



## CITY COUNCIL WORK SESSION

City Council Chambers, 33 East Broadway Avenue Meridian, Idaho  
Tuesday, August 04, 2020 at 4:30 PM

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### Agenda

#### VIRTUAL MEETING INFORMATION

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

<https://us02web.zoom.us/j/84933344613>

To call in: 1-669-900-6833

Webinar ID: 849 3334 4613

#### ROLL CALL ATTENDANCE

Jessica Perreault       Joe Borton       Brad Hoaglund  
 Treg Bernt       Liz Strader       Luke Cavener  
 Mayor Robert E. Simison

#### ADOPTION OF AGENDA

#### CONSENT AGENDA [Action Item]

1. Approve Minutes of July 21, 2020 City Council Work Session
2. Approve Minutes of July 21, 2020 City Council Regular Meeting
3. Creason Creek Subdivision No. 2 Sanitary Sewer Easement No. 1
4. Final Order for Sky Mesa No. 4 (H-2020-0063) by Sky Mesa East, LLC, Located at the Northwest Corner and the Southwest Corner of S. Eagle Rd. and E. Taconic Dr.
5. Final Order for Whitecliffe Estates No. 2 (H-2020-0070) by 943 W. McMillan Road, LLC, Located at 943 W. McMillan Rd.
6. Findings of Fact, Conclusions of Law for Brody Square (H-2020-0032) by Pinnacle Land Development, LLC, Located on the Northeast and Southeast Corners of N. Black Cat Rd. and W. Daphne St.
7. Findings of Fact, Conclusions of Law for Chukar Ridge (H-2020-0025) by Investment Analytics Group, Located at 4005 N. McDermott Rd.

- [8.](#) Findings of Fact, Conclusions of Law for Lupine Cove (H-2019-0133) by Penelope Constantikes, Riley Planning Services, Located at 4000 N. McDermott Rd.
- [9.](#) Development Agreement between the City of Meridian and Donald Cantrell (Owner) and HHS Construction, LLC (Developer) for Sky Mesa Highlands (H-2019-0123)
- [10.](#) Agreement for Use of Sheriff's Community Service Participants Between the Ada County, the Ada County Sheriff's Office, and the City of Meridian
- [11.](#) First Addendum for an Additional Term of Years to Interagency Governmental Agreement Between Ada County Highway District and the City of Meridian for Waiver of Costs and Fees
- [12.](#) AP Invoices for Payment - 08-05-20 - \$110,491.65

**ITEMS MOVED FROM THE CONSENT AGENDA** [Action Item]

**COMMUNITY PRESENTATIONS** [Action Item]

- [13.](#) Western Ada Recreation District Discussion

**EXECUTIVE SESSION**

14. Per Idaho Code 74-206A(1)(a) To deliberate on a labor contract offer or to formulate a counteroffer, and 74-206(1)(f): To communicate with legal counsel for the public agency to discuss the legal ramifications of and legal options for pending litigation, or controversies not yet being litigated but imminently likely to be litigated.

**ADJOURNMENT**

**Meridian City Council Work Session**

**July 21, 2020.**

A Meeting of the Meridian City Council was called to order at 4:30 p.m., Tuesday, July 21, 2020, by Mayor Robert Simison.

Members Present: Robert Simison, Luke Cavener, Treg Bernt, Jessica Perreault, Brad Hoaglun and Liz Strader.

Members Absent: Joe Borton.

Also present: Chris Johnson, Bill Nary, Cameron Arial, Mark Ford, Joe Bongiorno and Dean Willis.

**Item 1: Roll-call Attendance:**

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|---|--|
| <input checked="" type="checkbox"/> Liz Strader             | <input type="checkbox"/> Joe Borton                            |
| <input checked="" type="checkbox"/> Brad Hoaglun            | <input checked="" type="checkbox"/> Treg Bernt                 |
| <input checked="" type="checkbox"/> Jessica Perreault       | <input checked="" type="checkbox"/> Luke Cavener (joined 5:00) |
| <input checked="" type="checkbox"/> Mayor Robert E. Simison |  |

**A. Meridian Development Corporation Board of Commissioners**

- Dave Winder – Chairman
- Dan Basalone - Member
- Nathan Mueller – Vice-Chairman
- Tammy de Weerd – Member
- Steve Vlassek– Secretary/Treasurer
- Rob McCarvel – Member
- Diane Bevan – Member
- Treg Bernt – Member
- Kit Fitzgerald - Member
- Todd Lakey – Counsel (joined 4:40 p.m.)
- Ashley Squyres – Administrator

Simison: I will call this meeting to order. For the record it is July 21st, 2020, at 4:30 p.m. We will begin this joint meeting with roll call attendance.

Johnson: Mr. Mayor, would Ashley like to call her meeting to order prior?

Winder: Mr. Mayor, if I may do that.

Simison: Mr. Winter, go ahead.

Winder: Yeah. So, on behalf of the Meridian Development Corporation I would like to call to order this joint meeting between the City of Meridian and -- the City Council and

the Meridian Development Corporation and also ask the clerk to call roll on our behalf as well.

**Item 2: Adoption of Agenda**

Simison: Okay. Item No 2 is adoption the agenda.

Bernt: Mr. Mayor?

Simison: Councilman Bernt.

Bernt: I move that we adopt the agenda as presented.

Hoaglund: Second the motion.

Simison: I have a motion and a second to adopt the agenda as published for the Meridian City Council. Is there any discussion on the motion? If not, all those in favor signify by saying aye. Opposed nay. The ayes. The agenda is adopted.

MOTION CARRIED: FOUR AYES. TWO ABSENT.

**Item 3: Joint Meeting Between City of Meridian City Council and Meridian Development Corporation**

**A. Civic Block Project Update**

Simison: Item No. 3 is a joint meeting between Meridian City Council and Meridian Development Corporation. Item 3-A is the Civic Block Project Update. I will turn this over to Cameron to start it off.

Arial: Everybody hear me okay? Awesome. Thank you, Mr. Mayor, Members of the Joint Council and Board. It's a pleasure to be with you. I want to make sure Dean can hear me okay as well. Cool. It's a -- it's a pleasure to be with you all. It's a -- it's exciting times in downtown as many of you know and as a -- kind of an executive committee we will kind of talk through a number of things, but we felt like it was appropriate and timely to come before you and give you this update. The purpose of this update really is to give you some context. Many of you are -- some may be new to our efforts -- joint efforts. Some of you, obviously, not, but felt like that additional context would be appropriate. It would also be somewhat of a -- you know, an opportunity to seek feedback from you all and, then, it's also an accountability measure from us, just given where we are in the process and where, you know, we would -- we would like to be heading to make sure that we are doing all that we can to move our efforts forward. So, with that I'm going to kind of dive in just to some context for you all. What this -- this meeting is not is we are not seeking any action at this time, but we truly are wanting to seek the Council, as well as the Board's, input into our process and make sure that we are incorporating it where -- where appropriate. So, the -- kind of the timely thing is just giving you some -- some background.

The city and MDC, you know, have been working on joint efforts in the downtown for -- for a number of years. We -- we have been working in regards to the city's strategic plan and comprehensive plans and even the newly minted Comprehensive Plan and also as the city's formulating its new strategic plan the downtown continues to be a focus. This also is evidenced as well by the MDC Destination Downtown plan as a focus for our joint efforts and I must say we are jointly pleased with the progress. As you guys know -- we won't list the exhaustive list, but there is a lot of great things happening in our downtown that really are noteworthy and that we are very proud of -- proud of those efforts. But as you know back in August of 2019 the city issued in -- in concert with the MDC board a joint RFP to basically redevelop what we now call the Civic Block. So, it's the -- the Idaho-Broadway and area between 2nd and 3rd Streets. And so that process was kicked off and there is a timeline included in the middle there that if you are -- you know, if we want to talk through any of those logistics. But there is a, you know, significant effort since that time to move this particular part of town forward in the redevelopment efforts. Based on the responses of that RFP it was unanimously decided to select the Galena Opportunity Fund -- Galena as our partner in -- in this redevelopment effort and, you know, through various processes and -- and their response, the use of tax increment finance was suggested as a potential funding mechanism. So, with that in mind, you know, we -- we looked jointly at the downtown urban renewal area that sunsets in 2026. So, a short time horizon there, and it became clear that we needed to create a new district to extend the life of that to -- to make some of our redevelopment efforts a reality. Our partner Galena Fund, we have Bill Truax on the line. You will -- you will hear from him in a moment. But the Galena Fund did fund an effort to analyze that area and -- and as you are aware that -- that was completed recently at the end of July. So, we are -- we are very pleased that we are on track with that effort. It was -- it was a Herculean effort with a lot of people involved. So, glad to report the success of the -- the creation of the new Union District. Also, you know, the -- I mentioned the executive committee, which is, essentially, the members of the Community Development Department of the city, also Parks and Rec Department, city attorneys -- city attorney -- city attorney's office, MDC, and, then, the Galena Fund and, then, we will pull in others as needed -- has been meeting essentially weekly since the RFP was adopted and so those efforts continue to go forward in earnest. Two of our major tasks, of course, were to establish that new district, so we can check that box. And also is the ongoing design and effort to plan and move forward the implementation of the -- the Civic Block. A big part of that, obviously, is the city's portion of that, which is the -- the community center and I will give a brief commentary about that in a moment, as well as, you know, potential residential-commercial uses on that block, parking, and potential open space in that area is envisioned. So, with that I'm just going to dive into kind of the Community Development piece of this. This -- as you are aware there are many people involved in this. We continue to reach out to our partners at the library district, VRT, COMPASS. The Downtown Business Association. It's good to see that Lindsay is on with us and the Chamber of Commerce, who, obviously, have a vested interest, either directly or indirectly, in -- in the redevelopment of our downtown. So, we wanted to note that the -- our involvement, not only as a committee, but also with our stakeholders has been -- has been very involved. We have been particularly looking for parking solutions. Also for transit potential -- or integration and also, you know, very pleased -- I know many of you are aware, but pleased at the progress with the reopening

of Unbound, the new -- the library district's Unbound location on the Civic Block, which is moving forward in earnest. So, we are pleased with -- with those efforts. Community Development also, you know, Tori Cleary in particular has been working with the Parks and Rec Department, Finance, and others to develop a pro forma and business plan for the community center with Parks and Rec truly leading the charge there. So, a lot of efforts there from Steve and Garrett to -- to really form up a plan in that regard. Speaking on behalf of Parks -- I know that Steve is available for questions later, but a lot of effort has been done on their -- on their side of the house. A lot of site visits here locally. COVID kind of threw a wrench in their efforts to go south. They had some plans to go to Utah and visit some community centers there, but they have been able to do a lot of that research over the internet and through connection there, but really just trying to research and understand how best to form and function a community center. So, a lot of -- a lot of effort there. And as many of you are aware as well, we did do a presentation to the Parks and Rec Commission here at the beginning of July. It was good to get their feedback and, you know, they appreciated that update as well and we will continue to work with them on the -- on the parks and rec side of -- of the Civic Block project. So, with that I'm going to kick it over to Ashley for a portion of the MDC update. If we can get her unmuted.

Squyres: I realized that about five words in. Sorry about that. Honorable Mayor, Members of the Council and MDC Board Members, appreciate the opportunity for this joint meeting today. I'm going to keep our update fairly brief and as Cameron has mentioned with the approval of the Union District on June 9th we are official and thank you all for your hard work on this. We are very appreciative. So, with the creation of that district this allows our agency to be able to entertain agreements with a developer or a developer in the form of either a development agreement and/or an owner participation agreement. The purpose of those agreements will outline what site improvements would be reimbursed with MDC either through general fund dollars or through the TIF that the project actually generates itself. So, in order to enter into the agreement there are a number of items that need to be provided or completed by the applicant and that includes a -- an approved development plan. We need enough project details and approvals for the project. We actually need a formal request from the developer and how they believe they are in compliance with our specific plan for the district. They also need to give us an estimated cost. So, we have something to gauge by as we are looking at reimbursements to a developer and, then, the board would ultimately have to approve this and they do have the ability to say yea or nay if they don't believe it actually fits within the vision of what the district was created for. So, the timing -- we are starting conversations with the developer, start outlining the process, the information that's needed, but I don't believe we will probably have any sort of agreements in place for a few months. They need to get to that level of detail that I think we can move forward with, but that will -- we will see. We are inviting Cameron and his team to -- to at least understand where we are in our process and just making sure that the communication is flowing from both the city and MDC. So, we are committed to working with Galena. They have been great to work with us so far and I think this is going to be a good partnership moving forward. So, with that I'm going to bounce it back to Cameron and I'm happy to answer any questions if you have any.

Arial: Thank you, Ashley. Appreciate that. So, with that I'm just going to pull up a -- a visual for you all just to give -- I wanted to just kick it over to Bill to give kind of an update, you know, a rolling update on the Union 93 project and specifically to the Civic -- Civic Block. So, Bill, if you want to take it over.

Truax: Yes. Thank you all for having -- having us on. We have had the opportunity to work with city and the MDC over the last few months -- it feels like a few months, but it seems like it's almost a year now. So, we have really gotten to know and love that area down there. Right now, just to give everyone a little bit of a status update on the Union 93 site, which is the six acre parcel to the south of the Civic Block, which is the source of the TIF revenue to fund the Civic Block improvements, the quiet title action lawsuit concluded at the end of June, so we are through that -- that portion of the process. We are awaiting one -- one notice period to expire from the Bureau of Land Management and, then, we will be able to move to closing. We are expecting sometime between August 15 and September 15, depending on how quickly we can move through the Union Pacific title transfer process. We have title in place and ready to go. The judgment was just filed I think this morning, so all of that is shaping up well that we are through what I believe is the risk portion of the endeavor as far as the site acquisition is concerned. One of the other key milestones that we went through is that Union Pacific had a regulatory restriction on the use of residential anywhere on the site, so we had to go through an extensive site diligence process phase one, phase two. The phase two did not turn out anything significant to deal with. There was some cleanup remediation required, but it's not anything that's overwhelming. So, we are continuing forward now and closing sometime between August 15th and September 15th. The reason I wanted to take a step back is that that, again, forms the basis for -- for creation of the TIP to fund the Civic Block improvements that we are proposing. To move one block to the north on the Civic Block side, we intend to submit for a tax credit application to IHFA. In the August round we anticipate submitting that application and, then, getting notice of whether or not we received an allocation probably in November, December on the specific uses that we are outlining on that project and dependent on whether we are successful or not, you know, it will determine what -- what path we move on -- on the Civic Block side, as -- as the proposed alternatives for the best fit that we see out there. Both of those, to confirm, our taxable uses. Both of those are going to have some use of -- some mixed use elements in them and that -- that will be something that we have ongoing discussion with -- with MDC and MDC for over the next, you know, month, month and a half as we prepare for the -- the application submittal. Did anyone have any questions for me on it? There you go.

Arial: Excellent, Bill. Yeah. We will -- we will just transition right -- right to the Civic Block stuff, if you want to -- want to go into that.

Truax: Perfect. Yeah. So, what -- what we are thinking about is how to successfully monetize that TIF across the project and what are eligible uses is a very paramount concern to us and to MDC to where we will be walking through -- through how we believe the financing structure will be optimally created to allow for -- for multiple uses on the site. In this specific plan that you are seeing -- and it's a very schematic proposal, just so that

we can get -- get a level of comfort as to what we are doing and proposing and, then, we will follow with the architectural detail and to go into the tax credit application if -- if this is determined to be a good fit for the Civic Block. So, what we are proposing as a compliment on the -- the Union 93 -- Union 93 market rate housing to the south, we are proposing a 40 unit light tech project for seniors that will be at the north end of the site. I don't think you can see -- at the northwest corner -- northeast corner of the site. That building would be proposed to be on a podium park structure and, then, immediately to the south of that there will be a little courtyard between the two buildings, but there would be another 60 units and that would be workforce housing, trying to -- trying to create an effective economic stratification. Again we have got to the south a significant number of residential units that are coming in that have no income restrictions. So, we want to provide some optionality for -- for folks who work in -- you know, teachers, admin, police officer, what -- other jobs that are -- that are definitely needed downtown. Create a nice vibrant fabric and framework for -- for the future of the area and, then, the idea is to create -- there is a -- an irrigation lateral that runs north-south on the property. So, what we are proposing is to create a green strip between there that creates a nice pedestrian connectivity corridor through and over the site. There were some earlier iterations that were provided by GGLO. If this is determined to be a good fit we will have those brought up to speed to match this proposal and, then, we will move forward along that path. And, then, to the northwest corner of the site is where we would propose to put the community center and, again, it -- it -- all of this is intended to be a cohesive and connected neighborhood. So, the -- the placemaking in the site planning will -- will involve a lot of communication back and forth between the buildings to make sure that none of the buildings feels like it's separate and standing alone with -- with no interaction. But it will be nice to have some spaces that are private to the individual multi-family components to the project, but the idea is to maximize the site entity of the -- you know, almost a city block worth of ground and replace the existing Centennial Park with more of a north-south oriented park corridor, rather than just a standing parkway that exists now. You can see the -- the parking ratios that we have got in there as well, that -- you know, that is still going to be an ongoing discussion and negotiation with the other stakeholders in this, because there will be a shared approach to parking between that site and the site for this -- the Union 93 site to the south. The last thing that I -- that I wanted to cover on this is that we are also proposing to bring in Terry Reilly Health Services -- wanted -- in our earlier iteration of the Union 93 site they were wanting to have a clinic space in there. We thought it might be an optimal arrangement to have it up in the Civic Block side of where we could bring in -- bring in their -- their specific stratified health service. So, they -- they have up to 200 percent AMI services. They have income graduated health services provided to folks and, then, that -- the cost of those services is based on income and, then, you have got a sliding scale up to 200 percent of AMI. So, we thought it's a fantastic addition to the area. You know, you can still go to St. Luke's and St. Al's, but for -- for many of the folks that -- that exist in the area it's a fantastic option and certainly would be walkable for anyone in that -- that rapidly revitalizing downtown core.

Strader: Mr. Mayor?

Simison: Council Woman Strader.



Strader: Can we ask questions as we are going along?

Simison: Sure.

Truax: You have to from my perspective to what --

Strader: Okay. So, if I understand -- and, you know, I'm newer, so I'm still sort of following the progress, but it looks like some of the anticipated surrounding uses are changing. So, there was an auditorium and a school contemplated. Now you are considering a light tech project. Can you give us a feel for that use? Is it 60 percent of the AMI? What are you looking at there? And, then, I would be curious if -- for the project to work -- second question. You know, are you reliant on a light tech equity investor and financing to make that happen or where are the pieces that need to come together I guess on -- on the other side from the developer's perspective to make this project work?

Truax: The answer to a couple of multi-part questions. So, it is a light tech based application on the multi-family component there. So, if we submit to IHFA, there is a competitive process. If we are allocated credits we would bring on an equity partner. We work with equity partners regularly, so getting an investor and those credits is not a difficult concept. Right now the credit market is, like many issues in the market, sort of undefined. You get pricing that varies. To give you an example, downtown Boise we are somewhere like 91 or -- no. Ninety-two or 93 cents per credit dollar on the last funding round. In this funding round we would be assuming that there is probably about 84 cents is the market rate for those credits. So, you are not generating anywhere near the credit equity that you were, but there are still investors to buy those credits as the market stands right now. We would -- we would apply under that understanding -- if there was -- if there was a larger market shift that became -- that made the program structurally unstable, I think that you would have the federal stimulus coming in, like in 2008, '9 and '10, to help create the credit equity via -- via some program, like the American Recovery and Reinvestment Act or something similar to that, because you -- you generally have a lot of support bipartisan to make credit deals work. They are complicated, so right now equity investors are going to pick the easiest deals for them to understand or the deals that have the biggest sort of story byline and I think this one has a fantastic storyline where you have got the MDC and the city and the Parks Department all -- all participating in a public-private partnership to get the development done. So, from -- from the ability to place the equity standpoint I don't right now see a big risk. It's more of can we get the sources and uses to work and right now short answer is -- is our model is working as it stands and that's assuming current credit pricing. But we won't know -- the biggest -- the biggest challenge with the credit application is that we won't know about the results until November or maybe early December, because it's a process that we could conduct.

Strader: Mr. Mayor, follow up?

Simison: Council Woman Strader.

Strader: Yeah. No. Thank you. That's helpful. I just -- part of my day job I occasionally work on affordable housing deals, so I know there is a lot of complexity. Maybe help us understand -- I just -- I think you guys wanted just general feedback. I'm supportive of -- of trying to have some, you know, more affordable type of housing, especially for workforce housing for folks that are working in the city that need to be close to downtown, I -- I think that we don't have enough of that. It makes a lot of sense to me. I think what would be helpful is I feel like we are making some kind of a trade off from maybe the uses that were previously proposed. Could you touch on what percentage of the AMI this project reserves and just give us a flavor if that serves that purpose or mission of affordable housing.

Truax: So, it would be 90 percent affordable on the 40 unit project. So, 36 of those units would be affordable to folks 30 percent to 60 percent AMI. The other four would be unrestricted, mark every unit. On the project to the south that would be a 60 unit bond transaction and so those are going to be up to 80 percent AMI. The aggregate, though -- and when you take the entire deal back it's going to be an average of 60 percent AMI and it is -- it is different from the proposal in the past. The school concept created challenges that I think are -- are difficult to get around with circulation patterns and -- and that kind of thing. I still think that a school is -- is a great option. I just don't think that on this specific site that we could get the user that we needed to get it done. And to just provide a little bit of context as to the affordability, to this south we have got 330 units of residential or 345 units of residential and that's unrestricted to any income threshold. So, there is a very significant amount of residential addition in the space that -- that is not affordable. So, we are -- we are always sensitive to the amount that you are adding in there, because you don't want to have specific concentrations of it and I will add one -- one other thing, because you are specifically working in the affordable space. Right now they are in market on the equity side, two -- all but two big institutional players and buyers of credits exist in the market. So, they have all taken a step back. I think a few of them are coming back in, but that's Fannie and JP Morgan Chase. They are investing in one of the deals in downtown Boise. So, I -- you know, from -- again, from a risk perspective I can understand why -- why there is that question. We are hopeful that Fannie is not the only investor in the -- in the near future, but not sure right now.

Strader: Thank you.

Simison: Are there any other questions? If not we will continue the presentation.

Arial: Mr. Mayor, that actually -- Bill and his team that -- that concluded the -- the presentation portion, so we would certainly be open to -- to any questions. We have myself, Ashley, Bill and Steve on the line to answer any questions that you may have. And, again, just open to your feedback and thoughts and we will go from there.

Perreault: Mr. Mayor?

Simison: Council Woman Perreault.

Perreault: Good evening, everybody. Thank you for being here, Mr. Truax. I imagine there has been a lot of study done on what other cities have considered for their civic plazas or similar types of projects. What are you seeing in other locations in relationship to this?

Truax: I think it's a city specific issue. I mean a lot of it is -- people -- people want to add housing to the downtown core. That -- that is -- is pretty common. COVID -- you know, in Idaho I think we interpret COVID differently and density hasn't been something that we are overly concerned about from what we have seen. But from what we see out there people want livable, walkable, as close to transit options as they can. Again, you know, COVID notwithstanding, because we don't know what that's going to do to public transport, but there is a big focus on the livability aspect of -- of these redevelopment places and almost -- almost all cities that we have been working with do want to see some element of office or retail added in, but they are sensitive, from what we see right now, to the issues -- and I will give you, you know, just -- out in Puget Sound where we have a development where it was 8,500 square feet of retail in a mixed use building, it got cut down to 2,000. You know, we may add that back in by the time you place in service, but right now as big -- that's impacting a lot of people's perspective or flavor in their perspective is how to add those in a way that is perceived to be financially feasible by, you know, typical lending and equity markets. So, we have seen cities adapting to that and -- and allowing flexibility on that front, but I think at the end of the day we all kind of want the same thing, we want something where you can walk to your hyper local stuff, but also being sensitive to the reality that some things may not be able to be built if we tip them too far one way or another.

Fitzgerald: Mr. Mayor?

Simison: Oh, yes, Commissioner Fitzgerald.

Fitzgerald: I just want to just voice my absolute -- I was absolutely thrilled with this new setup, because I just believe this is what downtown Meridian has needed for so long for economic development and for people to be able to support the businesses around it. We just have always needed bodies down here and after all these years, you know, with MDC and so forth, it just makes me so happy. I know probably others are happy, too, to see the fact that we can have this many people frequenting our downtown.

Simison: Thank you. For the record I just want to note that Councilman Cavener joined us at 5:00 o'clock. Well, I will take a second and share my feedback. I have shared before with a few of you, but a couple of the concerns I have with at least this proposal is that it's still leaving the -- that space in the middle where we have the lateral in place, in my opinion if we are making an investment in this type of -- size of this project that that should be removed and put into the street. I think that's an important infrastructure improvement that should be done at this time, rather than later when we have construction in the area, just so we have the ability to maximize the full space along this block and not something we have to go back and do at another time. I have also expressed my concern -- and Mr. Truax just mentioned it regarding some commercial retail, especially along

Idaho. I think Idaho is, you know, our main commercial street and having that essentially stop under this direction at the corner of the community center where we have an opportunity to extend it and removal of that lateral at least makes that a possibility in the future. If it's not part of this project at least another proposal to have that be part of it. I know there has always been conversations about what 2nd Street should be and while a pedestrian walkway in this project looks nice, I think 2nd Street can be the pedestrian travel walk space through the city. It may not ever be an 8th Street concept, but I don't think it will be -- it should be precluded as being that walkway through our downtown space. Again, I have already shared that with most of the people involved in the project, but just so it's on the record for the rest of you to hear. Commissioners, any other questions, comments?

