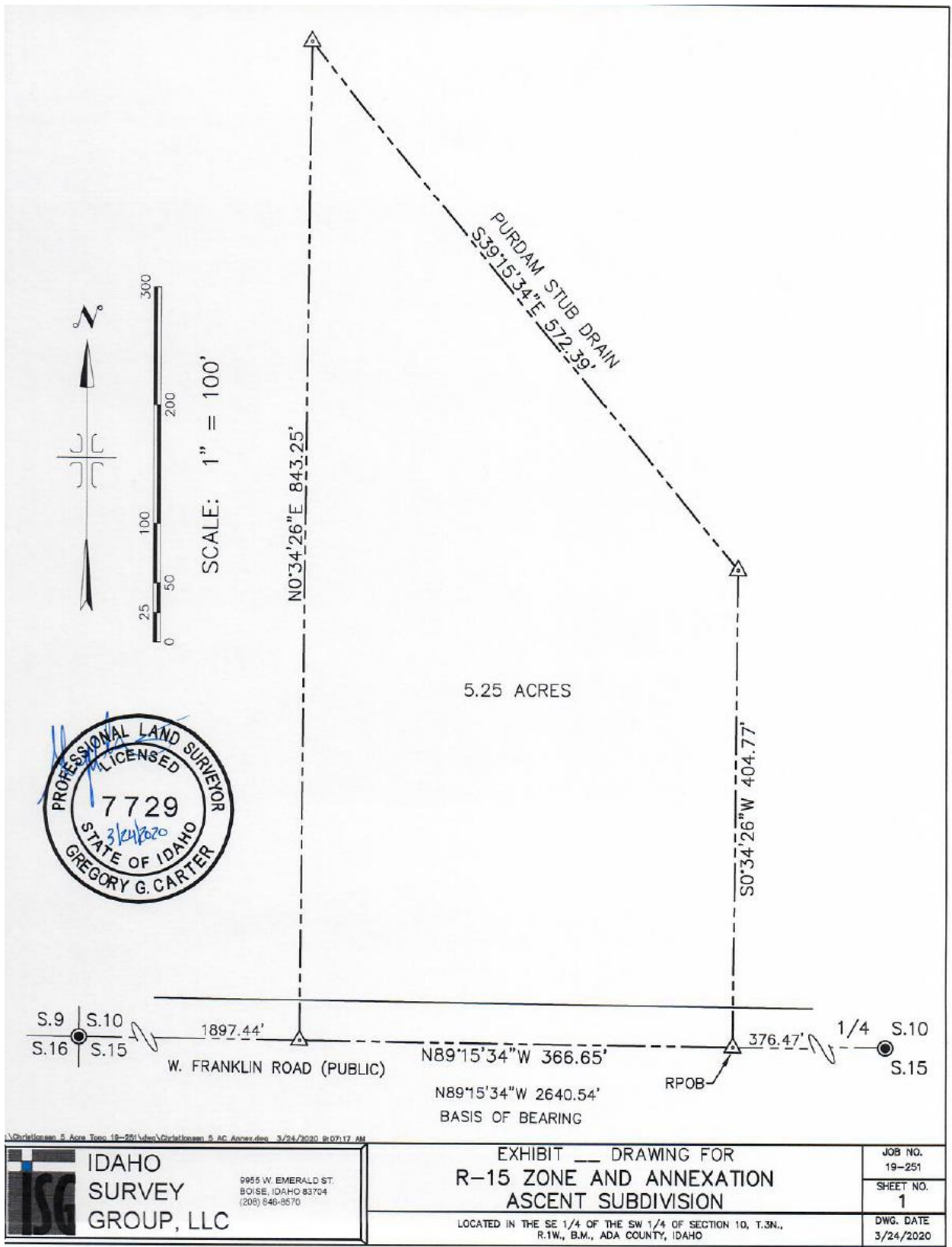
thence along said centerline South 39°15'34" East, 572.39 feet;

thence leaving said centerline South 00°34'26" West, 404.77 feet to the **REAL POINT OF BEGINNING**. Containing 5.25 acres, more or less.



Item #9.