Strader: Mr. Mayor?

Simison: Council Woman Strader.

Strader: I guess I would be curious if it's, you know, possible -- the economics would work to use that lateral if the developer is open to leaving it open for some street level retail along Idaho, that seems like it could still be compatible with the -- with the residential project, maybe just a different story of the project. I guess that felt like a good suggestion. I would be curious if they have feedback on it.

Truax: You know, we -- I know we have explored the -- the concepts various times. We will go back -- now that we are looking very very hard -- you know, as soon as we defined and knew that we could move forward on the -- on the Union 93 site to the south, all of it becomes a very significant reality, because, you know, all of the Civic Block issues are dependent on the creation of the TIF off of that project. So, we will explore that more. I'm not sure that I was aware that that was an intended thought pattern. I know I had heard about the retail along Idaho, but -- but not the -- sort of like creation of an 8th Street style approach. So, I will confirm and confer with our team and figure out what -- what options we have to go that route. You know, our application for light tech doesn't preclude any of those things from my perspective, because you are -- our -- our tax credit deals are still going to sit on a podium structure above -- above ground, so that -- that concrete podium structure can have stuff in it where -- certainly aware of the magic of a concrete structure. So, we will go back and explore that. As far as the lateral -- I mean doing the work is not -- not securing some -- some ACHD -- it's not even right of way issues, it's just easement -- confirmation that it's more of the question of whether the expense is rational right now or not. I think you probably can achieve the grades across -- going north to south if you shifted over to the 3rd Street right of way. The number I heard was about 300,000 to relocate it. That seems like an awful lot to relocate a pipe, but I have been accused of minimizing construction costs before, so -- but we will -- we will certainly go back and look at that and that would -- if we did approach the lateral that way, again, that doesn't change whether or not we can do a live tech deal or not, it just shifts the building over. So, we will -- we will confer on that and, then, we will respond formally.

Evans: Mr. Mayor?

Simison: Mr. Evans.

Evans: Thank you. Bill, could you expand a little bit on the community center portion of that project and maybe the intended use of the square footage for public use meetings and things like that. I mean there is a need in Meridian for that -- that type of space and just kind of what you envision it as like a two story building instead of maybe just a larger footprint area for large events?

Truax: I would defer to Mr. Siddoway to respond to that.

Evans: Okay.

Siddoway: Good evening, Mr. Mayor. Yeah, I turned on the video. That's probably better for me to address. The -- so, the uses as currently intended have not changed and what I would draw your attention to and everyone's attention to is in the memorandum presented for this meeting the last few pages of Attachment E describe the vision and the -- the proposed building program for this structure. That is still currently our intended space layout plan. It's still subject to change as we get into design. As you know, there was a -- a concept design that was submitted with me -- the RFP that had everything on one floor for us and -- and much more of a street presence. It took up most of the site. Now, this would be a smaller footprint, but would go vertical and, you know, how that lays out I -- we don't know today. So, I expect that we are going to have more interesting conversations about the design side of this once we get through the uses side of this and are able to start moving forward again on the design, because the design aspect has been on hold while we have been going through the -- the formation of the urban renewal district, et cetera, concentrating on the uses for the site, but in terms of your specific question as to the -- the types of rooms and their sizes, I would just refer you to page ten and that -- that shows you what's currently on our plan.

Simison: Council, Commission, any additional questions at this time?

Cavener: Mr. Mayor?

Simison: Councilman Cavener.

Cavener: Thank you, Mr. Mayor. And, again, apologies to Council and Commission for my tardiness. If this was already covered, then, I can just catch it on the -- on the YouTube replay, but I was only able to see the map for a couple of moments before it went away. My question is about land use for Parks. I mean it's very important that we maintain some level of park space for our downtown residents and I did get a sense of this that -- is this going away or is it remaining or being relocated and anyone who could speak to that I would appreciate it, whether it's Steve or Bill or Cameron.

Siddoway: I was pausing for Bill, but I can maybe just initially say that what Bill presented there in the center as Centennial Plaza, you can see the nodes of green walkable benches, gathering areas, that is the intended open space for the site today. What you

may have missed with Mayor Simison's comments was he was just asking if the -- right now there is the Hunter Lateral that runs through that area and it is required to stay open. If that can be relocated as part of this project to allow that portion of the site to possibly be developed in the future, then, that was part of the discussion that was just -- just had. But per this concept that -- that central space is intended to be a plaza and, then, if the lateral is able to move, then, at least a frontage along Idaho would open up options for the retail space that the Mayor was talking about. Anything you would add, Bill?

Truax: Just that we are also looking to vacate the alley if at all possible, so that it becomes more of a pedestrian use alley. Not a problem to keep it open, so that you can still have loading into the projects as necessary, but I think it would add a significant amount of flexibility to -- to that space as you look at connecting and programming for other downtown events that connect to -- to City Hall and along Broadway. So, just opening up the -- the foot flow.

Cavener: Mr. Mayor, follow up?

Simison: Mr. Cavener.

Cavener: Steve, if I remember correctly right there we have got, you know, a basketball court, gazebo, picnic shelter, restroom, a small structure. We have benches. It is walkable. There is a little bit of green space. Am I missing other amenities?

Siddoway: There is no actual play structure, but there is the Neos electronic --

Cavener: Right. So -- and forgive me for just asking the question directly, it appears that we would have less of amenities for the public with this project than we currently have; is that correct?

Siddoway: Honestly, we haven't even talked about it.

Cavener: Okay.

Siddoway: I guess I what I hear is you are expressing a desire to have a similar amenity level, is that --

Cavener: I think -- Mr. Mayor. Sorry. Excuse me.

Simison: Mr. Cavener.

Cavener: Mayor, Members of the Council, Commission, I think -- I have always long maintained that our downtown residents don't have a lot of, you know, green space that is close to them, except for maybe Storey Park, and if we were to move forward on this it would be important to me that the park space that they already have access to should be enhanced, not restricted or reduced.

Simison: And, Councilman Cavener, yeah, long before I was elected I have always said that trying to find a way to replace this eventually in downtown could be part of what we do, it -- whether it's on this location or some other location I think is something for us to be mindful of in looking at. I mean we have -- we have a nice parking lot in front of City Hall that could become a great park someday if other parking was found as a way to offset. But -- but I think that's part of the conversation, part of the challenge for our parks director is how -- how do you find space in our downtown long term.

Cavener: Don't -- don't even begin to assume -- sorry -- that it's an easy -- easy solution for sure.

Simison: Council, Commission, anything else? Okay. Cameron, any last comments to close us out?

Arial: Mr. Mayor, Council, Members of the Board, it's been a pleasure. Thank you so much for the questions and the feedback. It gives us a lot to chew on as a partnership and as an executive committee to keep things moving. We will look to continue to update you at meaningful points in the process. You know, we do look to have design rolling forward in earnest and other things that will be important for you to weigh in on and, again, just appreciate the time and the feedback. So, thank you so much.

Simison: Mr. Winder, we -- we have a -- the rest of our meeting to get to. Would you like to close out the MDC portion of this meeting?

Winder: Sure. Yeah. I guess we would need to open it up to a board member to make a motion to adjourn our portion of the meeting.

Basalone: I will make that motion, Dave.

Bevan: Second.

Winder: Okay. Was that Diane on the second?

Bevan: It is, Dave.

Winder: So, a motion by Commissioner Basalone and a second by Commissioner Bevan. All in favor say aye. Any opposed nay? The ayes have it. The meeting is adjourned for us.

Simison: Okay.

Winder: Thank you, Mr. Mayor.

Simison: Thank you, Commissioners, for your time this afternoon.

**Item 4: Executive Session per Idaho Code 74-206A(1)(a) To deliberate on a labor contract offer or to formulate a counteroffer; 74-206(1)(d) To consider records that are exempt from disclosure as provided in Chapter 1, Title 74 of Idaho Code, and 74-206(1)(f) To communicate with legal counsel for the public agency to discuss the legal ramifications of and legal options for pending litigation, or controversies not yet being litigated but imminently likely to be litigated.**

Simison: Council, that moves us to Item 4 on our agenda.

Bernt: Mr. Mayor?

Simison: Councilman Bernt.

Bernt: I move that we go into Executive Session per Idaho Code 74-206(a)(1)(a) and (1)(f). Excuse me. The second one is different 74-206(1)(f). Excuse me.

Hoaglun: Mr. Mayor, second the motion, with a question. We are not doing (d)?

Bernt: Yes. We are going to move (d) to the 28th.

Hoaglun: Okay. Thank you.

Simison: I have a motion and a second. Is there any discussion on the motion? If not, clerk will call the roll.

Roll call: Bernt, yea; Borton, absent; Cavener, yea; Hoaglun, yea; Strader, yea; Perreault, yea.

Simison: All ayes.

MOTION CARRIED: FIVE AYES. ONE ABSENT.

EXECUTIVE SESSION: (5:21 p.m. to 6:02 p.m.)

Simison: Okay. Council, do I have a motion?

Bernt: Mr. Mayor?

Simison: Councilman Bernt.

Bernt: I move that we adjourn the meeting. Is it on? Can you not hear me? I move that we adjourn the meeting.

Simison: A motion to come out of --



Bernt: Oh. I make a motion to come out of Executive Session. Sorry.

Hoaglund: Second the motion.

Simison: Motion and second to come out of Executive Session. Any discussion on the motion? If not, all those in favor signify by saying aye. The ayes have it. We are out of Executive Session.

MOTION CARRIED: FIVE AYES. ONE ABSENT.

Simison: Can I have a motion?

Bernt: Yes. Now we can adjourn the meeting. Move --

Simison: Got a motion --

Hoaglund: Second.

Simison: -- and a second to adjourn the meeting. All those in favor signify by saying aye. Opposed nay. The ayes have it we. Are adjourned.

MOTION CARRIED: FIVE AYES. ONE ABSENT.

MEETING ADJOURNED AT 6:03 P.M.

(AUDIO RECORDING ON FILE OF THESE PROCEEDINGS)

\_\_\_\_\_  
MAYOR ROBERT SIMISON

\_\_\_\_\_  
DATE APPROVED

ATTEST:

\_\_\_\_\_  
CHRIS JOHNSON - CITY CLERK

**Meridian City Council**

**July 21, 2020.**

A Meeting of the Meridian City Council was called to order at 6:03 p.m., Tuesday, July 21, 2020, by Mayor Robert Simison.

Members Present: Robert Simison, Luke Cavener, Treg Bernt, Jessica Perreault, Brad Hoaglun and Liz Strader.

Members Absent: Joe Borton.

Also present: Chris Johnson, Adrienne Weatherly, Bill Nary, Bill Parsons, Alan Tiefenbach, Kyle Radek, Jenny Field, Jenna Fletcher, Mark Ford, Joe Bongiorno and Dean Willis.

**Item 1: Roll-call Attendance:**

- |   |  |
|---|--|
| <input checked="" type="checkbox"/> Liz Strader             | <input type="checkbox"/> Joe Borton              |
| <input checked="" type="checkbox"/> Brad Hoaglun            | <input checked="" type="checkbox"/> Treg Bernt   |
| <input checked="" type="checkbox"/> Jessica Perreault       | <input checked="" type="checkbox"/> Luke Cavener |
| <input checked="" type="checkbox"/> Mayor Robert E. Simison |  |

Simison: Council, I will call this meeting to order. For the record it is July 21st, 6:03 p.m. We will begin the meeting with roll call attendance.

**Item 2: Pledge of Allegiance**

Simison: Item No. 2 is the Pledge of Allegiance.

(Pledge of Allegiance recited.)

**Item 3: Community Invocation with Tim Pusey of Valley Shepherd Church of the Nazarene**

Simison: Item No. 3 is our community invocation, which will be led today by Tim Pusey with Valley Shepherd Church. If you would join us in the invocation or take this as a moment of reflection at this time. Pastor Pusey.

Pusey: Thank you. Heavenly Father, we want to thank you tonight for your blessings in our lives and your blessing in -- in and over this community. Thank you for those who serve our community. For Mayor Simison and our Council, for the many many servants of our community, like our police and firefighters and many who serve behind the scenes. I pray tonight, Lord, you would give wisdom and guidance to our City Council. We -- we acknowledge that these are incredibly challenging days and we humbly seek your guidance and, Lord, we pray for healing in our community and -- and in our land and, Lord, speak peace into each of our lives and into this community we pray in Christ's name, amen.

**Item 4: Adoption of Agenda**

Simison: Thank you. Council, Item 4 is adoption of the agenda.

Bernt: Mr. Mayor?

Simison: Councilman Bernt.

Bernt: I move that we adopt the agenda as published.

Hoaglun: Mr. Mayor?

Simison: Councilman Hoaglun.

Hoaglun: Second the motion.

Simison: I have a motion and a second to adopt the agenda as published. Is there any discussion on the motion? If not, all those in favor signify by saying aye. Opposed nay. The ayes have it and the agenda is adopted.

MOTION CARRIED: FIVE AYES. ONE ABSENT.

**Item 5: Consent Agenda [Action Item]**

- A. Approve Minutes of July 7, 2020 City Council Work Session**
- B. Approve Minutes of July 7, 2020 City Council Regular Meeting**
- C. Approve Minutes of July 14, 2020 City Council Work Session**
- D. Approve Minutes of July 14, 2020 City Council Regular Meeting**
- E. Fairbourne Subdivision No. 1 Sanitary Sewer Easement No. 2**
- F. Fairbourne Subdivision No. 2 Sanitary Sewer Easement No. 2**
- G. James Court Sidewalk Widening Pedestrian Pathway Easement**
- H. Ten Mile Crossing Subdivision No. 4 Emergency Access Easement**
- I. Warrick Subdivision No. 3 Pedestrian Pathway Easement**
- J. Whitestone Pedestrian Pathway Easement from Proposed Twelve Oaks Pedestrian Bridge**

- K. Final Plat for Sky Mesa No. 4 (H-2020-0063) by Sky Mesa East, LLC, Located at the Northwest Corner and the Southwest Corner of S. Eagle Rd. and E. Taconic Dr.**
- L. Final Plat for Whitecliffe Estates No. 2 (H-2020-0070) by 943 W. McMillan Rd., Located at 943 W. McMillan Rd.**
- M. Final Order for Aegean Subdivision No. 1 (H-2020-0052) by Challenger Development, Inc., Located on the East Side of N. McDermott Rd., ¼ Mile South of W. McMillan Rd. (South of Five Mile Creek)**
- N. Final Order for Graycliff Estates No. 1 (H-2020-0069) by Allen Lee Centers, Located at 701 W. Harris St.**
- O. Final Order for Pine 43 No. 2 (H-2020-0059) by Dan Torfin, C&O Development, Inc., Located on the East Side of N. Locust Grove Rd., ¼ Mile South of E. Fairview Ave.**
- P. Findings of Fact, Conclusions of Law for Cedarbrook Subdivision (H-2020-0012) by Toll Southwest, LLC, Located at 4185 S. Linder Rd.**
- Q. Findings of Fact, Conclusions of Law for Gem Innovation School (H-2020-0043) by Paul Bierlein, Bouma USA, Located at 5390 N. McDermott Rd.**
- R. AP Invoices for Payment - 07/10/20 - \$700.00**
- S. AP Invoices for Payment - 07/22/20 - \$1,790,623.43**

Simison: Item 5 is the Consent Agenda.

Bernt: Mr. Mayor?

Simison: Councilman Bernt.

Bernt: I move that we approve the Consent Agenda, for the Mayor to sign and for the Clerk to attest.

Hoaglund: Mr. Mayor?

Simison: Councilman Hoaglund.

Hoaglund: Second the motion.

Simison: I have a motion and a second to approve the Consent Agenda, for the Mayor to sign and Clerk to attest. Is there any discussion on the motion? If not, all those in favor signify by saying aye. Opposed nay. The ayes have it. The Consent Agenda is agreed to.

MOTION CARRIED: FIVE AYES. ONE ABSENT.

**Item 6: Items Moved from Consent Agenda [Action Item]**

Simison: There were no items moved from the Consent Agenda.

**Item 7: Future Meeting Topics – Public Forum**

Simison: So, we will move on to Item 7, future meeting topics, public forum. Mr. Clerk, do we have anyone signed up?

Johnson: Mr. Mayor, we had nobody sign up.

**Item 8: Action Items**

**A. Finance Department: Adoption of the Fiscal Year 2020 Amended Budget in the amount of \$121,622,504**

Simison: Okay. Then we will move right on into Item 8-A, our action items, and I will turn this Finance Department report regarding adoption of the fiscal year 2020 amended budget in the amount of 121,622,504 dollars over to -- do we have them on -- on Zoom or are they in person?

Johnson: Mr. Mayor, Jenny Field is on Zoom.

Simison: Okay. I will turn this over to Jenny.

Field: Mr. Mayor, Members of the Council, I am here to facilitate the adoption of our -- approving of our fiscal year 2020 amended budget in the amount of 121,622,504. This is just a direction for staff to publish the amount for our public hearing on August -- August 18th. So, with that I just need your guys' approval on this amount to notify the public.

Simison: Council, any questions for staff on this item?

Cavener: Mr. Mayor?

Simison: Councilman Cavener.

Cavener: I don't see anybody raising their hand or wanting to pipe in, so I move that we approve Item 8-A, the adoption to the fiscal year 2020 budget in the amount of 121,622,504 dollars.

Strader: Second the motion.

Simison: I have a motion and a second to approve the 2020 amended budget. Is there any discussion on the motion?

Hoaglun: Mr. Mayor?

Simison: Councilman Hoaglun.

Hoaglun: Mr. Mayor, just to clarify. That was for 121,622,504 dollars; is that correct, Councilman Cavener?

Field: Correct.

Hoaglun: Thank you. We just had a hard time hearing. Okay.

Cavener: Got it. I will be louder. Thank you, Councilman Hoaglun.

Simison: Any discussion? If not, Mr. Nary, do we need a roll call on this one?

Nary: No.

Simison: Okay. If not, all those in favor signify by saying aye. Opposed nay. The ayes have it.

MOTION CARRIED: FIVE AYES. ONE ABSENT.

**B. Finance Department: Approval of the Fiscal Year 2021 Tentative Budget in the amount of \$129,364,101**

Simison: Item 8-B is a -- is also from our Finance Department, approved the fiscal year 2021 tentative budget amount of 129,364,101 dollars and I will turn this over to Ms. Field again.

Field: Okay. Thank you, Mr. Mayor, Members of the Council. This is for the tentative 2021 budget. The original amount of 129,364,101. I just need your guys' approval for public noticing.

Simison: Thank you. Council, any questions? This will be the number that will be published for the public hearing in August. And if not, do I have a motion?

Cavener: Mr. Mayor?

Simison: Councilman Cavener.

Cavener: Thank you, Mr. Mayor. I move we approve Item 8-D, approval of the fiscal year 2021 tentative budget in the amount of 129,364,101 dollars, for that amount to be published in our public paper.

Hoaglund: Second the motion.

Simison: I have a motion and a second to approve Item 8-B. Is there any discussion on the motion? If not, all those in favor signify by saying aye. Opposed nay. The ayes have it.

MOTION CARRIED: FIVE AYES. ONE ABSENT.

**C. Finance Department: Approval to Reserve Foregone Revenue Associated to Fiscal Year 2021 Budget in the amount of 1,091,204**

Simison: Item 8-C is also our Finance Department, approval to reserve foregone revenue associated to the fiscal year 2021 budget in the amount of 1,091,204 dollars and I will turn this over to Ms. Field again.

Field: Thank you, Mr. Mayor. Here again to -- this is new to our budget development this year. Because we elected to take the zero percent allowable tax increase we need to formalize a -- our foregone. We are asking Council to approve the reservation of our revenues associated with our fiscal year 2020 budget in the amount of 1,094,204. And this, again, will come in front of you as a resolution drafted by Legal after our -- closing of our public hearing.

Simison: Council, any questions? If not, do I have a motion to approve Item 8-C?

Bernt: Mr. Mayor?

Simison: Councilman Bernt.

Bernt: I move that we approve Item 8-C regard to reserve foregone revenue associated with fiscal year 2021 budget in the amount of 1,091,204 dollars.

Hoaglund: Mr. Mayor?

Simison: Councilman Hoaglund.

Hoaglund: Second the motion.

Simison: I have a motion and a second to approve Item 8-C and instruct this to be brought back in the form of a resolution. Is there any discussion on the motion? If not, all those in favor signify by saying aye. Opposed nay.

Cavener: Nay.

Simison: The ayes have it. We will bring that back through the budget process.

MOTION CARRIED: FOUR AYES. ONE NAY. ONE ABSENT.

**D. Public Hearing for Proposed Fall 2020 Fee Schedule of the Meridian Parks and Recreation Department**

Simison: Thank you, Jenny. Appreciate your time. We will move on to Item 8-D, public hearing, proposed fall 2020 fee schedule of the Meridian Parks and Recreation Department and I will turn this over to Jenna.

Fletcher: Thank you, Mr. Mayor. Thank you, Members of Council. Yes, we are just going to -- for the 2020 fall fee schedule for our Meridian Parks and Recreation Activity Guide and as you can see the fees in Exhibit A. Thank you.

Simison: Council, do you have any questions regarding Exhibit A regarding the 2021 fee schedule? If not, is there a motion?

Hoaglund: Mr. Mayor, this is a public hearing. Do we have anybody --

Simison: Oh, thank you very much. I appreciate it. This is a public hearing. Is there anybody from the public, either in the audience or online, who would like to provide testimony on this item? If you are on Zoom just hit the bottom raise your hand button. Seeing nobody who is providing -- wishing to provide testimony on this item, do I have a motion to close the public hearing?

Hoaglund: Mr. Mayor?

Simison: Councilman Hoaglund.

Hoaglund: I move that we close the public hearing for the proposed fall 2020 Fee Schedule for Meridian Parks and Recreation Department.

Perreault: Second.

Simison: I have a motion and a second to close public hearing. Is there any discussion on the motion? If not, all those in favor signify by saying aye. Opposed nay. The ayes have it.

MOTION CARRIED: FIVE AYES. ONE ABSENT.

**E. Resolution No. 20-2217: A Resolution Adopting the Fall 2020 Fee Schedule of the Meridian Parks and Recreation Department; Authorizing the Meridian Parks and Recreation Department to**



### **Collect Such Fees; and Providing an Effective Date**

Simison: I will move on to Item 8-E, a Resolution No. 20-2217 adopting the Fall 2021 Fee Schedule of the Meridian Parks and Recreation Department. Mr. Nary, does this need to be read by the clerk?

Nary: Just the title.

Simison: Okay. I ask the Clerk to read it by title, please.

Johnson: Thank you, Mr. Mayor. It's Resolution No. 20-2217, a Resolution adopting the Fall 2020 Fee Schedule of the Meridian Parks and Recreation Department, authorizing the Meridian Parks and Recreation Department to collect such fees and providing an effective date.

Simison: Thank you. You have heard this read by title. Is there anyone who would like it read in its entirety?

Hoaglun: Mr. Mayor?

Simison: Hearing none, do I have a motion?

Hoaglun: Mr. Mayor?

Simison: Mr. Hoaglun.

Hoaglun: I move approval for Resolution No. 20-2217, adopting the Fall 2020 fee Schedule for the Meridian Parks and Recreation Department.

Cavener: Second the motion, Mr. Mayor.

Simison: I have a motion and a second to adopt Item 8-E. Is there any discussion on the resolution or the motion? If not, ask the Clerk to call the roll.

Roll call: Bernt, yea; Borton, absent; Cavener, yea; Hoaglun, yea; Strader, yea; Perreault, yea.

Simison: All ayes. And the resolution is agreed to.

MOTION CARRIED: FIVE AYES. ONE ABSENT.

### **F. Public Hearing for Community Development Block Grant (CDBG) Program Year 2020 Action Plan**

Simison: Item 8-F is a public hearing for the Community Development Block Grant CDBG program year 2020 action plan. I will open this public hearing with staff comments and turn this over to Crystal.

Campbell: Sorry, I just got kicked off for a second. Mr. Mayor, Members of the Council. So, I'm here today for the final presentation for the CDBG action plan for the upcoming year that is beginning October of this year and will end September 2021. Is my presentation available by any chance?

Johnson: Mr. Mayor, Ms. Campbell, I will get that up for you. You are able to share your screen if you have it there. Otherwise, I can bring it up.