# EXHIBIT B





## AGENDA ITEM

**ITEM TOPIC:** Ordinance No. 20-1891: An Ordinance (H-2019-0133 – Lupine Cove) for Annexation of a Parcel of Land Being a Portion of the Southwest Quarter of the Northwest Quarter of Section 33, Township 4 North, Range 1 West, Boise Meridian, Ada County, Idaho, as Described in Attachment “A” and Annexing Certain Lands and Territory, Situated in Ada County, Idaho, and Adjacent and Contiguous to the Corporate Limits of the City of Meridian as Requested by the City of Meridian; Establishing and Determining the Land Use Zoning Classification of 10.41 Acres of Land From RUT to R-8 (Medium Density Residential) Zoning District in the Meridian City Code; Providing that Copies of this Ordinance Shall be Filed with the Ada County Assessor, the Ada County Recorder, and the Idaho State Tax Commission, as Required by Law; and Providing for a Summary of the Ordinance; and Providing for a Waiver of the Reading Rules; and Providing an Effective Date

**CITY OF MERIDIAN ORDINANCE NO. 20-1891**

**BY THE CITY COUNCIL:**

**BERNT, BORTON, CAVENER,  
HOAGLUN, PERREAULT, STRADER**

**AN ORDINANCE (H-2019-0133 – LUPINE COVE) FOR ANNEXATION OF A PARCEL OF LAND BEING A PORTION OF THE SOUTHWEST QUARTER OF THE NORTHWEST QUARTER OF SECTION 33, TOWNSHIP 4 NORTH, RANGE 1 WEST, BOISE MERIDIAN, ADA COUNTY, IDAHO, AS DESCRIBED IN ATTACHMENT “A” AND ANNEXING CERTAIN LANDS AND TERRITORY, SITUATED IN ADA COUNTY, IDAHO, AND ADJACENT AND CONTIGUOUS TO THE CORPORATE LIMITS OF THE CITY OF MERIDIAN AS REQUESTED BY THE CITY OF MERIDIAN; ESTABLISHING AND DETERMINING THE LAND USE ZONING CLASSIFICATION OF 10.41 ACRES OF LAND FROM RUT TO R-8 (MEDIUM DENSITY RESIDENTIAL) ZONING DISTRICT IN THE MERIDIAN CITY CODE; PROVIDING THAT COPIES OF THIS ORDINANCE SHALL BE FILED WITH THE ADA COUNTY ASSESSOR, THE ADA COUNTY RECORDER, AND THE IDAHO STATE TAX COMMISSION, AS REQUIRED BY LAW; AND PROVIDING FOR A SUMMARY OF THE ORDINANCE; AND PROVIDING FOR A WAIVER OF THE READING RULES; AND PROVIDING AN EFFECTIVE DATE.**

**BE IT ORDAINED BY THE MAYOR AND THE CITY COUNCIL OF THE CITY OF MERIDIAN, COUNTY OF ADA, STATE OF IDAHO:**

**SECTION 1.** That the following described land as evidenced by attached Legal Description herein incorporated by reference as Exhibit “A” are within the corporate limits of the City of Meridian, Idaho, and that the City of Meridian has received a written request for annexation and re-zoning by the owner of said property, to-wit: *Justin Fishburn*.

**SECTION 2.** That the above-described real property is hereby annexed and re-zoned from RUT to R-8 (Medium Density Residential) Zoning District in the Meridian City Code.

**SECTION 3.** That the City has authority pursuant to the laws of the State of Idaho, and the Ordinances of the City of Meridian to annex and zone said property.

**SECTION 4.** That the City has complied with all the noticing requirements pursuant to the laws of the State of Idaho, and the Ordinances of the City of Meridian to annex and re-zone said property.

**SECTION 5.** That the City Engineer is hereby directed to alter all use and area maps as well as the official zoning maps, and all official maps depicting the boundaries and the zoning districts of the City of Meridian in accordance with this ordinance.

**SECTION 6.** All ordinances, resolutions, orders or parts thereof in conflict herewith are hereby repealed, rescinded and annulled.

**SECTION 7.** This ordinance shall be in full force and effect from and after its passage, approval and publication, according to law.

**SECTION 8.** The Clerk of the City of Meridian shall, within ten (10) days following the effective date of this ordinance, duly file a certified copy of this ordinance and a map prepared in a draftsman manner, including the lands herein rezoned, with the following officials of the County of Ada, State of Idaho, to-wit: the Recorder, Auditor, Treasurer and Assessor and shall also file simultaneously a certified copy of this ordinance and map with the State Tax Commission of the State of Idaho.

**SECTION 9.** That pursuant to the affirmative vote of one-half (1/2) plus one (1) of the Members of the full Council, the rule requiring two (2) separate readings by title and one (1) reading in full be, and the same is hereby, dispensed with, and accordingly, this Ordinance shall be in full force and effect upon its passage, approval and publication.

**PASSED BY THE CITY COUNCIL OF THE CITY OF MERIDIAN, IDAHO, this**  
\_\_\_\_\_ **day of** \_\_\_\_\_, **2020.**

**APPROVED BY THE MAYOR OF THE CITY OF MERIDIAN, IDAHO, this**  
\_\_\_\_\_ **day of** \_\_\_\_\_, **2020.**

\_\_\_\_\_  
**MAYOR ROBERT E. SIMISON**

**ATTEST:**

\_\_\_\_\_  
**CHRIS JOHNSON, CITY CLERK**

STATE OF IDAHO,        )  
                                  ) ss:  
County of Ada         )

On this \_\_\_\_ day of \_\_\_\_\_, 2019, before me, the undersigned, a Notary Public in and for said State, personally appeared **ROBERT E. SIMISON** and **CHRIS JOHNSON** known to me to be the Mayor and City Clerk, respectively, of the City of Meridian, Idaho, and who executed the within instrument, and acknowledged to me that the City of Meridian executed the same.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my official seal the day and year first above written.

(SEAL)

NOTARY PUBLIC FOR IDAHO  
RESIDING AT: \_\_\_\_\_  
MY COMMISSION EXPIRES: \_\_\_\_\_

**CERTIFICATION OF SUMMARY:**

William L.M. Nary, City Attorney of the City of Meridian, Idaho, hereby certifies that the summary below is true and complete and upon its publication will provide adequate notice to the public.

\_\_\_\_\_  
William L. M. Nary, City Attorney

**SUMMARY OF CITY OF MERIDIAN ORDINANCE NO. 20-1891**

An ordinance (H-2019-0133 - Lupine Cove) for annexation of a parcel of land being a portion of the Southwest Quarter of the Northwest Quarter of Section 33, Township 4 North, Range 1 West, Boise Meridian, Ada County, Idaho as defined in the map published herewith; establishing and determining the land use zoning classification from RUT to R-8 (Medium Density Residential) zoning district; providing that copies of this ordinance shall be filed with the Ada County Assessor, the Ada County Recorder, and the Idaho State Tax Commission, as required by law; and providing an effective date. A full text of this ordinance is available for inspection at City Hall, City of Meridian, 33 East Broadway Avenue, Meridian, Idaho. This ordinance shall be effective as of the date of publication of this summary.

[Publication to include map as set forth in Exhibit B.]

# EXHIBIT A

## Accurate Surveying & Mapping



A Professional Corporation  
1602 W. Hays St., Suite 306  
Boise, ID 83702  
www accuratesurveyors.com

### Land Description - Annexation

A parcel of land being a portion of the Southwest Quarter of the Northwest Quarter of Section 33, Township 4 North, Range 1 West of the Boise Meridian, Ada County, Idaho being more particularly described as follows:

**BEGINNING** at the found 2-inch aluminum cap monument in asphalt labeled PLS 7729 at the ¼ corner common to Sections 32 and 33 in said township from which the found 3-½ inch brass cap monument in asphalt with illegible labeling at the section corner common to Sections 28, 29, 32 and 33 in said township bears N 00° 32' 36" E a distance of 2633.71 feet;

Thence N 00° 32' 36" E along the section line and along the centerline of N. McDermott Road for a distance of 334.34 feet to a found 5/8<sup>th</sup> inch iron pin upon which a 2-inch aluminum cap labeled PLS 11463 was placed;

Thence N 85° 03' 27" E along the centerline of the McFadden Drain (aka Teeter Drain) for a distance of 751.67 feet to a found 5/8<sup>th</sup> inch iron pin with a plastic cap labeled PLS 13256;

Thence S 19° 45' 03" E along said centerline and its extension for a distance of 435.77 feet to a found 5/8<sup>th</sup> inch iron pin upon which a 2-inch aluminum cap labeled PLS 11463 was placed;

Thence N 89° 17' 46" W along the center section line for a distance of 899.36 feet to the **POINT OF BEGINNING.**

Parcel contains 7.086 acres, more or less.





# EXHIBIT B