Campbell: I -- I should be able to do it on my screen. Give me just one second, please. All right. So, as I said, this is the final presentation for our action plan. The purpose of the action plan is to identify strategies that will meet the goals of the Consolidated Plan in the upcoming year. So, we do this in a way so that it can help the public to hold us accountable for what we say we are going to do with this and also for transparency. We work with the community to make sure that the goals stay relevant in each Consolidated Plan and -- planning year. So, we try to make sure that we are involved with stakeholders throughout the year, that there is a public comment period of at least 30 days. We have at least two public presentations and we also finish up with a public hearing. For the PY-20 action plan all of our projects fall under these categories. We will be funding some projects for admin for housing. Under public services we will be working with Jesse Tree on their emergency rental assistance program, as well as the Boys and Girls Clubs for scholarships for you. Under the housing category we will work with Ada County Housing Authority on their homeownership assistance program, as well as NeighborWorks Boise for their owner -- owner occupied home repair and for accessibility. Then we will be providing funding for the second and final year of the Fairview Avenue sidewalk connection, as well as the West Chief Joseph streetlights. We also have a couple of backup projects related to streetlight modernization. We received three different public comments. You can see the full public comment in the document, but a couple of them -- CDBG is an excellent resource for nonprofits working to prevent eviction and homelessness in the community at a time when our city is growing so quickly and home prices and cost of living are rising so much it's more important than ever that we continue to provide support for folks in the community who may not be able to keep up financially. And another excerpt from one of them was regarding the rehab -- the homeowner rehab and just talking to how there is a lot of people who need these repairs. They can't make them. We made several of the -- to the originally presented plan. There were nine separate ones to be exact. On page two we updated the summary of public comments. Page 16 we included unity through inclusion and Central District Health to the list of groups that we consulted with. On page 23 we updated the summary of the comments received. We also included an estimate of 2,000 households benefiting from accessibility projects. We included the homeowner rehab program to the description of Meridian's efforts to foster and maintain affordable housing. We included coordination efforts with the Central District Health to the description of Action 3-B, the paint hazards, and, then, we updated the chart for the public comments that were received and included copies of

public notices and the signs grant application documents. So, moving forward this is what we have got. Tonight we have our public hearing and closing the public comment period. Once that's done, after that next week, then, I will submit the final report and the resolution for you guys to adopt and I will make sure that that is submitted to HUD by the end of the month and with that I will stand for questions.

Simison: Thank you, Crystal. Council, any questions for staff? Okay. This is a public hearing. Is there anybody in the audience or online who would like to provide testimony on this item at this time? If you are online just use the raise your hand function at the bottom of the screen. Seeing nobody wishing to testify at this time, Council, any further action or information needed before you close the public hearing? If not I will accept a motion.

Hoaglund: Mr. Mayor?

Simison: Councilman Hoaglund.

Hoaglund: I move that we closed the public hearing for Community Development Block Grant program year 2020 action plan.

Bernt: Second.

Perreault: Second.

Simison: Okay. I have a motion and a second to close the public hearing on Item 8-F. Is there any discussion on the motion? If not, all those in favor signify by saying aye. Those opposed nay. The ayes have it.

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

Simison: With that we will see that back in front of us next week. So, thank you, Crystal. Appreciate your efforts on this.

Campbell: Thank you.

**G. Public Hearing for Brody Square (H-2020-0032) by Pinnacle Land Development, LLC, Located on the Northeast and Southeast Corners of N. Black Cat Rd. and W. Daphne St.**

1. Request: Annexation of 15 acres of land with an R-8 zoning district; and,
2. Request: A Preliminary Plat consisting of 65 buildable lots, 7 common lots and 2 other lots on 13.9 acres of land in the R - 8 zoning district.

3. Request: A Vacation of 0.31 of an acre of existing right-of-way for W. Daphne St.

Simison: So, Council, we will move on to Item 8-G, a public hearing for Brody Square, H-2020-0032, and I will open the public hearing with staff comments and turn this over to Alan.

Tiefenbach: Council, Alan Tiefenbach, associate planner with the City of Meridian. Good evening, Council, Mr. Mayor. This is a proposal -- and we have 15 acres of land. This is a proposal annex and zone 15 acres of land with an R-8 zone district, a preliminary plat for 65 lots and this also includes vacating about 275 feet of Daphne Street. So, here is the future and use of this property, which shows it is recommended for low density residential. It's presently zoned RUT in the -- in the unincorporated Ada county. It looks like -- okay. I noticed that the pane from the Zoom are on the -- the aerial, but you can see the aerial on there as well. Four accesses are proposed to this property. The first one, the east access is from Black Cat Road, which is a minor arterial. The west side of Black Cat Road has already been developed with a buffer and a sidewalk. The east side -- oh, thank you. I have got a little tool blocking my presentation. Thank you. The east side of North Black Cat Road is presently not been developed yet with curb or sidewalk. This is Daphne Street presently right here. It's connected through the middle of this property. The eastern access would be Daphne Street out to McMillan. There is also a stub to the south, so the property to the south has not been developed yet, and there is also another stub to the east. The properties up here and to the east -- there is a subdivision to the north that is building out, but the properties directly to the east have not been developed yet. This is Daphne Street. Daphne Street runs directly through the property. This proposal would -- part of it would be to vacate Daphne Street and to push Daphne Street down to the south and the reason why they want to do that is they would be creating this central open space feature here. Originally at the time of the Planning Commission meeting this pond was configured a little bit differently. This -- the purpose of this pond is -- is -- this is an irrigation pond. They -- they don't have continuous irrigation to his property, so they need to catch the water and store it into this pond, so they can release it over a period of time. So, they have -- they have designed this pond into the project. The original version of this pond there was an additional little finger that projected into this open space here. The first trail came to the east and it stopped at this pond and, then, there was a second trail that came down to the -- so the south and also stopped at the pond. Staff had an issue with this and we told them that we didn't think that their open space should be credited as being qualified open space with this abrupt stop in their trail system, but we also thought that they should reconfigure their pond to make it a little more usable. The applicant originally was resistant to this idea and this was one of staff's conditions of approval when we went to the Planning Commission. At the Planning Commission, the Planning Commission shared staff's concerns and thought that the trail network should connect and that this pond should be a little more usable. After a bit of discussion the applicant removed one of the lots, so originally Lot 61 was down here, if you can see where my cursor is, and this pond projected into this. At the public hearing for the Planning Commission the applicant was amenable to removing this lot and pushing that little finger down and creating the pond in more of a circular manner and with that

they also connected the trail network here. With that they addressed the comments that staff had. At this Planning Commission meeting one of the adjacent property owners came in, his name was Paul Poorman, and he was at 5230 North Black Cat Road. His house is up here to the north, if you can see where my cursor is. It's showing us Lot 40 -- 42 through 44 there. Mr. Poorman was overall supportive of this project. He spoke pretty highly of it. His only concerns were that he didn't want to see two story homes looking down onto his house and he wanted to have some kind of privacy wall that was built there. The app apparently worked with him very well, but there was nothing that was actually solidified to ensure that was going to happen. So, the Planning Commission added a few additional requirements. The first one was that these three lots that are shown here is the 42 through 44, that homes on those lots would be restricted to one story. The applicant also agreed to a requirement for a wall there, so that was the second thing that the Planning Commission added that -- that staff had not original recommended. You will notice in the staff report we originally had a concern, a lot of northern stub access here. There was a couple of different versions of this subdivision that were by different ownerships and at the time that there was a different ownership to the north we thought that that stub street would be required. When they purchased the applicant was able to get some of the property to the north, it no longer made that stub street required and I tell you that because that was an original requirement in the staff report, that was stricken by the Planning Commission. Staff was okay with that. So, with that that concludes my presentation. If you have any questions, Council.

Simison: Thank you, Alan. Council, any questions for staff?

Hoaglund: Mr. Mayor?

Simison: Councilman Hoaglund.

Hoaglund: Quick question. Alan, on that -- that fencing, that six foot fence, was that a six foot fence on top of a six foot berm? Did I read that correctly?

Tiefenbach: No, sir. That was the -- but -- but that was with the other project.

Hoaglund: Okay.

Tiefenbach: The other project next door you are exactly right. It's just -- it is hard to keep track of the two. It's a -- it's a six foot -- in fact, I think it -- I think that the Planning Commission's recommendation just said the applicant will construct a wall to the north. I don't think it says what the materials would be or what the height was.

Hoaglund: Okay. Thank you, Alan. Thank you, Mr. Mayor.

Cavener: Mr. Mayor?

Simison: Councilman Cavener.

Cavener: A comment, then, maybe a quick question, Alan. Appreciate your support. If you -- especially when you were responding to questions your mic -- it was pretty challenging for us to hear your response to Council Member Hoaglan. I got the gist of what your response was, but just for your own benefit tonight. Mr. Mayor, my question about the pond, is there any feature built in within the pond that circulates the water or anything designed to kind of prevent mosquito accumulation that happens with a lot of these water features?

Tiefenbach: I think I'm going to defer that to the applicant. I know that there are some requirements in our code in regard to the ponds not being stagnant. My understanding is there is not a circulating system. This was discussed at the Planning Commission meeting. This pond is -- my understanding is not going to be a permanent pond. About six months out of the year it's going to be dry. I think that the applicant's engineer would probably be better -- do a better job of describing that for me, sir.

Cavener: Great. Thanks, Alan.

Simison: Council, any other questions for staff at this time? Okay. Would the applicant like to come forward.

Strader: Mr. Mayor, I may have a question for staff while we are waiting.

Simison: Sure, go ahead, Council Woman Strader.

Strader: If Kyle is available or someone else from the Public Works Department, I just think for this area of Meridian it might be interesting for us to sort of hear, you know, that this is all connected, continuously development for the sewer trunk that we have and, then, understand any kind of water -- just give us a feel for the services that are in place and that we are ready from an infrastructure perspective, because they are right now next to the high school is my understanding, but to go through that might be helpful.

Simison: Mr. Radek.

Radek: Council Woman Strader, Mr. Mayor, this is the first time I addressed you, Mr. Mayor, and I just about said Madam Mayor, so -- sorry.

Simison: You need to come to Council more often it sounds like.

Radek: Yeah. I guess this one would be the -- of the three that are on tonight this one is the farthest away from the new school. This one's really -- the Black Cat area has fairly complete infrastructure around there and this is -- this is actually a county sub, which is probably the only reason there is no -- there is no city infrastructure in that -- to the -- to the east of this, but in general of the three applications that are -- that are on the agenda tonight, they are pretty typical as far as the infrastructure around them and building the system. Are they exactly the puzzle pieces that you would ideally want to build your system? No. I don't think we ever get that. Example over on McDermott with the other

two you have got the school property bringing the water in a loop and the school is bringing the sewer trunk along McDermott and those other two developments are simply attaching to those pieces of infrastructure. The one -- I think it's -- well, I can't remember the name on here. Not Chukar, it's not Brody Square, the next on -- Lupine. Yeah. The Lupine one will -- will hook onto that McDermott trunk sewer and they will actually -- they will actually take the trunk through their development to enable the next development. But, essentially, that's what we have going on is the previous developments have enabled the -- these developments to go hook onto the infrastructure and there is -- in general there is -- there is really not a lot unique about these particular ones. There -- there was a couple of staff comments that -- that they were dead end water mains in a couple of these and that also is a fairly standard comment. If we -- if water engineering had our way we would have no dead ends in the system. I think the water operators would probably like that, too. But it's not -- it's not always possible. We also take into account what is pending around the subdivision, if there is a dead end, but we are relatively certain that development is going to come soon and attach to that dead end, then, it's not as much of a concern. Of course, the reason a dead end is a concern in general is because we are concerned about the age of the water that might be in that dead end and it contributes to water quality problems sometimes, depending on how fast those people that live on the dead end use up that water. Sometimes there is no problem, but -- but it's a common comment and we try to be -- we have a reasonable standard. If -- if there is a reasonable connection that we feel that the developer can make to eliminate a dead end we are going to ask for it and in the cases that you have tonight we didn't have any of those, so I will stand for any other questions that Council might have.

Simison: Council Woman Strader.

Strader: Mr. Mayor, maybe just a quick thought. Just to confirm, Kyle, it's not that the water is bad there; right? I just read water quality on what -- one of the other applications jumped out at me like, whoa, but it's not the quality of the water from the well, is what you are saying is it's just -- the nature of development for continuous development it's just not circulating as much, basically; is that right?

Radek: Council Woman Strader, Mr. Mayor, that's -- that's correct. It's -- it's a water age issue. Certainly all the water that comes out of our -- our sources, our wells, our boosters is -- meets -- meets all the water quality standards, but when you have water in the system for a long period -- and generally my -- my feeling is that you want to use up the water in your system in a day or a day and a half. If the water stays in the system for a long time you can have issues with settling of some of the constituents in the water or some maybe disinfection byproducts, things like that, just -- water quality doesn't improve -- water is not like wine. It doesn't improve if you leave it in the system too long. So, yes, Council Woman Strader, all the water comes out of -- comes out of our supply meeting all the requirements of good quality and we want to keep it that way and one of the ways we do that is by using it up quickly.

Simison: Any further questions, Council Woman Strader?

Strader: Maybe another one, Mr. Mayor?

Simison: They are ready to go, unless you have got more questions.

Strader: No, I'm good.

Simison: Okay. We will --

Nelson: Mr. Mayor and Members of the Council, can you hear me okay?

Simison: We can. Thank you, Deb.

Nelson: Great. Thanks. My name is Deborah Nelson with Givens Pursley. My address is 601 West Bannock Street. I'm here representing the applicant and tonight here with me are the project's development team, Randy Clarno with Pinnacle Land Development and Tim Nicholson, our engineer, with Kimley-Horn. You may also be familiar with some of Randy Clarno's other projects in the city, with other successful quality residential subdivisions, including Kingsbridge and Shelburne. We greatly appreciate staff's work on this and their explanations tonight of what has changed with the Planning and Zoning Commission. We are proud to be before you this evening with a recommendation from the Planning and Zoning Commission that we are in full agreement with. I'm trying to advance the slides here. See if I can -- it's not -- we did it before, but -- thank you. Okay. A little technical difficulty. So, we will start just briefly with the vicinity. It is a 15 acre site and I guess one of the things I wanted to point out is that this is an assemblage of three five acre lots from an old county subdivision. This layout that we have provided with this development provides the city with a much more efficient use of this land that is allowed by the redevelopment and it's consistent with your Comprehensive Plan. There are still some remaining county parcels immediately to our east and south, but, otherwise, this area is -- this vicinity is surrounded by the city limits and immediately adjacent across Black Cat to our west and immediately adjacent on the north. Council Member Strader, your questions about services, I -- it was very difficult to hear, so I'm not sure that we heard all of the responsive comments, but just in general I want to highlight that we do have sewer and water immediately adjacent to the site in Black Cat Road. This site is consistent with your Comprehensive Plan and what we have proposed here is R-8 zoning. Your medium density residential designation calls for a density range of three to eight and our density will be 4.26. We do now have 64 residential homes that we are proposing. The staff report does describe 65, but we did give up one home site to accommodate the change in the open space that staff described and I will touch on as well. This is the updated site plan showing those 64 detached single family home sites. Our irrigation service, as staff noted, is provided by Settlers Irrigation District via the Beach Lateral. This lateral is not a constant delivery system. The project receives 36 hours of service per week. So, a pond and a pump station will be constructed on site for the irrigation water storage and pressurized irrigation service. This really provides an opportunity for us, because it provides an attractive amenity for our central amenity area. So, it's something that people enjoy looking at when they are in the park area and so we are actually excited about the opportunity to provide that. Council Member Cavener, you did



ask about issues with mosquitoes. Because there -- it will be a pumped pond it will have active circulation while it's in use during the irrigation season. The distance to groundwater will keep the water from remaining and being stagnant through the winter non-irrigation months. So, that should address your concern. In general we have got support from everyone who has commented on this. We have -- we are -- we are in agreement with all of ACHD -- ACHD's conclusions and conditions. As noted the Daphne Street will be rerouted around the central amenity. ACHD is supportive of that and this will provide a safer traffic flow, rather than a direct east-west connection there. This development will also increase the street connectivity with the four stubs around the property. I don't think I need to address the stub to the north, because as staff indicated the staff is now in support of the proposed northeastern stub really shown in this slide, as was the Planning and Zoning Commission. As staff described to you, we did make a change at the Planning and Zoning Commission to the pond configuration and this side-by-side slide really shows that -- the changes that were made and we are pleased with the outcome with the connectivity, with the pathway coming from the north down into the central amenity. You can see we did have to lose a lot to reconfigure this, but the developer was agreeable to it being done. This is just a little closer up, so you can see the connectivity that comes through the north -- running north-south down to the larger amenity space. The open space has 2.67 acres, 16.5 percent overall, which is 11.5 percent of qualified open space. Only one amenity is required for a development this small and it's provided here with the central amenity with the pond and adjacent to that there will be a covered picnic area, the Ramada, along with a -- tables and benches and a seating area -- a seat wall that's shown here. I have got some pictures to help illustrate this a little better. Here you can see the Ramada and some examples of amenities and features within this park area. An example of a seating wall and the pond and here is an example from another development approved in Meridian of an open area between the homes with attractive landscaping. Of course we will also have a pathway. The architecture style of the project will be a mix of contemporary forms and modern style, with an elegant and plentiful blend of materials ranging from stone to stucco and board and batten siding. Home sizes will range from 1,600 to 3,000 square feet and stay similar to the homes in the surrounding new developments. We will have a mix of single story and two story homes and as staff noted we have agreed with the neighbor to restrict three lots to single story adjacent to their homes. We also have agreed to provide a solid fence and berm along their property to the north. Council Member Hoaglund, you asked about that description and we do have both the condition from the Planning and Zoning Commission requiring the solid fence. We also have a plat note that's on the submitted plat that requires that to be a concrete material as requested by the neighbor. With that I would stand for your questions.

Simison: Thank you, Deb. Council, any questions?

Perreault: Mr. Mayor?

Simison: Council Woman Perreault.

Perreault: So, thank you so much for your presentation. The home elevations are lovely. They look really similar to Bridgetower West, which I think is a very nice community close by to this one and I'm curious about how the decision came to be regarding the -- the picnic cover, the -- the amenity that -- the one main amenity that's presented, just -- just wondering if that -- if you would share with us how that came to be the chosen amenity. I -- I think a lot of folks in this area in general just use their backyards when they are gathering with family or friends, but I'm just curious if you could give us some background on that.

Nelson: Mr. Mayor, Council Member Perreault, I will do my best and if Randy Clarno has anything to add I will invite him to. I think the idea is that people really do enjoy having a gathering space where they can have a little more room and also have the -- the space to gather with a larger group in an attractive setting. You know when -- when it's summer and this is in use and there -- there will be a pond nearby, the landscaping is going to be attractive, it can be a destination for walking from -- from the pathway and so this similar style has been used in other developments that have been in Meridian with -- with great success. In fact, the particular architecture here was specified by the city when we had a difference architecture style for the Ramada in a prior development and the city requested we use this more modern look and so it has been well received and -- and provides the usable space for our residents. But one further point perhaps that helps, you know, you to understand why I think it's been so well -- well received is the target market for this development is professionals or young -- young families without children and empty nesters. That's the size of home and type of development and it tends to attract people that are looking for a more passive lifestyle amenity versus an active.

Simison: Council, any further questions?

Cavener: Mr. Mayor?

Simison: Councilman Cavener.

Cavener: Deb, jumping back to the -- to the pond, so if I understand correctly, 36 hours a week the pond will be filled and, then, it will be drained based on the use of your residence or of the residents for their pressurized irrigation with their sprinkler system and that's how you are achieving kind of the -- the water movement. Are there any other elements that you are including to help mitigate the mosquito problem that we see in a lot of these?

Nelson: Mayor, Council Member Cavener, that is correct and in addition our engineer shared with me that it will also have an aerator to keep the water circulating.

Cavener: Okay. Great. Thank you.

Simison: Council, any further questions for the applicant? Okay. Thank you very much. This is a public hearing. Chris, do we have anyone signed up to testify on this application?

Johnson: Mr. Mayor, we did not and we only have staff and other applicants online at this time as well.

Simison: Is there anybody in the audience who would like to testify on this application? All right. If the applicant would like to make any final closing comments.

Nelson: Sorry, Mr. Mayor. We are having a hard time hearing.

Simison: There was no testimony, so any closing comments you would like to make on the application.

Nelson: Oh. Thank you. No, we don't have anything else to add, unless you have questions I would be happy to answer them.

Simison: Okay.

Strader: Mr. Mayor?

Simison: Council Woman Strader.

Strader: I guess maybe a question for staff, but I don't know if now would be a good time or to wait until after the closing comments.

Simison: I would recommend now at this time.

Strader: Okay. That's what I suspected. I guess just a general question for staff. I had asked earlier this morning in an e-mail, but -- and I noticed West Ada didn't comment on all three of these applications and I ask if we could just have a follow up. Is that because they are kind of taking some time to get their ducks in a row on their data and, then, they are planning to provide comments or have they given us any direction that they are not planning to or did we get any feedback on that?

Simison: I had a conversation with the developer yesterday and I don't want to speak for the district, but what was conveyed to me in that conversation was at this point in time is they are very busy with other things, they are maybe not commenting on ones that don't have a real impact, but likely because at least in that area there is capacity or planning capacity with the schools in that area. But I don't want to speak on behalf of the district, but that was the sense I got.

Nelson: Mr. Mayor, could I also respond to Council Member Strader's question?

Simison: Yes, please. Yes, please.

Nelson: Thank you. We -- as you noted, Council Member Strader, there weren't comments from the district, but just in case you had questions -- other members of the Council had questions about that, we did confirm that we do have capacity in each of our

schools and so the elementary that serves this site is Pleasant View, which is opening this year and so the capacity there is planned to have 625 and that is less than a quarter mile from this site. So, on the same side as Black Cat, just to the northeast. The middle school that serves this site is Star Middle, constructed in 2018, also has capacity. The 2019 enrollment was 704 and the capacity is a thousand. And the high school that serves this site is Meridian High, has capacity. The 2019 enrollment was 1,995, capacity is 2,400. So, we did, you know, confirm those numbers just to make sure we did have capacity in each of our schools for this development.

Strader: Mr. Mayor?

Simison: Council Woman Strader.

Strader: Thank you. I appreciate you providing that. I suspected that was the case, but wanted to get a picture for it and I know these are small, each application on their own, but when you take them together it starts to add up and we do appreciate their input. I know there is a lot on their plate. I'm hopeful that -- that they are getting organized and, you know, will increase the communication going forward. But thanks for providing that context very much.

Simison: Council, any other questions? If not, do I have a motion?

Hoaglun: Mr. Mayor?

Simison: Councilman Hoaglun.

Hoaglun: I move that we close the public hearing on H-2020-0032, Brody Square.

Cavener: Mr. Mayor?

Simison: Councilman Cavener.

Cavener: Second the motion.

Simison: I have a motion and a second to close the public hearing. Is there any discussion on the motion? If not, all those in favor signify by saying aye. Opposed nay. The ayes have it.

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

Hoaglun: Mr. Mayor?

Simison: Councilman Hoaglun.

Hoaglun: Just to kick off some comments here that I was very pleased to see that the developer took out one of those lots to change that pond configuration and redo the

pathways, because I think that made it a much better development and amenity that I think the residents there will enjoy and walking through there and utilizing that area. So, I appreciate them doing that and hearing what the Planning and Zoning Commission had to say about it and -- and the work that they did -- that the Planning and Zoning Commission did in -- in reviewing this and making those recommendations. So, I think that makes it a good project and one that will fit well out there.

Simison: It's so wonderful, would you like to make a motion?

Hoaglun: Mr. Mayor?

Simison: Councilman Hoaglun.

Hoaglun: Hearing no other comments, after considering all staff, applicant, and public testimony, I move that we approve H-2020-0032 as presented in the staff report with applicant comments from the hearing of July 21, 2020.

Bernt: Second.

Simison: I have a motion and a second to approve Item H-2020-0032. Is there any discussion on the motion? If not, Clerk will call the roll.

Roll call: Bernt, yea; Borton, absent; Cavener, yea; Hoaglun, yea; Strader, yea; Perreault, yea.

Simison: All ayes. Motion carries. Thank you very much.

MOTION CARRIED: FIVE AYES. ONE ABSENT.

**H. Public Hearing for Chukar Ridge (H-2020-0025) by Investment Analytics Group, Located at 4005 N. McDermott Rd.**

1. Request: A Preliminary Plat consisting of 63 buildable lots, 8 common lots and 5 other lots on 15.42 acres of land in the R-8 zoning district.

Simison: Next we will move to Item 8-H, a public hearing for Chukar Ridge, H-2020-0025 and I will open this public hearing with staff comments and turn it over to Alan.

Tiefenbach: Thank you, Mr. Mayor, Members of the Council. This is a preliminary plat consisting of 63 lots, eight common lots, on 15 acres of land. It's important to mention in this particular case this property has already been zoned to R-8. So, there are some existing entitlements on this property. A little bit of history. You may remember some of this. This property was a part of a larger annexation of 108 acres. It was done in 2018. It was called the Owyhee High School annexation. So, the high school property is down here and this was -- at the time was called the Spriggel property and there was a

development agreement that was both for the high school and for this Spriggel property. I think it's important to say -- and I'm going to talk about the access in a minute, but there were certain requirements of the high school as they were starting to build that we required them to put in these roads and I put up this exhibit before I have shown the plat, because I really think that this tells a good story of the way that this works. So, the Owyhee High School is what you see down here in blue and this is presently being constructed and this road here to the south, this road is also in the construction phases. A part of the development agreement for this project said that -- that West Ada Schools had to build this road here and they had to build this east-west road here. Here is the subject property. Up here is the Gander Creek Subdivision in which the final plat has been approved, but I do not believe it's been signed yet and they have not started platting that -- I don't think they have started building yet, but it's already gone through hearing, it's already been approved. That Gander Creek Subdivision up here is for 401 lots. So, access -- so, the primary access will occur from Ustick Road up this north-south collector into the property from the east and there is another future access that's going to occur to the north from the subject property up to West McMillan and, again, this east-west road here is required to be constructed as part of the annexation agreement. This red line that you see here, there is a -- a lateral that runs along the north side of the property, the McFadden Lateral, and there is a maintenance road there and the reason for this that any subdivision of more than 30 lots has to have a secondary point of access. Originally the applicant wanted to take access to the east onto West McDermott Road, which would have been great, except that the -- Highway 16 is going to be built here and when Highway 16 comes through that's going to in effect cut off access. However, the applicant has been talking to the applicant with Gander Creek Subdivision and now they propose to take western access -- and I will show you in a second how that's going to work. I'm not sure yet if they have to build a bridge or not. I think that the applicant across the lateral -- the applicant is still working on that, but my understanding is that they have been talking to the Gander Creek Subdivision and they are amenable to that. That said, you will notice that one of our recommendations was that no more than 30 lots can be -- or no more than 30 homes can be constructed without a permanent secondary point of access. I want to -- I want to point this out, because I think this is important -- is in the time between Planning Commission and the City Council hearing there had been some discussion and Joe Bongiorno with Fire said that he didn't have an issue with there only being one point of access if all of these homes were sprinklered. That said, the applicant is proposing -- and I will go through that with their recommendations, that recommendation 1-B be changed to say that no more than 30 houses can be built without a secondary permanent access or without all of the homes being sprinklered. So, they wanted to add that as one of the conditions of approval. So, here is the preliminary plat and, again, so the north-south collector comes up this way. This road to here will be constructed by the school district and, then, this West Achievement Road, this is all the internal roads. This is a southern stub here that's presently a 40 acre piece of property that has not been developed and is not in the city at this point. But if it did we would have an access. This right here is a common lot and, then, this is the lateral with the -- the easement that I discussed. So, under this present arrangement if they wanted to take this way, they would come up this northern common lot and, then, come across this main -- now this, again, would only be for emergency access. This wouldn't be for all of the other residents, just in case they

needed to. This is the -- the amenities and -- the amenities package for this project and, again, I think the applicant did a very good job of putting together these little exhibits to tell the story of exactly how this would work. In particular what you are looking at here, this colored exhibit, what you see in green is sidewalk. What you see in orange is asphalt or gravel. What you see in blue is asphalt. This is -- this little nub here has changed since the Planning Commission. This is now going to be asphalt, which we are perfectly fine with, and, then, this here, this purple is the lateral and the reason why I show you this is this is all set up as sort of a small pathway loop. It's -- roughly if you were -- if you can watch my cursor, you can walk down this, take the sidewalk, this will be a path up here with some amenities with some benches and stuff like that. You can also get in from a common lot here. You can walk down this lateral here. Eventually there is hope that this will connect, come back down here in a circle and that's roughly about a quarter -- about a quarter of a mile. So, I guess if you wanted to do enough loops you could do that, but I know there is some other projects coming in where they are actually looking at trying to connect all this together as well. The Planning Commission was overall okay with this. Their only concern was that not every -- there is children that don't always want to go on a quarter mile walk, they need more things to do, so they had a recommendation that the applicant provide a second amenity. The applicant was perfectly amenable to that. That's what you will see here. This little white dot, if you can see, is sort of where I'm moving around, they have agreed to put in a tot lot there. With that they have already done what staff has suggested and, then, they went on and did what the Planning Commission suggested as well. At the time that this project was heard we did not have a staff report from ACHD yet and there was some hesitation at the Planning Commission about whether they should hear this or continue this without a staff report from ACHD. Since that time I have gotten a staff report from ACHD. It was all just general comments in regard to road templates. They did not express any concerns. At the Planning Commission meeting, the Planning Commission made a few recommendations, all of which have now been addressed. The first one was for the applicant to add an additional amenity, which they did. They also made a recommendation -- there was -- the -- the Highway 16 alignment is what you see here and this piece of property is what is going to be given from the applicant for this highway alignment. Originally they were just proposing a berm here. There is a requirement that you have to do this in our code. The Planning Commission commented that in the Gander Creek Subdivision to the north there is a berm and a wall of a certain height -- at the time they didn't know -- and they wanted this applicant to tie into that. The applicant was perfectly amenable to doing that. So, one of the conditions of the Planning Commission is that the applicant construct a six foot berm and a six foot wall on top of that of materials and style to match Gander Creek. In your staff report, but not on this presentation, you will notice that there was a detail of that. So, they did include that on their plat. And the last thing was that the -- the Planning Commission had some original concerns with these common drives. There is three of them. There is one here. There is -- let's see. One -- sorry, I have a tendency to turn my head. My apologies about that. There are several common drives and those -- originally those common drives had more than one house being served on them. The Planning Commission was not comfortable about that. They recommended that common drives only be limited to three houses. The applicant did a little bit of tweaking and so that condition has been met as well. So, all of the conditions have been met. Staff recommends approval on this, as well

as the Planning Commission, and the applicant I think in their presentation will request about that addition being made that more than 30 homes could be built if they are sprinklered and with that, Council, I will conclude or answer questions.

Simison: Thank you, Alan. Council, any questions? Okay. If not I will invite the applicant to come forward and be recognized for 15 minutes. I assume that's Mr. Adams who will be presenting?

Adams: Good evening, everybody. This is Matt Adams. Let me get my screen up for you.

Simison: And, Matt, if you could state your name and address for the record, please.

Adams: Yes. Matthew Adams. 462 East Shore Drive, Eagle, Idaho. All right. And, Council, I assume you can see the title slide of my presentation. Thank you, Council Member Cavener, for nodding. All right. So, I am really excited to be here presenting this tonight. This is a great project and it's really the culmination of work I started with the Owyhee High School in 2017. The project is adjacent to -- so, the project -- here is a picture of the project and this is adjacent to the school district parcel for the high school and the future elementary on the west. It's adjacent to Gander Creek South, as Alan mentioned, on the north and there is a couple projects coming soon to the east and, then, you will be excited to hear I met with the property owner south of this project this afternoon and they will be working toward bringing an application before you in the coming weeks and months. So, this -- this project is starting to fit into what this part of west Meridian is becoming. There is lots of great housing and great schools and great transportation with Highway 16. The advantage of not going first is you can address a few things that came up in earlier presentations. We have got sewer and water on this project that was constructed by the high school and so we already have all of our sewer and water stubs to this location and we just connect to it, run it through our streets and stub to the south with the next neighbor that needs to pick up those -- those services. The West Ada School District -- I know they didn't respond in writing. However, this particular property owner and this project has been partnered with that development from the start and they are intimately familiar with what's being planned here and have been in favor of this project throughout its -- its development. This project is focused on affordability and affordability achieved through slightly smaller square footage, focused on quality and focused on amenities. As you heard Alan say, the -- you know, we had a pathway amenity system we are really excited about. We came to P&Z. Planning and Zoning suggested an additional amenity and the developer, my client, said let's do it. It will make our project better and we are in favor of that. This is a bit of a rehash, but I think it's important to understand, because it's your first time seeing this. The Planning and Zoning Commission did, in fact, recommend approval, but there were five key points that they brought up during that meeting that we want to make sure we address. First is adding the six foot high fence -- sound wall. Excuse me. With six foot height berm on Highway 16. Being consistent with Gander Creek South. To reduce common driveways to serve three lots maximum. To comply with ACHD. To establish secondary access for emergency vehicles. That's critical. And to add a second amenity. And I'm happy to say



I get to come and tell you we have done all these. I'm not going to argue or beg or plead. Here is, again, the same size that you saw, it says revised, it's different than the plan that was before Planning and Zoning. The blue arrow indicates the location of the six foot berm with six foot sound attenuation wall and this is a rendering of what that will look like. The one thing about this project that might not be intuitive when you first see it, there are so many trees on this project that it is going to be unique from day one. We have -- there are a lot of trees there now, so we were able to keep several, we are excited about that, and we are mitigating a lot of trees and so the street buffer to Highway 16 not only has the wall and the berm, but it has about two to three times the number of trees that code actually requires and we are excited, because that's going to add to the sound attenuation. The driveway -- this one's an easy one. Shared driveways you are limited to fit lots -- each one, however, that's both sides. So, it is correct, Planning and Zoning said, hey, let's do three maximum on each shared driveway and we were able to achieve one driveway has three and the other two have two and two of these driveways on the northeast and northwest provide connectivity and walkway to connect into our pathway to the east. The ACHD staff report. Just did slightly -- I mean it was just general internal circulation system. However, it did indicate -- one thing we were unsure of, which was the widening of McDermott Road at our frontage, we weren't sure what was happening there. It does indicate we need to do that and we will be doing that. That's not a problem at all. All right. Let's talk about probably the most important thing and Alan and Joe Bongiorno have been excellent to work with as we worked to resolve this. This is circulation secondary access. As Alan indicated, we do, in fact, have secondary access from McDermott and that will be in place and will remain in place until Highway 16 is developed. We don't know when that will happen. Indications from their consultant and from Merrill over at ITD is two years would be the fastest and it could be longer than that. They won't say. The fact that it could go away is enough to motivate us to find another option. So, that's where the Gander Creek connection comes in that Alan pointed out. Gander Creek will stub a public roadway to this location, our northwest corner. We have reserved right of way -- future right of way to bring a public roadway along the edge of the elementary school site. There are utilities in that corridor and we will -- if we decide to exceed 30 lots we will, one, is build that or we will sprinkle -- fire sprinkle all of the lots after number 30. So, Joe asked -- and he's like, okay, that sounds great, but I need to know which 30 lots you are going to build and when you are going to stop until you have this secondary access. So, we took a look at it and what this demonstrates is that we would construct -- construct these 30 lots, we would not go beyond this until we had the secondary access constructed in place or we would start to build them with fire sprinklers and as you noticed in the center of the screen, we are picking up our tot lot amenity, because with this approach we may or may not be able to get all of our passive. This is what Alan had talked about our suggestion for a slight change to the condition of approval. So, the way this reads is that we will construct no more than 30 homes with current secondary fire access from McDermott Road. So, 30 lots. That's it. If we want to exceed that we will do one of three things. We will cross the McFadden Drain and connect to Gander Creek South. We will construct a connection out to Ustick Road. And that one's a long shot, but, you know, we want all our options open. For, C, we will fire sprinkle all structures in excess of 30 units. The reason we are asking for some flexibility here is because we don't know if Gander Creek stub will be to that location. So, we could commit

to building the crossing, but it could not go anywhere to the north. Well, we could commit to going to Ustick and not be able to get through the two parcels south of us. We could commit to fire sprinkling and, then, have a different roadway option available. We will not exceed 30 homes until one of these three mitigation factors is in place. Common areas and amenities. So, we know that there is a focus in the comp plan and a focus among Planning and Zoning and Council to provide livable communities with great quality and this project is dedicated to doing that. Our common area amenity pathway system -- Alan kind of gave you an overview of the connectivity and looping. This is a really clean quarter mile loop, but there is also a half mile loop if you are willing to walk down the gravel on the ditch bank. And, you know, if you look at the recent parks -- or I guess it was Planning, they did a survey about amenities and open space and in the top seven items that people want pathways is one of them and so we are excited to be contributing to that. The upper left of your screen is the view down that six foot berm and six foot sound wall and that's what that pathway would look like at that location as it heads north and, then, we have just got some great images of what we expect to see happening in the pathway system. We are also really pleased that we can kind of hit maybe a bigger age range, because we have not only pathways, but we are providing a playground system and tot lot and this is a view looking south into our central common area and what that tot lot area could look like. Again, it is halfway through that section as well. And, then, the image in the top center is the actual piece that we have suggested to the developer and they like the natural look with the number of trees and the open ditch and the natural amenities in this subdivision. We are really excited also. They -- this developer knows -- even though a house can be smaller, less square footage, hit a better price point and provide affordability, it can still be a nice and quality product with very attractive features. So, you see some examples of what they are planning in this area and it is two story. There are some single story, but mostly two story to get the number of bedrooms that people are desiring in the market right now and garages -- two car garage, driveway, and we think that these will be a very nice product. They will blend well with The Oaks and with Gander Creek and the other projects in the nearby area. The Chukar Ridge Subdivision is a quality community. It provides affordability and quality of life in west Meridian. The common open space and site amenities will improve the livability of this neighborhood. We have a strong buffer on the Highway 16th Street edge and we will -- we are protecting adjacent natural amenities as we leave the McFadden Drain open to promote wildlife, cooling of the area, et cetera. And just a quick recap on these Planning and Zoning comments. We are excited to say that we have hit all of them. So, that is the end of my presentation and with that I'm happy to answer any questions that anyone may have. Thank you very much.

Simison: Thank you, Matt. Council, any staff -- any questions for the applicant?

Perreault: Mr. Mayor?

Simison: Council Woman Perreault.

Perreault: I thank you for the great presentation. I just wanted to make a comment and, then, a request from you. The first comment is about the sprinklers in the homes greater

-- or after Lot 30. So, thank you very much for considering that, because as I'm sure you have heard, Council has been having a lot of conversations about supplying fire service in that area and so that's something that was totally on my mind as I was reviewing the application and so that makes me a little bit more comfortable, although I think in general we -- we don't want to see a huge amount of residential growth out here until we can get fire and police services closer in that direction. So, I'm glad that the applicant is willing to consider that. The second -- the small request I wanted to make is that -- regarding the tot lot area, thank you for considering that second amenity. That was much appreciated, because I know there is not a lot of parks out there yet, although I imagine some of the children in the area will use the school, the -- you know, the playground at the school if it's open when the elementary school finally goes in, which may be a while. I noticed in my own neighborhood that parents wouldn't really go to the -- the community park or -- or hang out at the tot lot. If there weren't benches there, they just didn't want to stand and didn't want to haul their chairs out there, so I didn't see it in your rendering, but that doesn't mean you won't do it, but if you wouldn't mind throwing a couple of benches in there, that would be great, too. So, thank you.

Adams: Mayor -- Mr. Mayor and Council Woman Perreault, thank you very much. Appreciate those comments. I have a note right at the top of my page to point out the benches. We -- but I'm going to take a look at that with the owner, because what I show in the plan is like four benches and there is two at the tot lot and, then, two where our open space widens up for the pathway in the northeast corner. You know, we will take a close look at that, see if that seems like the right number or right fit. But, yes, some seating amenity I think is -- is important and Alan and I have talked about that as well. Thank you.

Simison: Council, any additional questions for the applicant? Okay. Mr. Clerk, do we have anybody signed up to testify on this application?

Johnson: Mr. Mayor, we did not.

Simison: Okay. This is a public hearing. Is there anybody in the audience who would like to provide testimony on this application or is there anybody online who is waiting to testify on this item, if they will, please, indicate by using the raise hand feature at the bottom of your screen. Seeing no one who wishes to testify on this item, Matt, would you like to make any final comments as the applicant?

Adams: You know, the only thing I want to say, I -- I don't know if it matters much, but I never hear it in presentation. I know Bob and Judy Spriggel who sold this property and it's -- their dream is to be able to retire from the sale of this and their -- their son was helping them and he passed away last year. He was a young guy, 50 years old, and this has been a really kind of chaotic process for Bob and Judy. I have become friends with them, just by being their neighbor, went to high school. Well, they had already bought a new house and this project was moving slower than it was supposed to and they were going to be in a financial crisis. Our client, the developer, fronted them the money to purchase their new home, so that they wouldn't end up basically homeless, because my

office and I wasn't moving as fast as we should have or -- it was quite amazing and I think sometimes it's fun to hear that there is really amazing things that happen in the -- in the mix or amidst this -- the development community, what you don't always hear on the presentation. So, I wanted to thank my client for that and I'm excited that Bob and Judy are able to retire now. Thank you, everybody. Appreciate your time.

Simison: Thank you, Matt, for sharing that.

Bernt: Mr. Mayor?

Simison: Councilman Bernt.

Bernt: I move that we close the public hearing.

Hoaglund: Second the motion.

Simison: I have a motion and a second to close public hearing. Is there any discussion on the motion? If not, all those in favor signify by saying aye. Opposed nay. The ayes have it.

MOTION CARRIED: FIVE AYES. ONE ABSENT.

Bernt: Mr. Mayor?

Simison: Councilman Bernt.

Bernt: To confirm was -- what was the final verdict on what Matt said in regard to the benches and such by the -- by the playground?

Hoaglund: Mr. Mayor, I had heard him say that he had four total, two at the tot lot and two on the pathway.

Bernt: Okay.

Simison: That was my recollection as well.

Bernt: Do we need to include that in the motion or --

Simison: It can't hurt.

Bernt: Okay. Mr. Mayor?

Simison: Councilman Bernt.

Bernt: After considering all staff, applicant, and public testimony, I move to approve file number H-2020-0025 as presented in the staff report for the hearing date of July 21st,

2020, with the addition of the secondary access considerations. The applicant will construct no more than 30 homes with current secondary fire access from McDermott -- from McDermott Road prior to constructing home number 31 to the end of the project. Applicant will provide one of the following additional solutions to mitigate the future construction of -- of the Highway 16 Expressway. Option A, construct roadway crossings of the McFadden Drain to connect to Gander Creek South. Option B, construct connection South to Ustick Road. Option C, fire sprinkle all structures in the excess -- in excess of 30 units -- unit 31 until the end of the project. Also to include park benches specified by the applicant in -- I believe there was a couple by the tot lot and two others in another location that was mentioned on the public record.

Hoaglund: Second.

Simison: I have a motion and a second to approve the item, with a very well thought out motion. Is there any discussion on the motion? If not, Clerk will call the roll.

Roll call: Bernt, yea; Borton, absent; Cavener, yea; Hoaglund, yea; Strader, yea; Perreault, yea.

Simison: All ayes. Motion passes. Thank you very much.

MOTION CARRIED: FIVE AYES. ONE ABSENT.

**I. Public Hearing for Lupine Cove (H-2019-0133) by Penelope Constantikes, Riley Planning Services, Located at 4000 N. McDermott Rd.**

1. Request: Annexation of 7.09 acres of land with an R-8 zoning district; and,
2. Request: A Preliminary Plat consisting of 26 building lots and 6 common lots on 7 acres of land in the proposed R-8 zoning district.

Simison: Up next we have Item 8-I, a public hearing for Lupine Cove, H-2019-0133. I will turn -- open this public hearing with staff comments and turn this over to Mr. Parsons.

Parsons: Thank you, Mr. Mayor, Members of the Council. The next item on the agenda this evening is the Lupine Cover project. The applications before you is a request for annexation and preliminary plat. The site consists of seven acres of land, currently zoned RUT in Ada county and is located at 4000 North McDermott Road. Adjacent land uses and zoning. We have approved existing residences zoned R-4, R-8 and RUT in Ada county. Comprehensive Plan future land use designation for this property is medium density residential in which the city can anticipate a density range between three to eight dwelling units per acre. The plat that's proposal before you this evening consists of 3.7 dwelling units to the acre, which is within the lower range of the density desired in this

area. If you recall, the applicant was before this body on April 28th to discuss a remand, so that Planning and Zoning could have a look at a revised plat in hopes that the -- both staff and Commission can bring forth a recommendation of approval for this body. I'm happy to note that the staff report was updated to reflect staff's recommendation of approval for this project and the plat before you this evening also is endorsed by the Planning and Zoning Commission. The subject plat before you consists of 26 residential lots. One of them includes an existing home that will remain as part of this project and six common lots on a total of seven acres in the R -- proposed R-8 zoning district. Lot sizes range from 4,353 square feet upwards to 13,924 square feet. The plat is proposed to develop in a single phase and I'm happy to report that all of the lots do comport with the R-8 dimensional standards. One of the items that was discussed at the Planning and Zoning Commission hearing was whether or not there was adequate transition along the southern boundary. If you had a chance to look at the aerial here you can see that there is -- there are five acre lots that abut the southern boundary of this particular project. That was discussed by Planning and Zoning Commission in their finding of that -- during that hearing they did find that there was adequate transition between this development and the county residences to the south. Access to this development will be from McDermott Road, which is designated a collector roadway. One of the main reasons for staff's recommended denial for this project and ultimately endorsed by the Commission, was the fact that it had more common driveways and less stub streets to the adjacent properties. The plan that's before you this evening does provide a northern stub street that ties into an adjacent development called the Aegean Subdivision and that is in the development process as we speak and, then, also the applicant for the Comprehensive Plan and UDC we require interconnectivity, so we do require stub streets at the southern boundary, too. Those five acre pieces as well. And if you note on this plan you can see that the temporary turnaround is on the common lot and that does meet the Fire Department and ACHD requirements for a temporary turnaround. So, my cursor here -- you can see it here, there is the temporary turnaround for that stub street. Originally staff had recommended that they flip the temporary turnaround and restrict the buildable lot from developing until the road is constructed. However, Planning and Zoning Commission sided with the applicant and was fine with it remaining on -- become an open space lot that you see before you this evening. Open space for this development consists of approximately .83 acres of land. Half of that is the buffer along McDermott Road -- or all of it is the buffer along McDermott Road, because it is a collector street and they get to count all of that as part of the code and, then, the two central open space lots you can see there meet UDC standards. One of the unique things about this development -- it's similar to what you just acted on with Chukar Ridge directly to the west of this project is the fact that the applicant is seeking of Council waiver to leave the McFadden Lateral open and that was something that the Commission -- or the Council did grant the Aegean Subdivision to the north. So, the applicant is asking for this body to leave that waterway open and, then, as part of this development they are creating an HOA over that waterway so that it can be owned and maintained by the HOA in the future. There aren't a lot of improvements within that easement area due to Nampa-Meridian's requirements, but the applicant is willing to at least maintain the weeds and keep it more of a natural state just like the Chukar Ridge development across the street from this particular project. The applicant is proposing more amenities than required by code. So, essentially, there is going to be a gazebo area

in the northern central lot here with micro paths that feeds to it and, then, also on the southern boundary there is also a proposed micropath that stubs to the south for interconnectivity. Also ties into the temporary turnaround and also provides an access to the tot lot that's also proposed with this development. You can see on the graphic before you I have a couple of tan arrows and this was a recommendation of staff that the applicant -- although the Nampa-Meridian Irrigation District does not want an official city pathway within the common lot, there will be an access road that residents will be able to walk along if they want to, more like a nature hike, if you will, and so staff thought it would be a great amenity to at least provide some micropath stubs to that -- to those common lots for access. During the Planning and Zoning Commission it was testified that Nampa-Meridian may not allow that, because they want to deter people from walking along the canal, if not invite them to go along that with waterway. So, the Planning and Zoning Commission did recommend or modify those conditions of approval and said those pathways could be constructed if allowed by Nampa-Meridian, so -- so, what you are seeing here -- if Nampa-Meridian doesn't allow it, then, these pathways -- micro paths will not be stubbed to the waterways along the perimeter of this project. The other unique feature with this development is that there is over 1,900 caliper inches of mature trees that need to be mitigated for. The applicant is working closely with the city arborist to make sure that they can preserve as many mature trees on the site as possible. I can let this Council know that the first rendering did not take into account a lot of the mature trees and that was some of the reservations -- the hesitancy of staff to recommend approval of this project with the first rendering, because we were just losing too many mature trees on the site. I mean the intent of the code is to preserve and enhance those mature trees and so this plan before you eliminates a lot of the common driveways, but it also losses lots and preserves a lot of those mature trees on the site, at least more than what the other plan did. So, the applicant as they work through their final plat, they are going to have to come forward with their mitigation plan and we will take a look and see how many caliper inches they are actually saving with this proposed development. Again, here is the landscape plan. The two amenities as I mentioned to you. Here is the amenity detail for the tot lot and also the gazebo area on the northern lot and, then, the applicant is proposing these style of elevations for you. Like typical developments, anything up along Meridian Road -- or, excuse me, McDermott Road is going to require some design review from staff, at least we are going to look at that before we issue building permits. We want to make sure that two story homes have a mix of materials and the backs of those homes modulate along those -- those roadways. As I mentioned to you, the Commission did recommend approval at the June 18th hearing. They found that the revised plat was a substantial improvement over the previous one. Speaking in favor was Penelope Constantikes and Derek Kerner. There was no one speaking in opposition or commenting. Written testimony was submitted by Sue Wagg. Her concerns dealt with the development affecting the wells and water quality in the adjacent county subdivision. The applicant's engineer confirmed that this would not be the case as this development has to provide its own municipal water service. So, it should not impact their wells or their water quality. Key issues of discussion by the Commission. Again, lot transition on the southern boundary, coordination with the Nampa-Meridian Irrigation for the walking path connections to the Five Mile and McFadden Drain easement area. Relocation of a turnaround on a buildable lot and, then, also the Commission spent some time talking

about the feasibility of that southern stub street being extended in the future and whether or not those five acre lots would develop further into the future. Key changes to the staff recommendation. The Commission struck condition 2-E and 3-C requiring the relocation of a temporary turnaround on buildable lots, as I mentioned in my presentation, and, then, the Commission also modified condition 2-B requiring the pathway stubbing to those open waterways if allowed by Nampa-Meridian Irrigation. So, really, the only outstanding issue for you this evening is taking action on whether or not you approve the existing waterways to remain open, as allowed in UDC 3A-6. Staff looked at the public record before the hearing this evening and there was no additional public comment since the Planning and Zoning Commission. With that staff and Planning and Zoning Commission are recommending approval and I will stand for any questions you have.

Simison: Thank you, Bill. Council, any questions for staff at this time?

Strader: Mr. Mayor?

Simison: Council Woman Strader.

Strader: Quick question just for my own education. It seems like a great amenity to have it open and kind of in a unnatural setting. I was thinking there is some sort of fence that comes along with it. Is that the concern why it wouldn't be approved? Is it a safety concern or -- just give me a feeling for why I guess the Nampa-Meridian Irrigation District doesn't view these as a natural pathway or a natural amenity.

Simison: Does anybody have a quick answer? Because this is a -- its own couple year topic, but, Bill, do you want to try?

Parsons: Mr. Mayor, I'm happy to provide some content on it. I mean I have worked closely with the irrigation district over the years and I think Council Woman Strader hit it on the head, it's -- it's safety. It's public safety. As you are aware every year they come out with their public messaging about drowning and not swimming in the canals. This body has the ability to require fencing if they deem a safety issue is present. I can assure you this area is fairly -- fairly wide. The applicant is proposing fencing along the perimeter of the buildable lots, but nothing up against the canal. So, again, that's within your purview if you think there is a safety issue, the applicant can work with the irrigation district to erect fencing along that waterway and try to minimize some of that concern, but these waterways are pretty much open throughout the community. So, short -- short story is it's safety. But long answer the -- to them it's just water delivery. It's not considered an amenity, like the city would use it.

Simison: Thank you. Council, any other questions for staff anyways? Okay. If not, we will turn this over to the applicant and I will apologize and not try to state the last name of the applicant, but you are recognized for 15 minutes. If you would state your name and address for the record, please.



Constantikes: Thank you, Mayor. Penelope Constantikes representing the applicant. My address is Post Office Box 405, Boise, Idaho. 83701. (Unintelligible) that northern (unintelligible) water feature and the gazebo and the pathway.

Simison: Penelope, you need to hold on one second. We are having a hard time hearing you.

Constantikes: Can you hear me better now?

Simison: Yes.

Constantikes: Okay. Sorry. In my next life I will be louder. But this one I'm kind of quiet. Sorry. I just wanted to backtrack. On that northern open space that is adjacent to the drain easement, the applicant is proposing to put in an open vision four foot fence along that perimeter for safety reasons, because we will be more likely to have families in that common lot and -- and the fence will provide them from -- or prevent them from just wandering into the drain easement area without being -- I mean -- but it will be open vision, so -- anyhow, last time we were here you remanded this back to Planning and Zoning Commission and we thank you for that, because we had a successful P&Z hearing and we are here before you this evening. Just a couple of notes. As Bill mentioned the shared driveways have been removed. The stub street to the north was added. We increased our open space and we have more than enough amenities. There was a decrease in density and the geometry of the site is greatly improved. So, with Planning and Zoning Commission approval there were some changes as Bill outlined. This cul-de-sac is going to remain where it was proposed. There was quite a bit of discussion about the landscape plan and the tree mitigation. I will get into that in just a few minutes. The pathway connection is Lot 5, which is the northern open space. It's not required, but the pathway that's following the stream feature that we have will be terminated at the Gazebo area instead. I just wanted to mention -- we do have a stream feature in this -- on this plat in the open space. There is a -- an artesian well located on this site. If you look at the -- the subdivision plat and the landscape plan, it's along the western boundary of the southern open space about midway and it produces a lot of water. So, the open spaces, the common lots in the subdivision will be irrigated with available artesian water and the leftover will be routed through the stream feature that we have in the open space and Lot 5 I believe it is and -- and its pre-development flow, so it will discharge into the McFadden Drain at that location. Let's see. I will reference the pathway in Lot 14 in a few minutes. With regard to the tree mitigation, the applicant's representative and I met with the tree -- the arborist on site on July 2nd and we spent quite a bit of time there. Well over an hour. We walked around and looked at all the great, nice, healthy, stable, mature trees and -- and talked about keeping as many of those as we can. So, he's updating the mitigation plan. We are actually backtracking all the way to the beginning again, because the arborist felt that maybe some caliper inches were included in the tree mitigation plan that maybe should not have been. So, he's updating the mitigation plan. I think our caliper inches deficit is going to decrease as a result of that and so we will -- we will continue to work with the arborist. The updated landscape plan that was before you this evening has some of the trees that are existing that we are pretty confident we will be

able to keep and that will be expanded once the arborist is done updating his mitigation plan. He has free rein of the site anytime he wants to come out look and we look forward to working with him to retain as many of the caliper inches as possible on site and as stated, the applicant is very agreeable to that. Those trees are nice and they are a great amenity. So, we will work real hard to keep as many as we can. The open space is consolidated. We are still really excited about the way the open space turned out. There is a -- they are in close proximity, but they serve different areas of the plat and we have provided multiple amenities. We have a child's play structure. You just saw a cut sheet for that a few minutes ago. We have a gazebo. We have the water feature, which is the stream and the pathway that connects to the gazebo will follow along that stream feature. There is a 50 by 100 foot grassy area. We have linear open space and -- and, then, there was a micro path within the two open -- the open common lots. I would be happy to answer any questions you have about the irrigation. The applicant's very fortunate and the future residents are that this site has an artesian well on it. So, it will be utilized to the greatest extent possible. Regarding the pathway in Lot 14, Gennie Fishburn and I went to Nampa and we -- we followed Greg Curtis around until we could actually stand face to face with them and talk to them about how they feel about the open -- the -- the drain easement. So, he submitted an e-mail in which he stated that he felt the path -- the pathway on the drain easement wouldn't go anywhere and that it wasn't part of the master plan for the City of Meridian pathway, either current or proposed. So, based on Greg Curtis' comment it's -- it's really quite unlikely that a connection along the south boundary of Lot 14 would be approved. It -- it encourages people to go where they are not authorized to be and -- and I don't know that we can in good conscience put something in the plat that would encourage people to go someplace that they weren't supposed to be. So, let's see. What else would I like to tell you about? So, as it stands now, a path on Lot 14 would -- would not probably be the best idea. So, other than the caveat about the pathway in Lot 14 and even implicitly encouraging people to walk along the drain easements, we are in full support of the Planning and Zoning Commission's approval and their conditions of approval. We would like to leave the drain open. It provides quite a bit of habitat that will benefit the residents in the subdivision, because those birds will be looking for seeds and fruits and things that they will be able to find at the homes. There were no objections from the neighbors and with that I would be happy to discuss anything that you would like. So, thank you for your time.

Simison: Thank you, Penelope. Council, any questions for the applicant?

Perreault: Mr. Mayor?

Simison: Council Woman Perreault.

Perreault: Penelope, I remember this application very well for some reason. I remember when it came before us it really stood out to me. So, I'm glad that you stuck with it and brought back -- I think it's a much much better design and appreciate the connectivity that you agreed to with the -- with the access on -- on both sides of the development. I do have just one clarification about -- about the creek and safety. It sounds like that there will be solid fencing all along the north side of the back of the homes and, then, in the

common area you are going to have open fencing or maybe wrought iron fencing, four foot, so no one should be able to essentially access that drain area from the development unless they go outside of it; is that right?

Constantikes: That is correct.

Perreault: Okay. Okay. That's basically what I wanted to make sure of.

Constantikes: Thank you, ma'am.

Hoaglund: Mr. Mayor?

Simison: Councilman Hoaglund.

Hoaglund: Penelope, quick question regarding the artesian water. That's -- that's fantastic that you have that, that you are going to use it. However, I know things change. I remember when I was a younger man at the northwest corner of Ustick and Linder there was a fantastic flow of artesian water that used to be there. Has long since disappeared. And what are your plans if -- if that's the case with this artesian water down -- down the road? What will you do to replace that -- that water? Do you have a system in place for that?

Constantikes: Mayor, Councilman, I guess I would start by saying it's unlikely that it would disappear. Probably what happened with the site that you have referenced is that it ended up being piped underground and for some reason sometimes things disappear because they -- they go underground and they are not convenient to deal with. As far as I'm aware the -- the applicant is planning on retaining the artesian well. There is really no reason to remove it. If in some unfortunate instance that that well did go away, all of the infrastructure would be present to sprinkle the houses, they would just have to change the connection to domestic water.

Hoaglund: Mr. Mayor?

Simison: Councilman Hoaglund.

Hoaglund: And that's -- that's good to know, Penelope. I appreciate that. And I do hope it doesn't go away. It's always nice to have -- have something like that on the property to use, so -- and it sounds like you do have the infrastructure -- it could switch out if that were the case and, like I said, I hope not. Thank you.

Bernt: Mr. Mayor?

Simison: Councilman Bernt.

Bernt: I like the idea of -- the idea of passive open space, so to speak. You know, using native grass and keeping as many large trees as possible. Penelope, do you have -- I

would like to see what that looks like around the perimeter -- you know, along, you know, the -- the easement along the canal there or whatever there. Is it -- is it -- is it pretty wooded? Is it pretty open or is it -- is it -- is there existing native grass? Are you going to put -- I mean are these plans that you are going to do, is that -- or is it already there?

Constantikes: Mayor, Councilman, passive open space is a great idea and at this time there are some trees in the easement area that we are showing on our landscape plan as being trees to retain. Obviously, the irrigation district has the authority to take anything out of an easement area that they deem as inconvenient for them. These trees that we are proposing to keep are pretty close to our -- our subdivision boundaries, not our property boundary, and so there is really no reason for them to go away. The applicant is amenable to planting fescue, which would be a natural plant and it's drought resistant, so it doesn't -- it doesn't require any irrigation. But we are planning on leaving it as natural as -- it's a great habitat area. I'm sorry, I might not be answering your question. If not perhaps you would restate it for me.

Bernt: Mr. Mayor, follow up.

Simison: Councilman Bernt.

Bernt: I live in a subdivision where there is a lot of native grass and a lot of cool walking space where you -- you wouldn't necessarily play there or recreate there, but it's just a great amenity to have where people walk and they just -- it's peaceful and it's -- you almost feel like you are away from the city when you are walking through it. So, I -- I'm just sort of trying to picture what -- if that's what you are talking about and what you are proposing along the perimeter of your -- of this -- of this project.

Constantikes: Mayor, Councilman, I will refer you back to Nampa-Meridian Irrigation District's position on the drain easement. This -- this drain easement area is not included on any of the City of Meridian formalized pathway plan and there is no existing agreement between Nampa-Meridian Irrigation District and the City of Meridian to permit any kind of recreating along that drainage. So, it will be more of a visual amenity. The -- I know folks do go walk on irrigation district easements in -- across the valley. I'm guilty of doing that. But at this point in time there -- any kind of walking activity along that drain easement would not be authorized by the irrigation district, so -- so having said that, if people do walk it -- it's -- it would be between them and the irrigation district. We can't encourage it or in some way support access to that easement. Does that answer your question?

Bernt: Mr. Mayor, follow up?

Simison: Councilman Bernt.

Bernt: I guess I'm not promoting, you know, having a walking path on that easement per se, just sort of wanting to know what it's going to look like. That's it. But if you don't have that information --

Constantikes: Mr. Mayor?

Simison: Yes.

Constantikes: I apologize. So, the easement will just retain its natural condition as it is now, which there are some trees and some bushes and the fescue will be planted and that's just basically throwing the seed out there. It will take hold on its own, because it's a natural -- naturally occurring species. So, it will just retain its -- its current condition, which is, essentially, some open areas, some bushy tree areas. You can see in the lower right-hand corner there is quite a few trees there and there are quite a few trees in the middle section of the northern boundary. If you look at the land plans, we are planning on retaining as many of those as we can. When we talked to the tree arborist and talked about keeping trees that were on boundaries of sites of building parcels and also trees that were in side setbacks where there won't be any utilities. So, a lot of effort will be put into retaining trees, but if you look at the landscape plan we submitted, the cluster of trees that are shown along the midsection of that northern boundary, those are all depicted on our current landscape plan as being trees that we would like retain if possible.

Bernt: Perfect. Thank you, Penelope.

Constantikes: You're welcome. Thank you.

Perreault: Mr. Mayor?

Simison: Council woman Perreault.

Perreault: So, Penelope, if I'm understanding this correctly, so the HOA is going to be responsible for maintaining that natural landscape in the -- in the area -- in the easement area; correct?

Constantikes: That is correct.

Perreault: And what if the property owners insist on being able to use that space, because they feel like they are paying for the -- I have seen this happen in other subdivisions. It's happened in my own. I'm curious how -- or if that's going to be addressed through covenants and how that will be -- you know, like -- I don't know what the right word is. How that will be followed up on with the HOA. Have a management company that will be tracking that? Just -- you know, if it's being owned and maintained by the HOA now there is a liability element to it, et cetera, et cetera.

Constantikes: And the liability is the reason why the -- any kind of pathway connection would be an issue and I apologize, Mayor and Council Woman, other than doing some weed management -- and, I don't know, whatever incidental work would be needed occasionally to maintain the general natural condition of the easement, I don't believe that there is any other plans for managing the easement area. Mayor?

Simison: Yes.

Constantikes: The applicant would like to add some comments. Is that possible?

Simison: Yes. Just state your name and address for the record, please.

Fishburn: My name is Gennie Fishburne and my address is 4000 North McDermott. I'm the actual subject property. Mr. Mayor and Council -- Councilmen, I just wanted to mention that, you know, we have kind of talked about that. A lot of people will walk on the pathway probably because they want to. It's really hard to police that. What we will probably do in our CC&Rs is make note in there that it is not an official walking path and it's recommended that they do not use the pathway, but we really aren't going to have any means of monitoring that and chasing anybody down if they choose to go on that pathway as people do sometimes. You know, we see -- we -- we really can't make the HOA be responsible for chasing people down, but we will have that in the CC&Rs. It will be pointed out that it's not an official walking path. That's why we are going to have the fencing as well, is so that we encourage them to do the right thing and there is lots of walking paths within the subdivision. So, to hope that that will be adequate for them and encourage them to stay on those pathways. Thank you.

Constantikes: Mayor?

Simison: Yes.

Constantikes: If I could add another -- if I could add just another comment on that. Thank you. So, not too far to the north of us is the Five Mile Creek and there is a beautiful formal pathway along that that's part of the Meridian pathways plan and with the stub street that's going to lead north to Aegean Subdivision, the residents in Lupine Cove can easily walk through the Aegean Subdivision and get up to that formal pathway. They can bike up there or walk up there and -- and it's not very far away. So, their accessibility to the formalized pathway system in the City of Meridian has been enhanced with that stub street. So, they won't have to go out to McDermott Road to get north to this pathway along with Five Mile Creek, they will be able to do it internally walking through neighborhoods instead.

Simison: Council, any further questions for the applicant? Okay. This is a public hearing. Did we -- Mr. Clerk, do we have anyone signed up to testify on this item?

Johnson: Mr. Mayor, we did not.

Simison: Okay. Well, unless Madam Deputy Clerk wishes to testify, we have nobody else in the audience. Is there anybody online?

Johnson: Mr. Mayor, there is not.

Simison: Okay. Well, then, with that I will turn this over to the applicant for any final comments.

Constantikes: Thank you, Mayor. I would just be happy to answer any additional follow-up questions that the Council may have.

Simison: Okay.

Hoaglund: Mr. Mayor?

Constantikes: Thank you.

Simison: Councilman Hoaglund.

Hoaglund: Penelope, real quick. It sounds like on -- on that -- it won't be allowed by Nampa-Meridian Irrigation District, the access and the pathway conditions, and I know the Commission had modified condition 2-B requiring that if allowed. Do we know that's official or do we leave that condition in in case they change their mind. What -- what are your thoughts on that? Where do you come down on -- was that an official communication or just -- they told you that and that's going to be likely they won't allow permission?

Constantikes: We do have -- excuse me. Mayor and Councilman, we do have official correspondence from Nampa-Meridian Irrigation District. They indicate that they haven't seen any design for any kind of connection to the easement area, but Mr. Curtis was pretty specific about the fact that there is no authorized pathway that could be utilized along the drain, so --

Hoaglund: Mr. Mayor?

Simison: Councilman Hoaglund.

Hoaglund: Mr. Mayor, Penelope, thank you for that. I just wanted to clarify that that truly was a communication that indicated that -- and make certain that was -- was being communicated. So, thank you.

Simison: Council, any further questions or a motion?

Perreault: Mr. Mayor?

Simison: Council Woman Perreault.

Perreault: I move we closed the public hearing for Lupine Cove, H-2019-0133.

Strader: Second.

Simison: I have a motion and a second to close the public hearing. Is there any discussion on the motion? If not, all those in favor signify by saying aye. Opposed nay. The ayes have it.

MOTION CARRIED: FIVE AYES. ONE ABSENT.

Strader: Mr. Mayor?

Simison: Council Woman Strader.

Strader: I would be happy to kick off a little bit of discussion. I just want to say it's clear from all the applications you have seen tonight, the Planning and Zoning Commission is rocking and rolling, doing a great job improving things before they even get to us and just super appreciate that. So, it seems like a nice project. I don't know where everyone else is headed, but I'm in favor of allowing it to remain open, even that it's fenced in. It feels like it resolves a big safety concern and I would hope one day people can view these as sort of a natural amenity, even if they are not in the pathway plan, but I'm inclined to keep it open and, yeah, it seems like the right thing to do and a little bit of a habitat for some wildlife there. So, overall I like this project and I don't know if Council Woman Perreault is going to make a motion. If not, I'm happy to do so.

Perreault: Mr. Mayor?

Simison: Council Woman Perreault.

Perreault: I will make a motion, unless there are other -- I see a lot of heads nodding, so I assume -- I myself agree with Council Woman Strader. I think she said that well. I -- I'm -- I am disappointed that the -- that the homeowners won't be able to use that -- that pathway, but I understand the safety concerns and as long as there is something there and they are protected, I am comfortable with -- with that remaining open as -- as she mentioned. So, with that in mind, after considering all staff, applicant, and public testimony, I move to approve file number H-2019-0133 as presented in the staff report for the hearing date of July 21st, 2020. I don't believe we had any modifications.

Strader: Second.

Simison: I have a motion and a second -- I have a motion and a second to approve Item H-2019-0133. Is there any discussion on the motion?

Hoaglund: Mr. Mayor, do we -- do we need to go ahead and the one modification is to allow them to not cover the -- granting a waiver to the Five Mile Creek -- McFadden Drain remain open I think is what -- the only thing we need to condition. So, if the maker of the motion would include that in her motion.

Perreault: I will. So, the proposed modification is that the Council agrees to leave the -- the area -- the McFadden Drain area open and not require it to be -- to be tiled and buried.



Simison: Does the second agree? We have a head nod and yes.

Strader: Agreed.

Simison: Okay.

Strader: Can you hear me?

Simison: Yes. Is there any further discussion on the motion? If not, Clerk will call the roll.

Roll call: Bernt, absent; Borton, yea; Cavener, yea; Hoaglund, yea; Strader, yea; Perreault, yea.

Simison: All ayes. Motion passes.

MOTION CARRIED: FIVE AYES. ONE ABSENT.

**Item 9: Future Meeting Topics**

Simison: We are to Item No. 9. Is there any items for future meeting topics?

**Item 10: Executive Session per Idaho Code 74-206A(1)(a) To deliberate on a labor contract offer or to formulate a counteroffer; 74-206(1)(d) To consider records that are exempt from disclosure as provided in Chapter 1, title 74 of Idaho Code,; and 74-206(1)(f) To communicate with legal counsel for the public agency to discuss the legal ramifications of and legal options for pending litigation, or controversies not yet being litigated but imminently likely to be litigated.**

Simison: Okay. Then we will move onto Item 10. Mr. Nary, we did not vacate this item early on.

Nary: We did not, but we can vacate it now.

Simison: Do we have a motion to vacate Item No. 10 off the agenda?

Bernt: I would like to make a motion to vacate Item No. 10 off the agenda.

Hoaglund: Second the motion.

Simison: I have a motion and a second to vacate Item No. 10. Is there any discussion on the motion? If not, all those in favor signify by saying aye. Opposed nay. The ayes have it.

MOTION CARRIED: FIVE AYES. ONE ABSENT.

Simison: Do I have another motion?

Bernt: Mr. Mayor?

Simison: Councilman Bernt.

Bernt: I move that we adjourn the meeting this evening.

Hoaglun: Second.

Simison: I have a motion and a second to adjourn the meeting. Is there discussion on the motion? If not, all those in favor signify by saying aye. Opposed nay. The ayes have it. We are adjourned.

MOTION CARRIED: FIVE AYES. ONE ABSENT.

MEETING ADJOURNED AT 8:07 P.M.

(AUDIO RECORDING ON FILE OF THESE PROCEEDINGS)

\_\_\_\_\_  
MAYOR ROBERT SIMISON

\_\_\_\_\_/\_\_\_\_\_/\_\_\_\_\_  
DATE APPROVED

ATTEST:

\_\_\_\_\_  
CHRIS JOHNSON - CITY CLERK

**Project Name (Subdivision):**

Creason Creek Subdivision No. 2

**Sanitary Sewer Easement Number:** 1

Identify this Easement by sequential number if Project contains more than one sanitary sewer easement.  
( See Instructions for additional information).

**SANITARY SEWER EASEMENT**

THIS Easement Agreement, made this \_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_ between CS2, LLC (“Grantor”), and the City of Meridian, an Idaho Municipal Corporation (“Grantee”);

WHEREAS, the Grantor desires to provide a sanitary sewer right-of-way across the premises and property hereinafter particularly bounded and described; and

WHEREAS, the sanitary sewer is to be provided for through underground pipelines to be constructed by others; and

WHEREAS, it will be necessary to maintain and service said pipelines from time to time by the Grantee;

NOW, THEREFORE, in consideration of the benefits to be received by the Grantor, and other good and valuable consideration, the Grantor does hereby give, grant and convey unto the Grantee the right-of-way for an easement for the operation and maintenance of sanitary sewer over and across the following described property:

(SEE ATTACHED EXHIBITS A and B)

The easement hereby granted is for the purpose of construction and operation of sanitary sewer their allied facilities, together with their maintenance, repair and replacement at the convenience of the Grantee, with the free right of access to such facilities at any and all times.

TO HAVE AND TO HOLD, the said easement and right-of-way unto the said Grantee, it's successors and assigns forever.

IT IS EXPRESSLY UNDERSTOOD AND AGREED, by and between the parties hereto, that after making repairs or performing other maintenance, Grantee shall restore the area of the easement and adjacent property to that existent prior to undertaking such repairs and maintenance. However, Grantee shall not be responsible for repairing, replacing or restoring anything placed within the area described in this easement that was placed there in violation of this easement.

THE GRANTOR covenants and agrees that Grantor will not place or allow to be placed any permanent structures, trees, brush, or perennial shrubs or flowers within the area described for this easement, which would interfere with the use of said easement, for the purposes stated herein.

THE GRANTOR covenants and agrees with the Grantee that should any part of the right-of-way and easement hereby granted shall become part of, or lie within the boundaries of any public street, then, to such extent, such right-of-way and easement hereby granted which lies within such boundary thereof or which is a part thereof, shall cease and become null and void and of no further effect and shall be completely relinquished.

THE GRANTOR does hereby covenant with the Grantee that Grantor is lawfully seized and possessed of the aforementioned and described tract of land, and that Grantor has a good and lawful right to convey said easement, and that Grantor will warrant and forever defend the title and quiet possession thereof against the lawful claims of all persons whomsoever.

THE COVENANTS OF GRANTOR made herein shall be binding upon Grantor's successors, assigns, heirs, personal representatives, purchasers, or transferees of any kind.

IN WITNESS WHEREOF, the said parties of the first part have hereunto subscribed their signatures the day and year first herein above written.

GRANTOR:

Cory Swain, Member, CS2, LLC

STATE OF IDAHO )

) ss

County of Ada )

This record was acknowledged before me on 7/7/2020 (date) by Cory Swain (name of individual), [complete the following if signing in a representative capacity, or strike the following if signing in an individual capacity] on behalf of CS2, LLC (name of entity on behalf of whom record was executed), in the following representative capacity: Member (type of authority such as officer or trustee)



Notary Signature

My Commission Expires: 9-16-2020

GRANTEE: CITY OF MERIDIAN

\_\_\_\_\_  
Robert E. Simison, Mayor

\_\_\_\_\_  
Attest by Chris Johnson, City Clerk

STATE OF IDAHO, )

: ss.

County of Ada )

This record was acknowledged before me on    (date) by Robert E. Simison and Chris Johnson on behalf of the City of Meridian, in their capacities as Mayor and City Clerk, respectively.

(stamp)

\_\_\_\_\_  
Notary Signature

My Commission Expires: \_\_\_\_\_

Legal Description  
Creason Creek No. 2 Subdivision  
City of Meridian Sanitary Sewer Easement No. 1 – Exhibit A

An easement located in Government Lot 4 of Section 1, Township 3 North, Range 1 West, Boise Meridian, City of Meridian, Ada County, Idaho, and more particularly described as follows:

Commencing at a Brass Cap monument marking the northwest corner of said Government Lot 4, from which a Brass Cap monument marking the southwest corner of the NW ¼ of said Section 1 bears S 0°01'03" E a distance of 2699.19 feet;

Thence S 0°01'03" E along the westerly boundary of said Government Lot 4 a distance of 683.13 feet to a point;

Thence leaving said westerly boundary S 88°59'35" E a distance of 579.20 feet to a point;

Thence S 0°36'19" W a distance of 56.63 feet to the **POINT OF BEGINNING**;

Thence S 89°23'41" E a distance of 20.00 feet to a point;

Thence S 0°36'19" W a distance of 127.20 feet to a point;

Thence N 88 56°02" W a distance of 20.00 feet to a point;

Thence N 0°36'19" E a distance of 127.04 feet to the **POINT OF BEGINNING**.

This easement contains 2,542 square feet (0.058 acres) more or less and is subject to any other easements existing or in use.

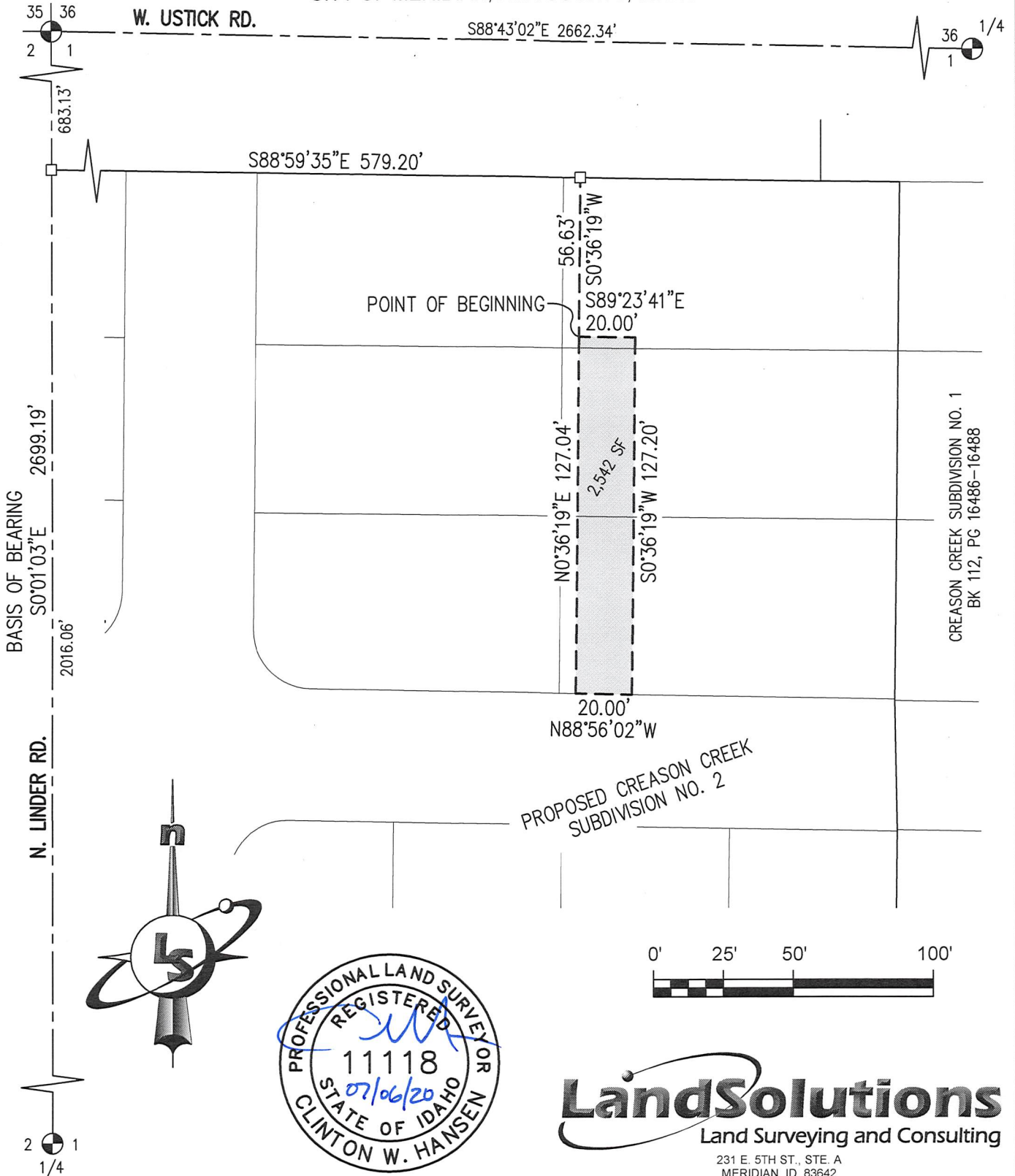
Clinton W. Hansen, PLS  
Land Solutions, PC  
July 6, 2020



Item #3.

# CREASON CREEK NO. 2 SUBDIVISION CITY OF MERIDIAN SANITARY SEWER EASEMENT NO. 1 EXHIBIT B

LOCATED IN GOVERNMENT LOT 4 OF SECTION 1, TOWNSHIP 3 NORTH, RANGE 1 WEST, B.M.  
CITY OF MERIDIAN, ADA COUNTY, IDAHO



**BEFORE THE MERIDIAN CITY COUNCIL**

**HEARING DATE: JULY 21, 2020  
ORDER APPROVAL DATE: AUGUST 4, 2020**

**IN THE MATTER OF THE )  
REQUEST FOR FINAL PLAT )  
CONSISTING OF 38 BUILDING )  
LOTS, 10 COMMON LOTS AND 2 )  
OTHER LOTS ON 12.08 ACRES OF )  
LAND IN THE R-4 AND R-8 )  
ZONING DISTRICTS FOR SKY )  
MESA SUBDIVISION NO. 4 )  
)  
**BY: SKY MESA EAST, LLC )  
APPLICANT )**  
\_\_\_\_\_)  
)  
)**

**CASE NO. H-2020-0063  
ORDER OF CONDITIONAL  
APPROVAL OF FINAL PLAT**

This matter coming before the City Council on July 21, 2020 for final plat approval pursuant to Unified Development Code (UDC) 11-6B-3 and the Council finding that the Administrative Review is complete by the Planning and Development Services Divisions of the Community Development Department, to the Mayor and Council, and the Council having considered the requirements of the preliminary plat, the Council takes the following action:

**IT IS HEREBY ORDERED THAT:**

1. The Final Plat of “PLAT SHOWING SKY MESA SUBDIVISION NO. 4, LOCATED IN PORTIONS OF LOT 16, BLOCK 1 AND LOT 10, BLOCK 3, BLACKROCK SUBDIVISION NO. 1 AND A PORTION OF E. TACONIC DRIVE RIGHT-OF-WAY LOCATED IN THE E. ½ OF SECTION 32,



TOWNSHIP 3N., RANGE 1E., B.M., MERIDIAN, ADA COUNTY, IDAHO, 2020, HANDWRITTEN DATE: 05/20/2020, by CLINTON W. HANSEN, PLS, SHEET 1 OF 3,” is conditionally approved subject to those conditions of Staff as set forth in the staff report to the Mayor and City Council from the Planning and Development Services divisions of the Community Development Department dated 07/21/2020, a true and correct copy of which is attached hereto marked “Exhibit A” and by this reference incorporated herein, and the response letter from Becky McKay, Engineering Solutions, LLP, a true and correct copy of which is attached hereto marked “Exhibit B” and by this reference incorporated herein.

- 2. The final plat upon which there is contained the certification and signature of the City Clerk and the City Engineer verifying that the plat meets the City’s requirements shall be signed only at such time as:
  - 2.1 The plat dimensions are approved by the City Engineer; and
  - 2.2 The City Engineer has verified that all off-site improvements are completed and/or the appropriate letter of credit or cash surety has been issued guaranteeing the completion of off-site and required on-site improvements.

**NOTICE OF FINAL ACTION**

**AND RIGHT TO REGULATORY TAKINGS ANALYSIS**

The Applicant is hereby notified that pursuant to Idaho Code § 67-8003, the Owner may request a regulatory taking analysis. Such request must be in writing, and must be filed with the

City Clerk not more than twenty-eight (28) days after the final decision concerning the matter at issue. A request for a regulatory takings analysis will toll the time period within which a Petition for Judicial Review may be filed.

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

By action of the City Council at its regular meeting held on the \_\_\_\_\_ day of \_\_\_\_\_, 2020.

By:

\_\_\_\_\_  
Robert Simison  
Mayor, City of Meridian

Attest:

\_\_\_\_\_  
Chris Johnson  
City Clerk

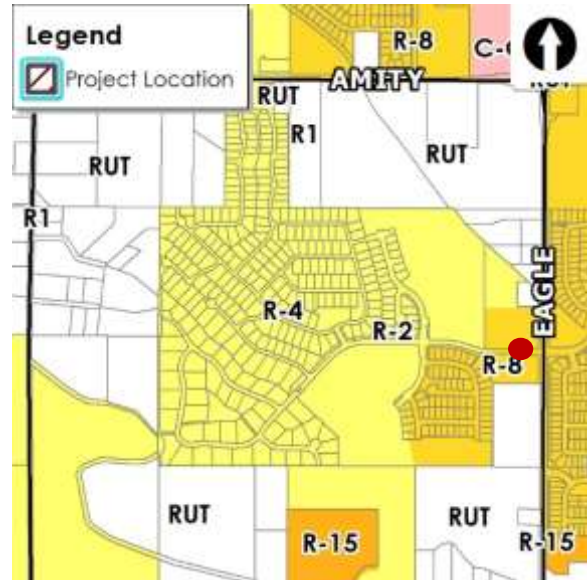
Copy served upon the Applicant, Planning and Development Services Divisions of the Community Development Department and City Attorney.

By: \_\_\_\_\_ Dated: \_\_\_\_\_

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



HEARING DATE: 7/21/2020  
TO: Mayor & City Council  
FROM: Sonya Allen, Associate Planner  
208-884-5533  
SUBJECT: H-2020-0063  
Sky Mesa No. 4  
LOCATION: NWC and the SWC of S. Eagle Rd. and E. Taconic Dr., in the E ½ of Section 32, T.3N., R.1E.



**I. PROJECT DESCRIPTION**

The Applicant proposes a Final Plat consisting of 38 buildable lots, 10 common lots and 2 other lots on 12.08 acres of land in the R-4 and R-8 zoning districts.

**II. APPLICANT INFORMATION**

- A. Applicant:  
Sky Mesa East, LLC – 729 S. Bridgeway Pl., Eagle, ID 83616
- B. Owner:  
Woodside Harris, LLC – 729 S. Bridgeway Pl., Eagle, ID 83616
- C. Representative:  
Becky McKay, Engineering Solutions, LLP – 1029 N. Rosario St., Ste. 100, Meridian, ID 83642

**III. STAFF ANALYSIS**

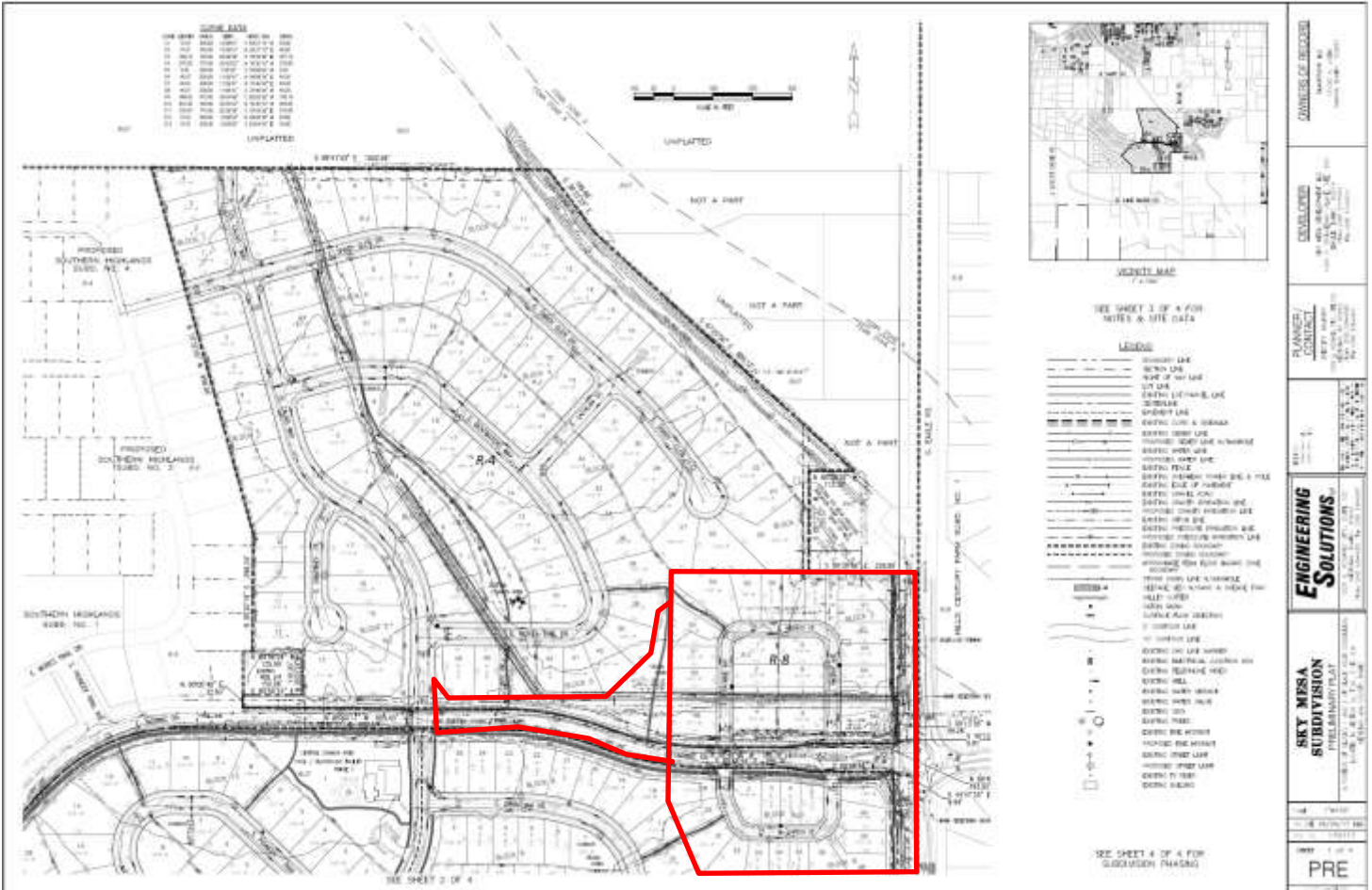
Staff has reviewed the proposed final plat for substantial compliance with the approved preliminary plat in accord with the requirements listed in UDC 11-6B-3C.2. There is one (1) fewer buildable lot in Block 7 and two (2) additional common area lots in Blocks 2 and 7 for storm drainage proposed on the final plat than was depicted on the approved preliminary plat. Because the number of buildable lots did not increase and the amount of common open space area did not decrease, Staff deems the final plat in substantial compliance with the approved preliminary plat as required.

**IV. DECISION**

Staff recommends approval of the proposed final plat within the conditions noted in Section VI of this report.

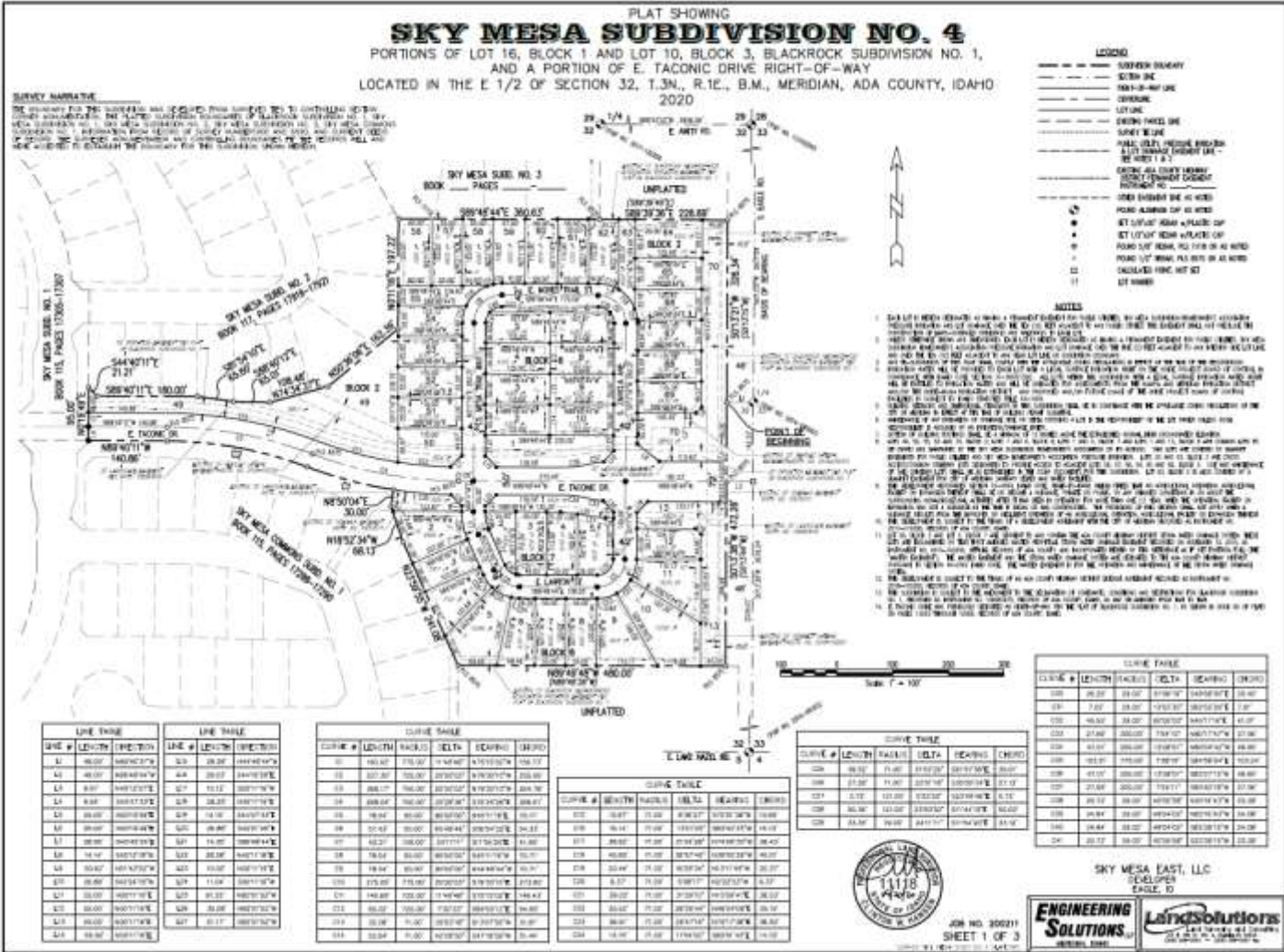
**V. EXHIBITS**

A. Preliminary Plat (date: 8/17/2017)

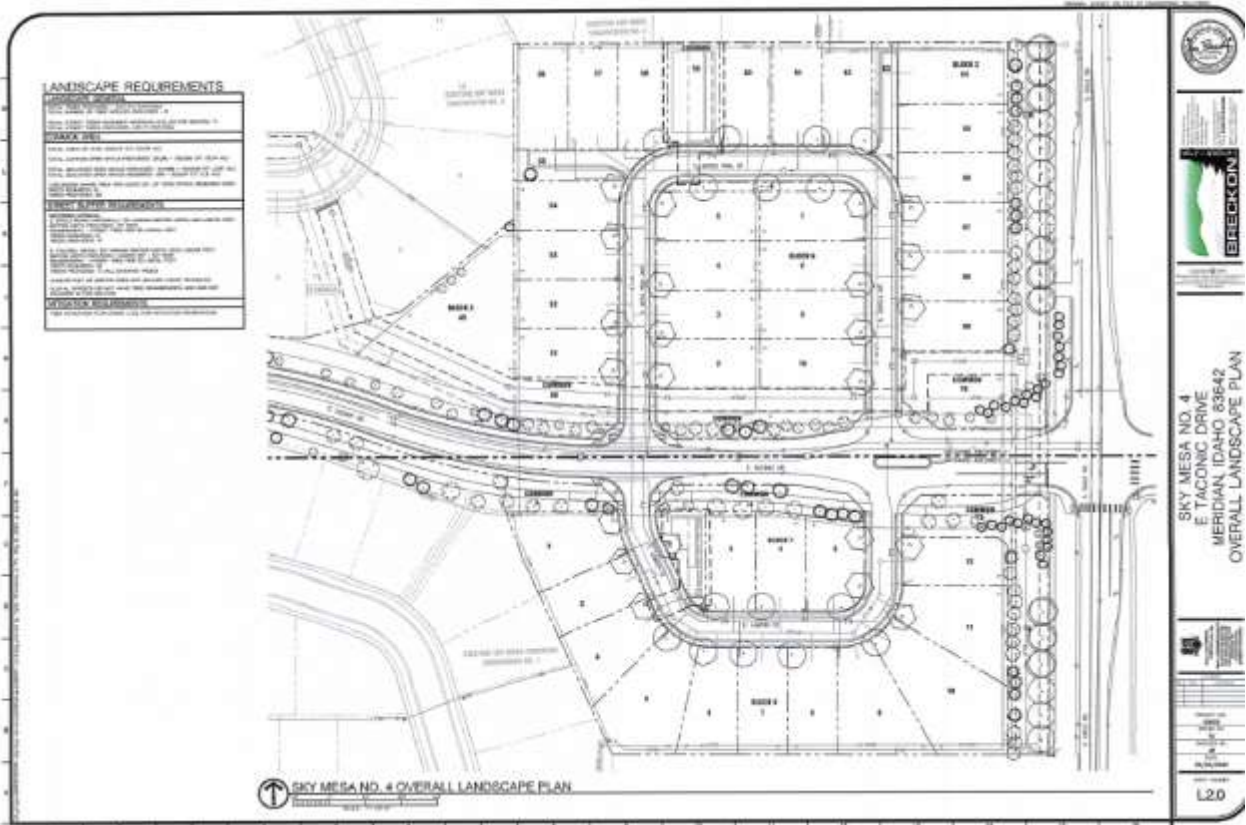
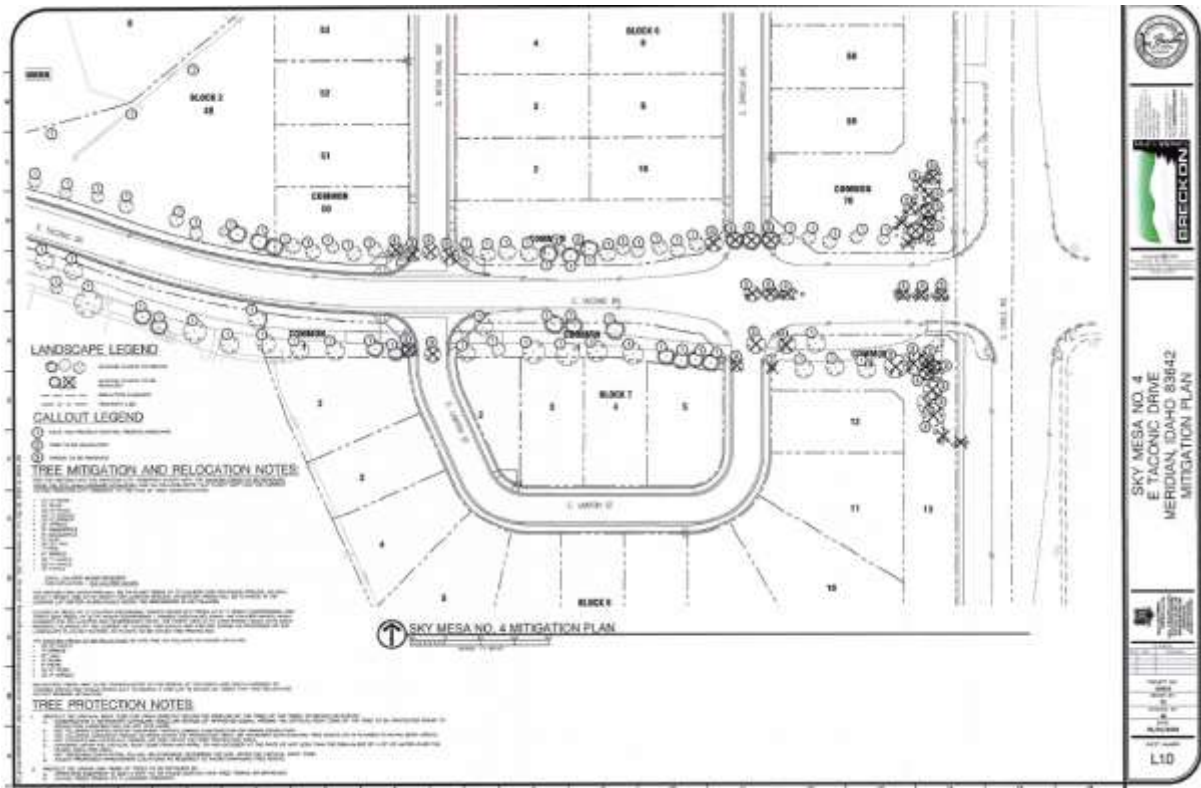


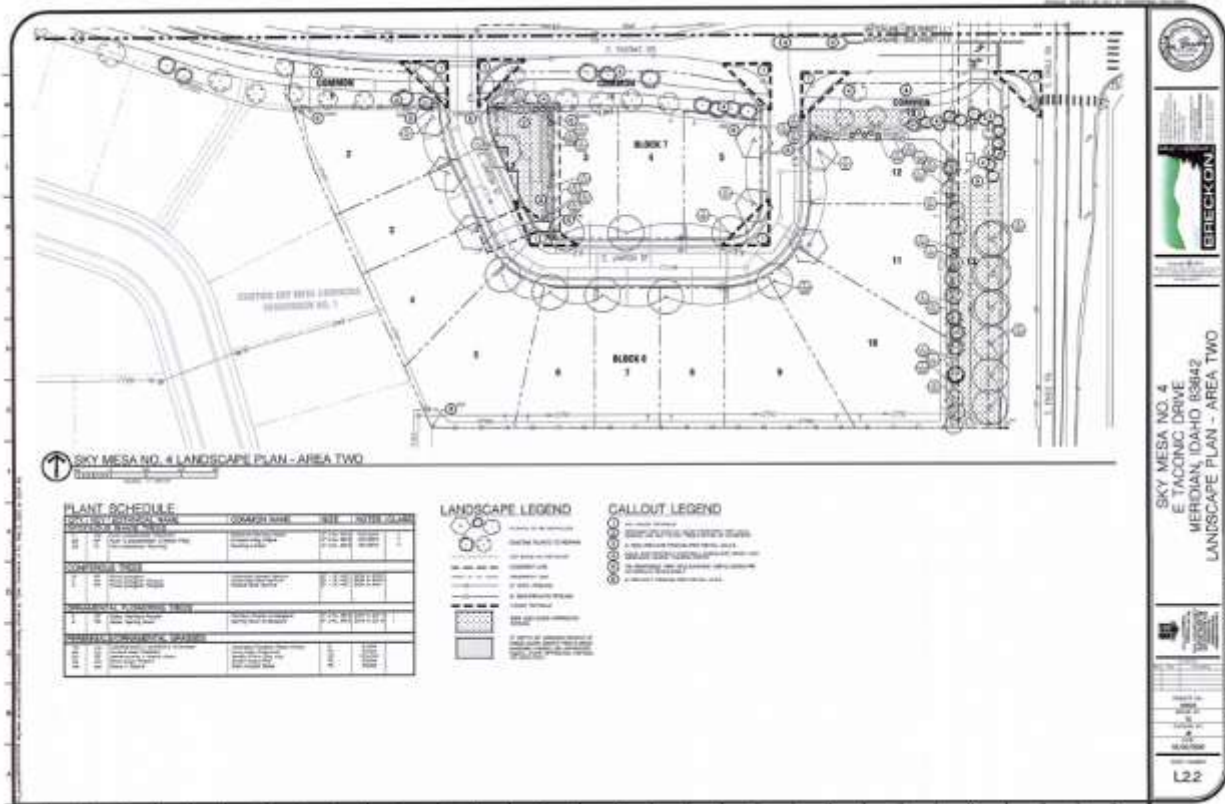
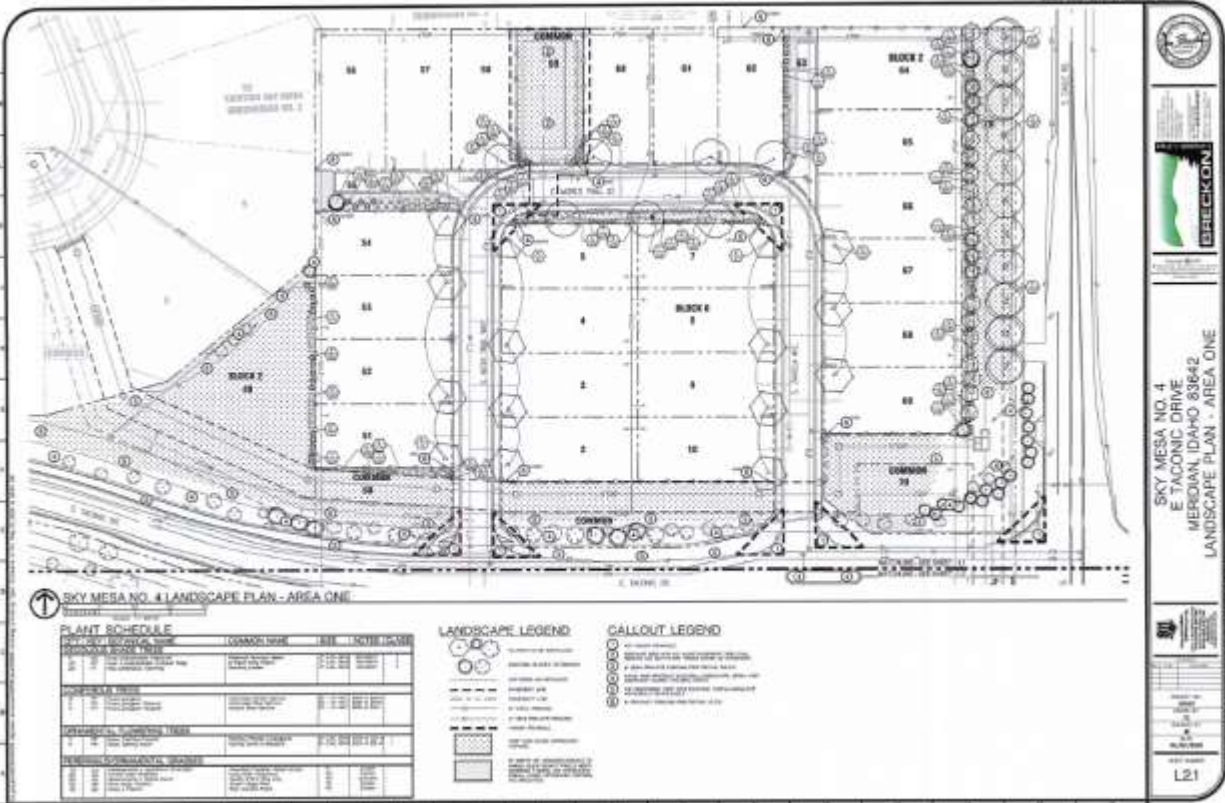
Item #4.

B. Final Plat (date: 5/20/20)



C. Landscape Plan (dated: 5/20/20)





**LANDSCAPE NOTES**

**TOPSOIL NOTES**

**TURF AREA PREPARATION NOTES**

**WEED ABATEMENT NOTES**

**IRRIGATION NOTES**

**1 VINYL FENCE PANEL**

**2 VINYL AND Z SEMI-PRIVATE FENCE PANEL**

**3 BOULDER INSTALLATION IN SHRUB / PERENNIAL BED**

**4 TREE PROTECTION DETAIL**

**5 PLANTER BED OUT EDGE**

**6 PERENNIAL & BROUNDCOVER PLANTING**

**7 SHRUB PLANTING**

**8 DECIDUOUS TREE PLANTING**

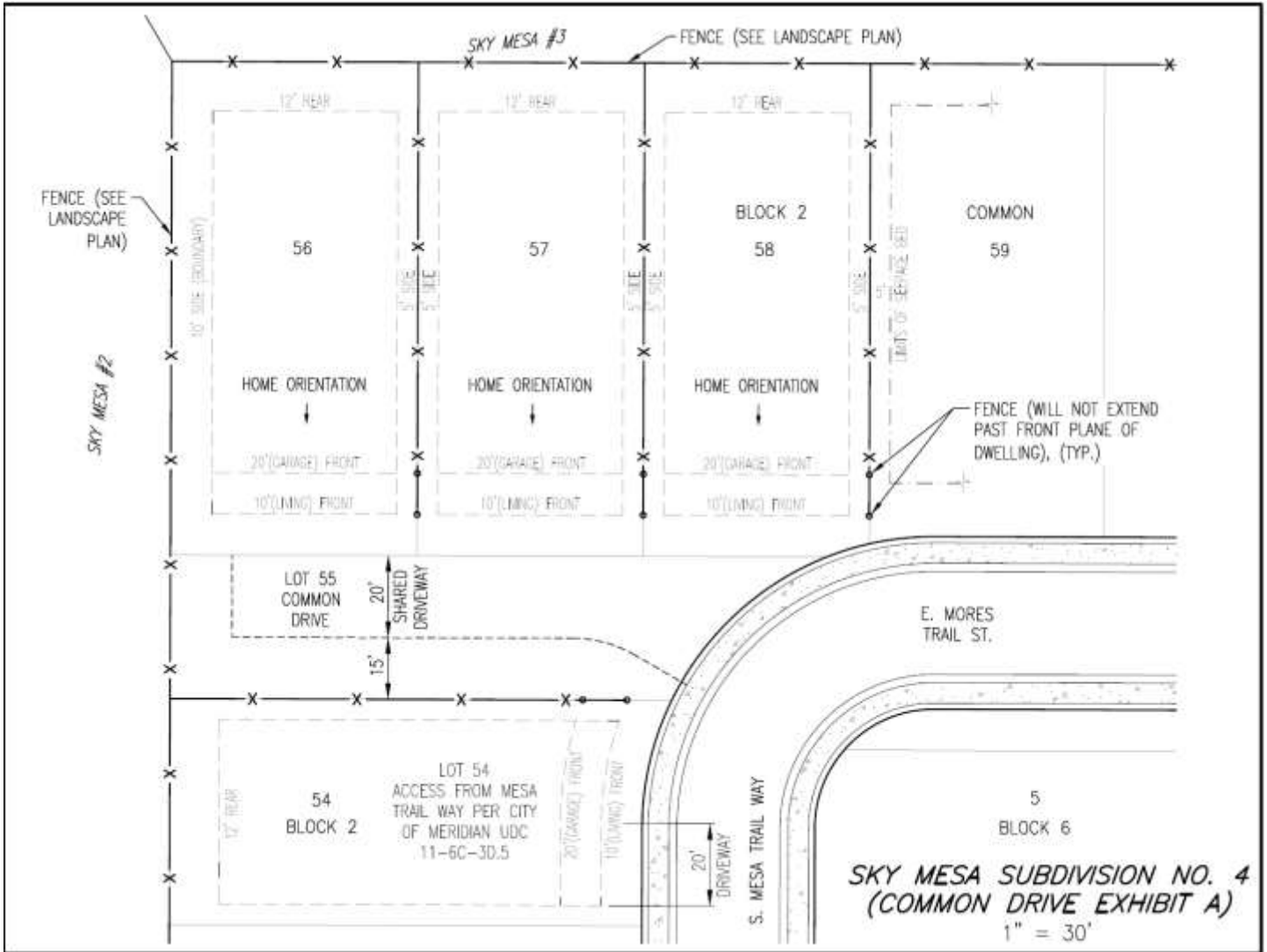
**9 CONIFEROUS TREE PLANTING**

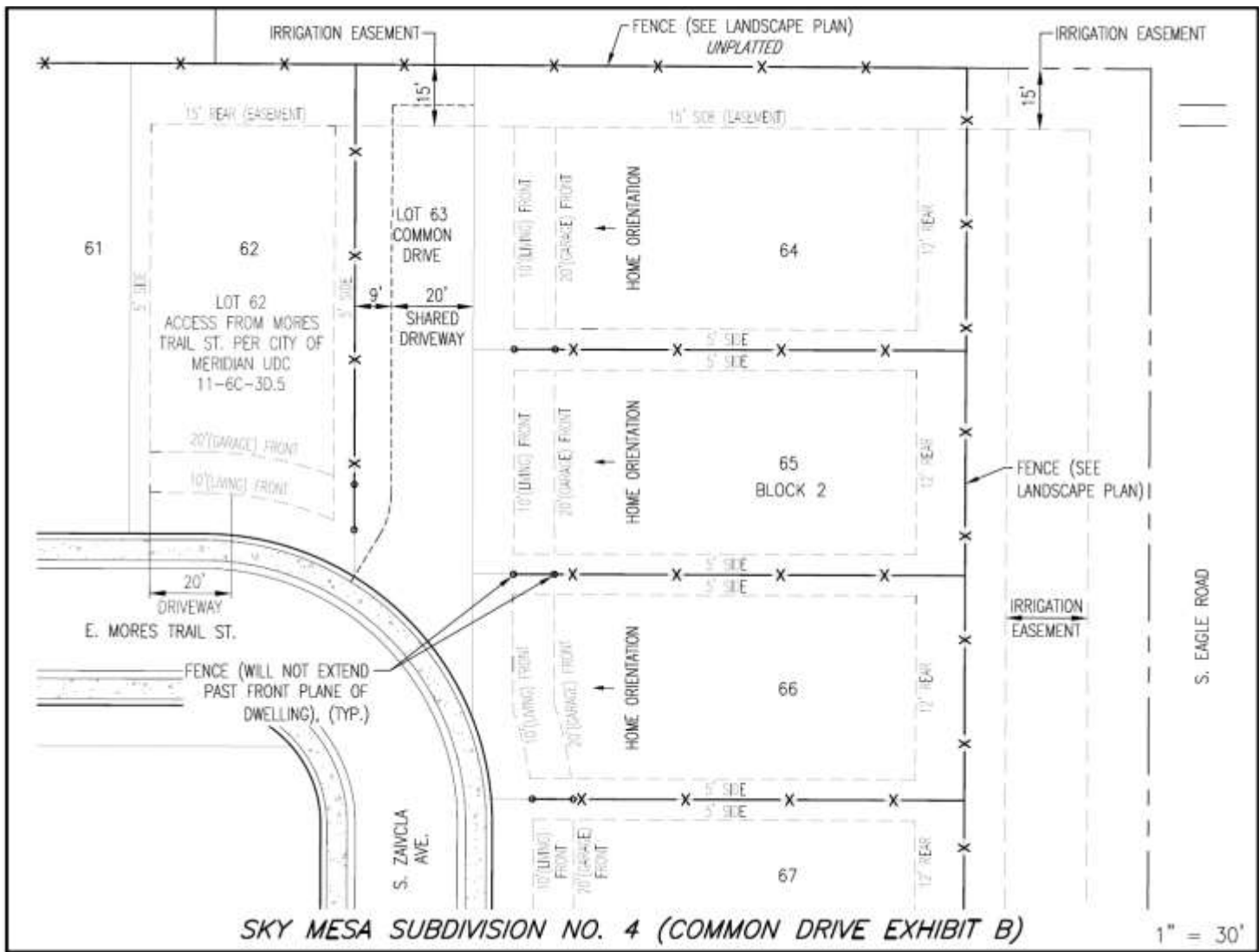
SKY MESA NO. 4  
E TACONIC DRIVE  
MERIDIAN, IDAHO 83842  
LANDSCAPE DETAILS

L25



D. Common Driveway Exhibits





## VI. CITY/AGENCY COMMENTS & CONDITIONS

### A. Planning Division

#### Site Specific Conditions:

1. Applicant shall comply with all previous conditions of approval associated with this development (H-2017-0068, Development Agreement #2017-119308).
2. The applicant shall obtain the City Engineer's signature on the subject final plat within two years of the City Engineer's signature on the previous phase final plat; *or* apply for a time extension, in accord with UDC 11-6B-7.
3. Prior to submittal for the City Engineer's signature, have the Certificate of Owners and the accompanying acknowledgement signed and notarized.
4. The final plat prepared by Land Solutions stamped on 5/20/2020 by Clinton W. Hansen, shall be revised as follows:
  - a. Change the street name "S. Mesa Trail Way" to "S. Rosalia Way" per the Ada County Street Name Review letter.
  - b. Note #8: Include Lot 59, Block 2 as a common lot.
  - c. Legend: Include the recorded instrument number of the existing ACHD permanent easement.
  - d. Include the Book number and Pages number of the Sky Mesa Subdivision No. 3 note graphically depicted on the face of the plan on Sheet 1.
  - e. Provide a minimum 20-foot wide access easement over Lot 63, Block 2 to the Fulcher parcel (#S1132142001) in accord with UDC 11-3A-3A.3 either graphically on the face of the plat or via a separate recorded easement referenced on the plat. *If a separate easement is granted, submit a recorded copy of the easement to the City with the final plat for City Engineer signature.*
5. The landscape plan prepared by Breckon Land Design dated 5/20/20, is approved as submitted.
6. The rear of 2-story homes constructed on Lots 64-69, Block 2 and Lots 10-12, Block 8 visible from S. Eagle Rd. shall incorporate articulation through changes in two or more of the following: material type, projections, recesses, step-backs, bays, banding, pop-outs, porches, balconies or other architectural elements to break up monotonous wall planes and roof lines. *This does not apply to single-story homes.*
7. A perpetual ingress-egress easement for the common driveways on Lots 55 and 63, Block 2 shall be filed with the Ada County Recorder, which shall include a requirement for maintenance of a paved surface capable of supporting fire vehicles and equipment. If included in the CC&R's as referenced in plat note #8, a recorded copy of the CC&R's documenting such shall be submitted with the final plat for City Engineer signature.
8. A public pedestrian easement shall be submitted for the multi-use pathways on this site unless the pathway(s) will be in the right-of-way in which case it should be covered under a pedestrian easement with ACHD.
9. "No Parking" signs shall be installed along the 42-foot wide street sections.
10. Future development of Lots 54, 56-58, 62 and 64-66, Block 2 shall be consistent with Exhibit D in Section V.

11. Staff's failure to cite specific ordinance provisions or conditions from the preliminary plat and/or development agreement does not relieve the Applicant of responsibility for compliance.

## **B. Public Works**

### **Site Specific Conditions:**

1. Type 1 streetlights are required on Eagle Road every 300' staggered from the lights on the east side of the road.
2. The angle of the sewer line coming into and out of manhole SSMH #SK11D needs to be 90 degrees minimum.
3. A manhole needs to be added near the end of the common drive that leads to parcel S1132142001. A 14-foot wide compacted gravel access path is required over and around the manhole per City requirements. The sewer main and manhole are allowed due to the unique nature of this common drive (access to another parcel).
4. This phase of the development ends in a dead-end water main at the northeast corner in the common drive, which may result in poor water quality. Development to the north will eliminate this dead-end and correct this problem.

### **General Conditions:**

5. 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.
6. 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.
7. 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.
8. 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.
9. 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.
10. 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.
11. 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.
12. 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.
  13. 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.
  14. 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.
  15. Applicant shall be responsible for application and compliance with any Section 404 Permitting that may be required by the Army Corps of Engineers.
  16. Developer shall coordinate mailbox locations with the Meridian Post Office.
  17. All grading of the site shall be performed in conformance with MCC 11-1-4B.
  18. 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.
  19. 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.
  20. 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.
  21. 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.
  22. 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.
  23. 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.

24. Applicant shall be responsible for application and compliance with and NPDES permitting that may be required by the Environmental Protection Agency.
25. 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.
26. 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.
27. 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.
28. 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.



1029 N. Rosario Street, Suite 100  
Meridian, ID 83642  
Phone: (208) 938-0980  
Fax: (208) 938-0941  
E-mail: [beckym@engsol.org](mailto:beckym@engsol.org)

July 16, 2020

Mayor and City Council  
City of Meridian  
33 East Broadway Avenue  
Meridian, ID 83642

Re: Sky Mesa Subdivision No. 4 Final Plat – H-2020-0063  
Response to Staff Comments

Dear Mayor and Council:

We have reviewed the conditions of approval from the staff report for the Meridian City Council meeting of July 7, 2020, and have the following responses/clarifications:

**A. Planning Division Site Specific Conditions:**

1. The applicant will comply.
2. The applicant will comply.
3. The applicant will comply.
4. The final plat will be revised as requested prior to recording.
5. It is noted the landscape plan dated 5/20/20 is approved as submitted.
6. The applicant will comply.
7. The applicant will comply.
8. The applicant will comply.
9. “No Parking” signs will be installed on one side of the street where 42-foot-wide street sections are proposed.
10. The applicant is in agreement.
11. Understood.

**Public Works**

**Site Specific Conditions:**

1. The applicant will comply.
2. **The angle of the sewer main line can be modified to 88 degrees, which has been approved by Meridian Public Works.**

Mayor and City Council  
July 16, 2020  
Page 2

3. The applicant will comply.
4. The applicant will comply.
5. The applicant will comply.
6. The applicant will comply.

**General Conditions:**

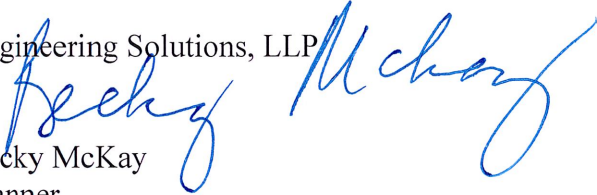
7. Understood. The applicant will comply.
8. The applicant will comply.
9. The applicant will comply.
10. The applicant will comply.
11. The applicant will comply.
12. The applicant will comply.
13. The applicant will comply.
14. The applicant will comply.
15. Understood.
16. Understood.
17. Understood.
18. Understood.
19. The applicant will comply.
20. Understood.
21. Understood.
22. Understood.
23. The applicant will comply.
24. The applicant will comply.
25. The applicant will comply.
26. The applicant will provide any needed easements.
27. Understood.
28. Understood.
29. Understood.
30. Understood.
31. The applicant will comply.



Mayor and City Council  
July 16, 2020  
Page 3

We appreciate your review of this project. Please feel free to call me if you have additional comments or questions.

Sincerely,

Engineering Solutions, LLP  
  
Becky McKay  
Planner

**BEFORE THE MERIDIAN CITY COUNCIL**

**HEARING DATE: JULY 21, 2020  
FINDINGS APPROVAL DATE: AUGUST 4, 2020**

**IN THE MATTER OF THE )  
REQUEST FOR FINAL PLAT )  
CONSISTING OF 36 BUILDABLE )  
LOTS AND 4 COMMON LOTS ON )  
9.89 ACRES OF LAND IN THE R-4 )  
ZONING DISTRICT FOR )  
WHITECLIFFE ESTATES NO. 2 )  
)  
**BY: 943 W. MCMILLAN ROAD )  
LLC, )  
APPLICANT )**  
\_\_\_\_\_)  
)**

**CASE NO. H-2020-0070  
ORDER OF CONDITIONAL  
APPROVAL OF FINAL PLAT**

This matter coming before the City Council on August 4, 2020 for final plat approval pursuant to Unified Development Code (UDC) 11-6B-3 and the Council finding that the Administrative Review is complete by the Planning and Development Services Divisions of the Community Development Department, to the Mayor and Council, and the Council having considered the requirements of the preliminary plat, the Council takes the following action:

**IT IS HEREBY ORDERED THAT:**

1. The Final Plat of “PLAT SHOWING WHITECLIFFE ESTATES NO. 2, LOCATED IN THE NE ¼ OF THE NW ¼ OF SECTION 36, TOWNSHIP 4N., RANGE 1W., BOISE MERIDIAN, CITY OF MERIDIAN, ADA COUNTY, IDAHO, 2020, HANDWRITTEN DATE: 5/21/2020, by CLINTON W.

ORDER OF CONDITIONAL APPROVAL OF FINAL PLAT  
FOR WHITECLIFFE ESTATES No. 2 – FP H-2020-007

HANSEN, SHEET 1 OF 3,” is conditionally approved subject to those conditions of Staff as set forth in the staff report to the Mayor and City Council from the Planning and Development Services divisions of the Community Development Department dated July 21, 2020, a true and correct copy of which is attached hereto marked “Exhibit A” and by this reference incorporated herein.

- 2. The final plat upon which there is contained the certification and signature of the City Clerk and the City Engineer verifying that the plat meets the City’s requirements shall be signed only at such time as:
  - 2.1 The plat dimensions are approved by the City Engineer; and
  - 2.2 The City Engineer has verified that all off-site improvements are completed and/or the appropriate letter of credit or cash surety has been issued guaranteeing the completion of off-site and required on-site improvements.

**NOTICE OF FINAL ACTION**

**AND RIGHT TO REGULATORY TAKINGS ANALYSIS**

The Applicant is hereby notified that pursuant to Idaho Code § 67-8003, the Owner may request a regulatory taking analysis. Such request must be in writing, and must be filed with the City Clerk not more than twenty-eight (28) days after the final decision concerning the matter at issue. A request for a regulatory takings analysis will toll the time period within which a Petition for Judicial Review may be filed.

**Please take notice** that this is a final action of the governing body of the City of Meridian, pursuant to Idaho Code § 67-6521. An affected person being a person who has an

interest in real property which may be adversely affected by this decision may, within twenty-eight (28) days after the date of this decision and order, seek a judicial review pursuant to Idaho Code § 67-52.

By action of the City Council at its regular meeting held on the \_\_\_\_\_ day of \_\_\_\_\_, 2020.

By:

\_\_\_\_\_  
Robert Simison  
Mayor, City of Meridian

Attest:

\_\_\_\_\_  
Chris Johnson  
City Clerk

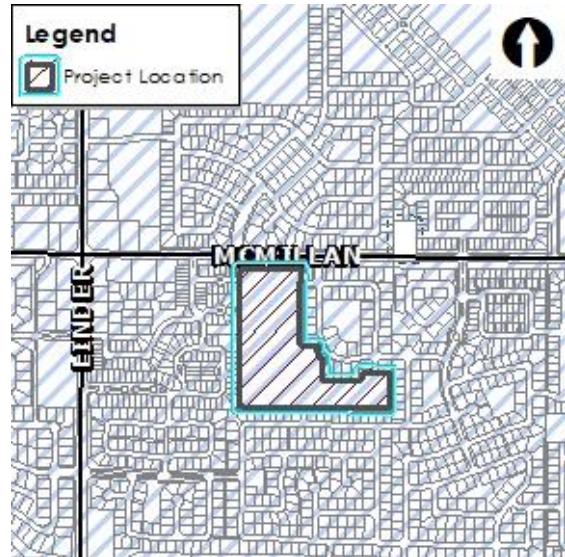
Copy served upon the Applicant, Planning and Development Services Divisions of the Community Development Department and City Attorney.

By: \_\_\_\_\_ Dated: \_\_\_\_\_

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



HEARING DATE: 7/21/2020  
TO: Mayor & City Council  
FROM: Alan Tiefenbach, Associate Planner  
208-489-0573  
SUBJECT: H-2020-007  
Whitecliffe Estates No. 2  
LOCATION: The site is located at 943 W. McMillan Rd., in the NE ¼ of the NW ¼ of Section 36, Township 4N., Range 1W



**I. PROJECT DESCRIPTION**

Final Plat consisting of 36 building lots and 4 common lots and one other lot on 9.89 acres of land in the R-4 zoning district. This is the second phase of the Whitecliffe Estates Subdivision.

**II. APPLICANT INFORMATION**

A. Applicant / Owner

Todd Amyx, 943 W. McMillan Road – 13967 W. Wainwright Dr, Suite 102, Boise ID 83713

B. Representative:

Becky Mckay, Engineering Solutions, LLP – 1029 N. Rosario St, Suite 110, Meridian ID 83642

**III. STAFF ANALYSIS**

The preliminary plat for this development was approved by City Council on 9/18/2018. The preliminary plat consisted of 128 building lots and 10 common lots. The final plat for the first phase was approved by Council on 4/23/2019. This is the second phase, consisting of 36 building lots and 4 common lots on 9.89 acres.

Staff has reviewed the proposed final plat for substantial compliance with the approved preliminary plat in accord with the requirements listed in UDC 11-6B-3C.2. Because the final plat depicts one less building lot and the same amount of qualified open space as shown on the approved preliminary plat, Staff finds the proposed final plat is in substantial compliance with the approved preliminary plat as required. Two sections of pathways in Common Lots 20 and 16 of Block 5 are included with this final plat. Due to the sewer easement in Lot 20, staff supports the applicant transferring the trees that were required in Lot 20 into Common Lot 16 instead.

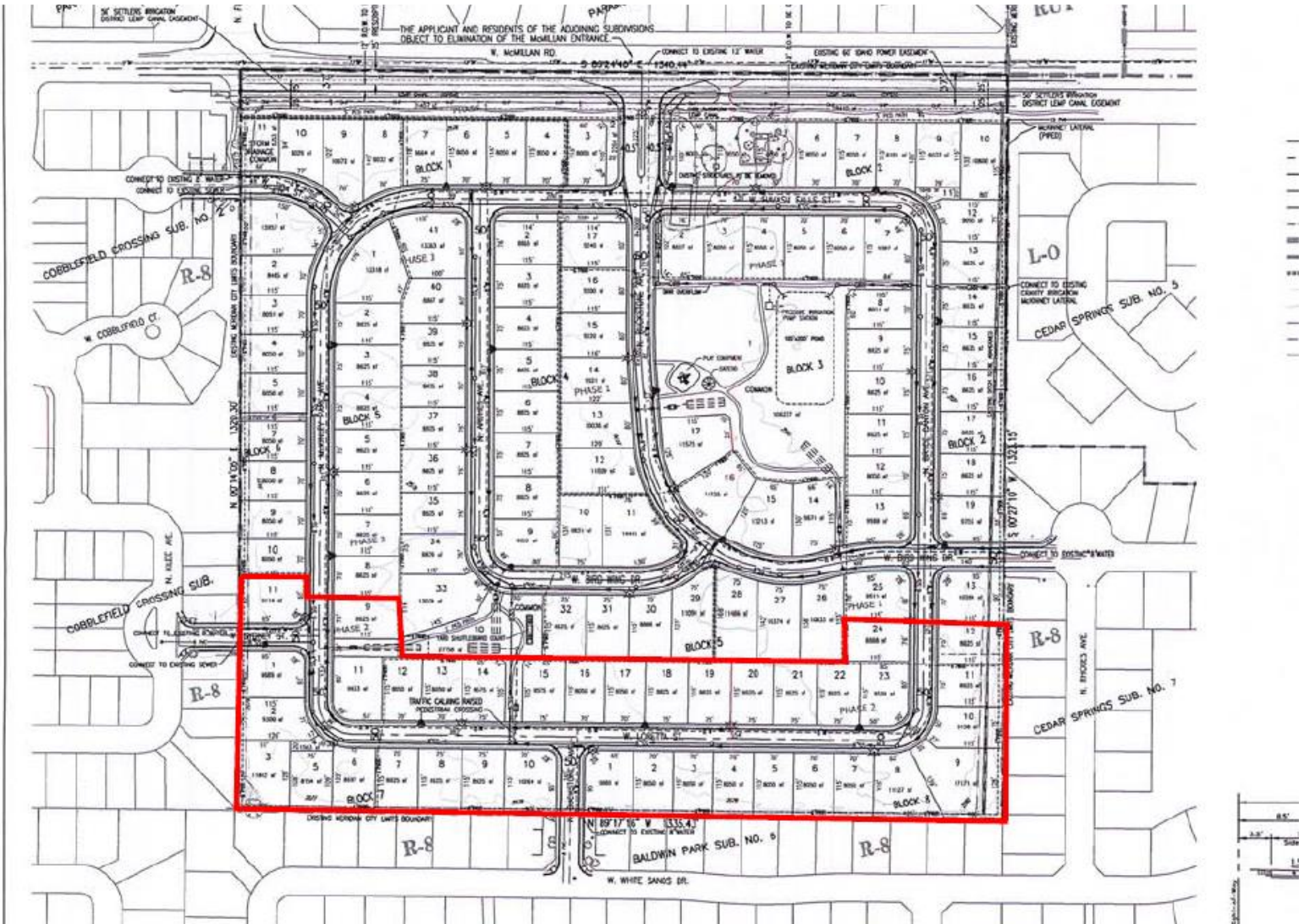
All development shall comply with the dimensional standards listed in UDC Table 11-2A-5 for the R-4 zoning district.

**IV. DECISION**

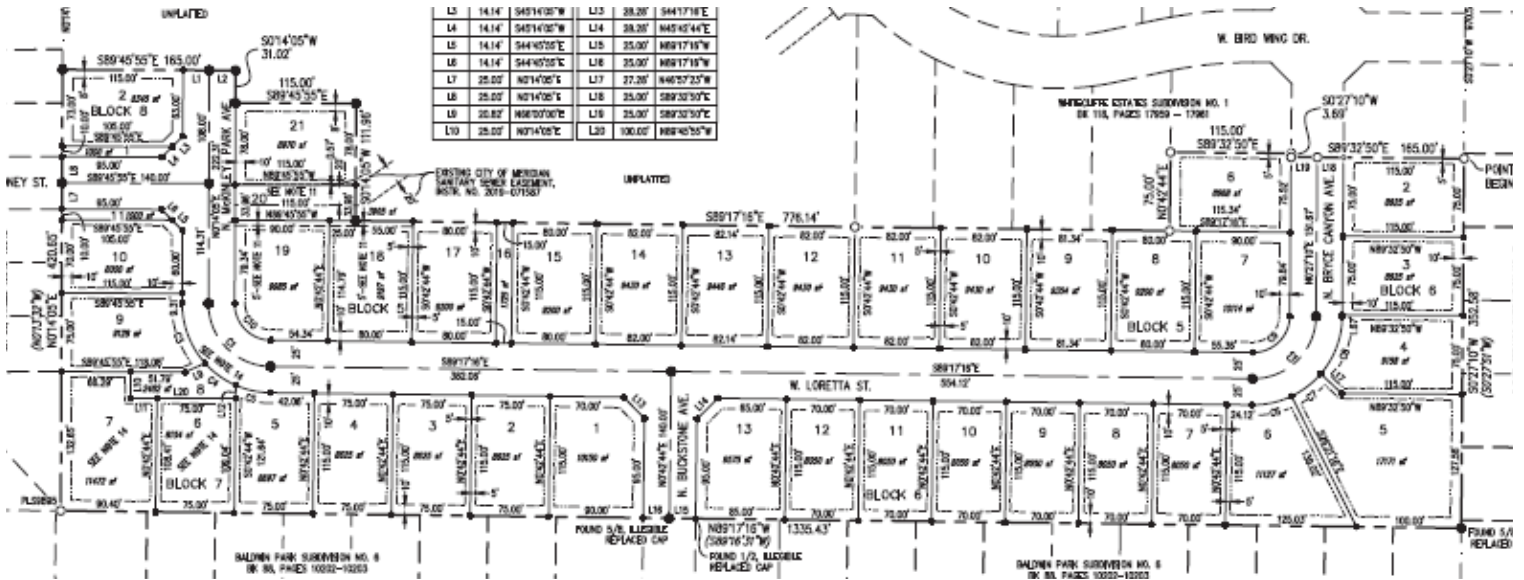
Staff recommends approval of the proposed final plat within the conditions noted in Section VI of this report.

**V. EXHIBITS**

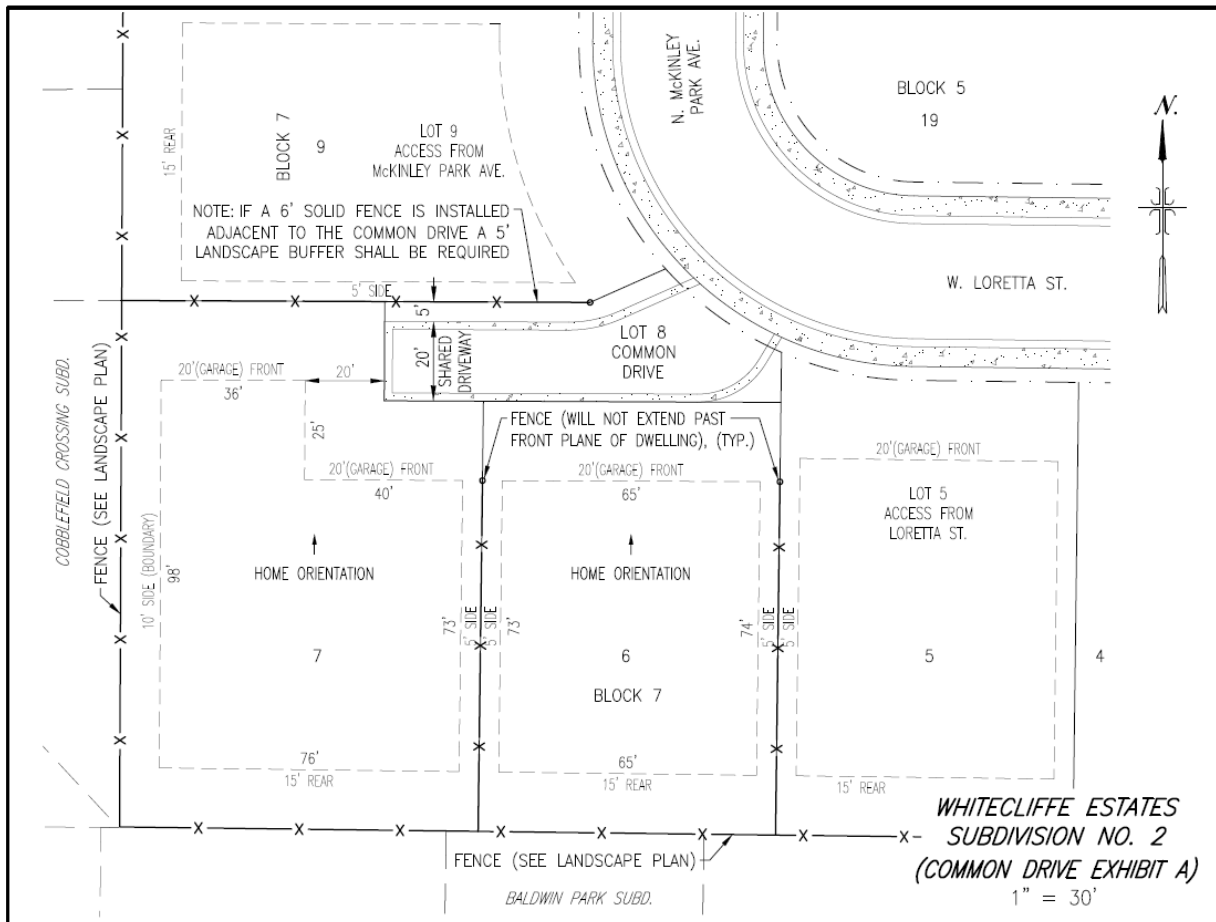
**A. Preliminary Plat (date: 5/23/2018)**



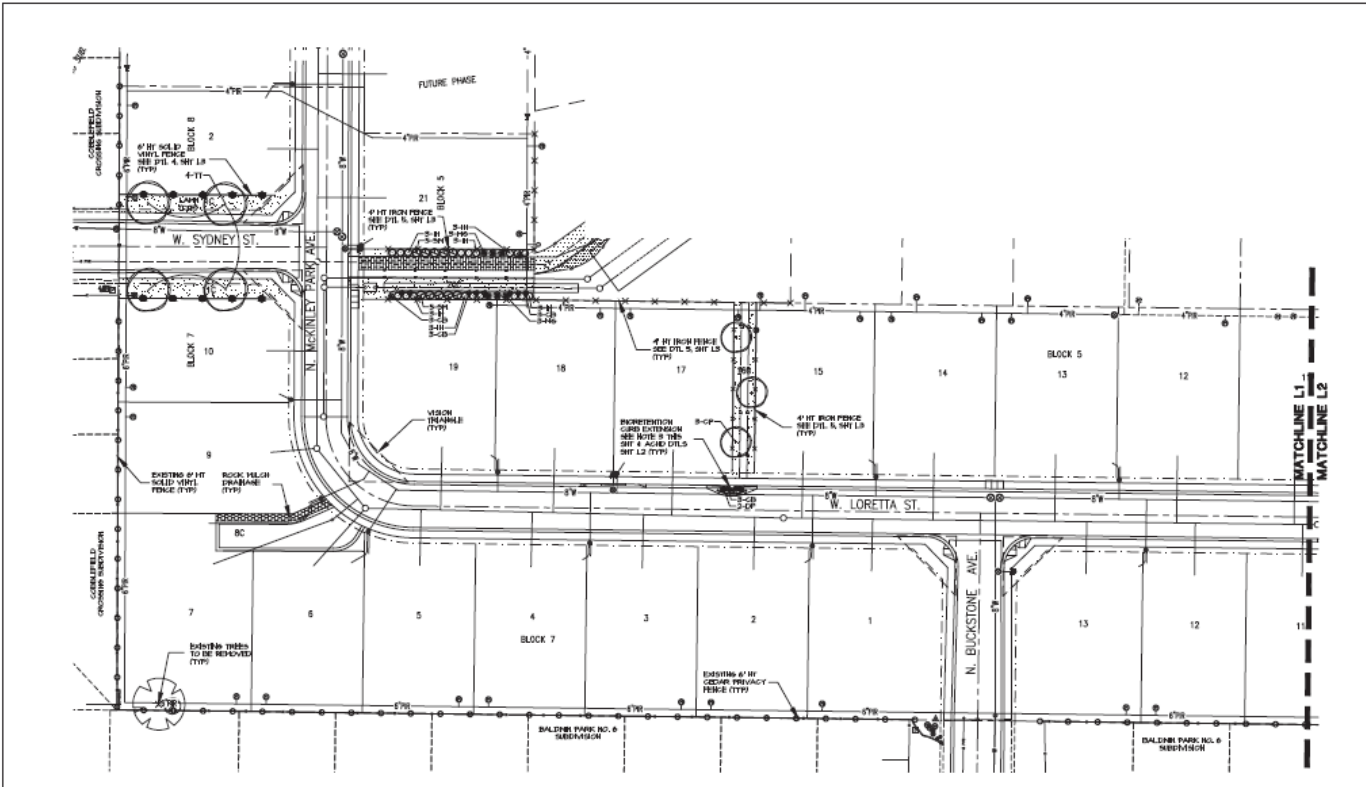
B. Final Plat (date: 6/8/2020)



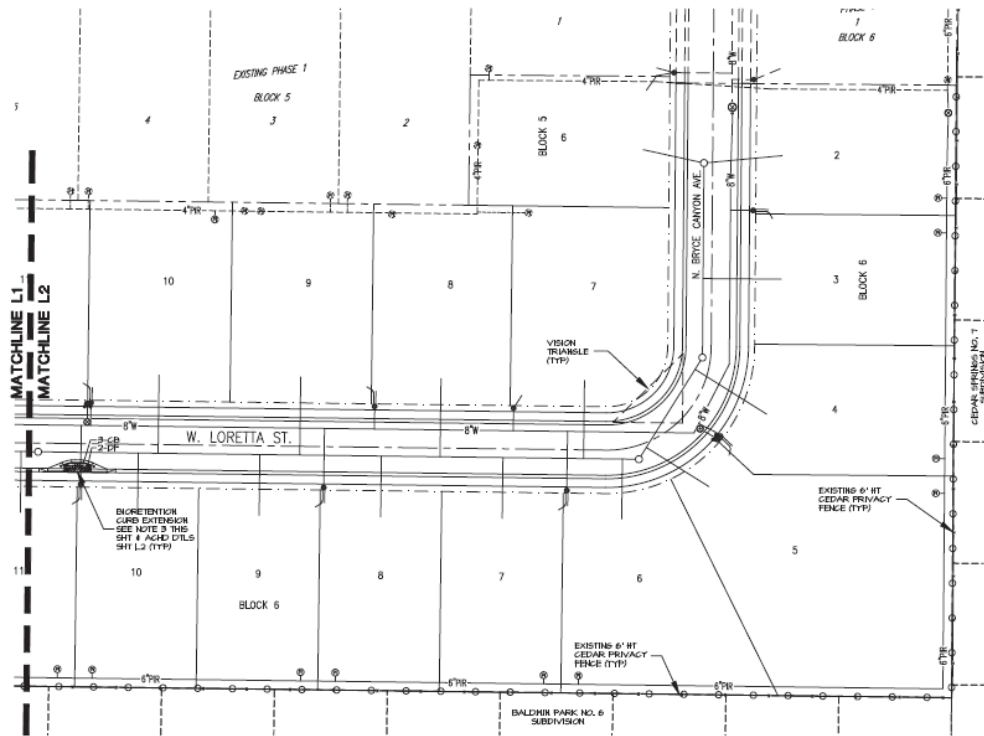
C. Common Drive Exhibit (date: 6/8/2020)



C. Final Plat Landscape Plan West (date: 7/16/2020)



E. Final Plat Landscape Plan East (date: 5/21/2020)





## VI. CITY/AGENCY COMMENTS & CONDITIONS

### A. Planning Division

#### Site Specific Conditions:

1. Applicant shall comply with all previous conditions of approval associated with this development (H-2018-0074, Development Agreement #2018-111711, H-2019-0033).
2. The applicant shall obtain the City Engineer's signature on the subject final plat within two years of the City Council approval of the preliminary plat. In the event that the development of the preliminary plat is made in successive phases in an orderly and reasonable manner, and conforms substantially to the approved preliminary plat, such segments, if signed by the city engineer within successive intervals of two (2) years, may be considered for final approval without resubmission for preliminary plat approval. (Whitecliffe Estates Subdivision No. 1 final plat was signed by the City Engineer on January 17, 2020, making the deadline for signature January 27, 2022.)
3. Prior to submittal for the City Engineer's signature, have the Certificate of Owners and the accompanying acknowledgement signed and notarized.
4. The landscape plan prepared by Jensen Belts Associates, dated 5/21/2020, is approved as submitted.
5. The final plat prepared by Clinton Hansen, Land Solutions, dated 5/21//20 is approved as submitted.
6. Staff's failure to cite specific ordinance provisions or conditions from the preliminary plat does not relieve the Applicant of responsibility for compliance.
7. Prior to the issuance of any building permits, the property shall be subdivided in accordance with the UDC.
8. The applicant shall comply with the common drive exhibit attached as Exhibit V.C.
9. Future development shall be consistent with the conceptual building elevations included in the Development Agreement.
10. Prior to signature of the final plat by the City Engineer, the applicant shall provide a letter from the United States Postal Service stating that the applicant has received approval for the location of mailboxes. Contact the Meridian Postmaster Sue Prescott at 887-1620 for more information.

## B. Public Works

### General Conditions:

1. 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.
2. 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.
3. 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.
4. 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.
5. 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.
6. 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.
7. 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.
8. 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.
9. 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.
10. 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.
11. Applicant shall be responsible for application and compliance with any Section 404 Permitting that

may be required by the Army Corps of Engineers.

12. Developer shall coordinate mailbox locations with the Meridian Post Office.
13. All grading of the site shall be performed in conformance with MCC 11-1-4B.
14. 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.
15. 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.
16. 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.
17. 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.
18. 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.
19. 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.
20. Applicant shall be responsible for application and compliance with and NPDES permitting that may be required by the Environmental Protection Agency.
21. 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.
22. 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.
23. 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.

24. 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.

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



**In the Matter of the Request for Annexation and Zoning of 15 Acres of Land with a R-8 zoning District, and Preliminary Plat Consisting of 64 Building Lots, by Pinnacle Land Development, LLC.  
Case No(s). H-2020-0032**

**For the City Council Hearing Date of: July 21, 2020 (Findings on August 4, 2020)**

**A. Findings of Fact**

1. Hearing Facts (see attached Staff Report for the hearing date of July 21, 2020, incorporated by reference)
2. Process Facts (see attached Staff Report for the hearing date of July 21, 2020, incorporated by reference)
3. Application and Property Facts (see attached Staff Report for the hearing date of July 21, 2020, incorporated by reference)
4. Required Findings per the Unified Development Code (see attached Staff Report for the hearing date of July 21, 2020, incorporated by reference)

**B. Conclusions of Law**

1. The City of Meridian shall exercise the powers conferred upon it by the “Local Land Use Planning Act of 1975,” codified at Chapter 65, Title 67, Idaho Code (I.C. §67-6503).
2. The Meridian City Council takes judicial notice of its Unified Development Code codified as Title 11 Meridian City Code, and all current zoning maps thereof. The City of Meridian has, by ordinance, established the Impact Area and the Comprehensive Plan of the City of Meridian, which was adopted December 17, 2019, Resolution No. 19-2179 and Maps.
3. The conditions shall be reviewable by the City Council pursuant to Meridian City Code § 11-5A.
4. Due consideration has been given to the comment(s) received from the governmental subdivisions providing services in the City of Meridian planning jurisdiction.
5. It is found public facilities and services required by the proposed development will not impose expense upon the public if the attached conditions of approval are imposed.
6. That the City has granted an order of approval in accordance with this Decision, which shall be signed by the Mayor and City Clerk and then a copy served by the Clerk upon the applicant, the Community Development Department, the Public Works Department and any affected party requesting notice.
7. That this approval is subject to the Conditions of Approval all in the attached Staff Report for the hearing date of July 21, 2020, incorporated by reference. The conditions are concluded to be

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

C. Decision and Order

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

- 1. The applicant’s request for annexation, zoning and preliminary plat is hereby approved per the conditions of approval in the Staff Report for the hearing date of July 21, 2020, attached as Exhibit A.

D. Notice of Applicable Time Limits

Notice of Preliminary Plat Duration

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

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

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

Notice of Development Agreement Duration

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

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

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

period.

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

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

F. Attached: Staff Report for the hearing date of July 21, 2020

By action of the City Council at its regular meeting held on the \_\_\_\_\_ day of \_\_\_\_\_, [year].

COUNCIL PRESIDENT TREG BERTNT VOTED\_\_\_\_\_

COUNCIL VICE PRESIDENT BRAD HOAGLUN VOTED\_\_\_\_\_

COUNCIL MEMBER JESSICA PERREAULT VOTED\_\_\_\_\_

COUNCIL MEMBER LUKE CAVENER VOTED\_\_\_\_\_

COUNCIL MEMBER JOE BORTON VOTED\_\_\_\_\_

COUNCIL MEMBER LIZ STRADER VOTED\_\_\_\_\_

MAYOR ROBERT SIMISON VOTED\_\_\_\_\_  
(TIE BREAKER)

\_\_\_\_\_  
Mayor Robert Simison

Attest:

\_\_\_\_\_  
Chris Johnson  
City Clerk

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

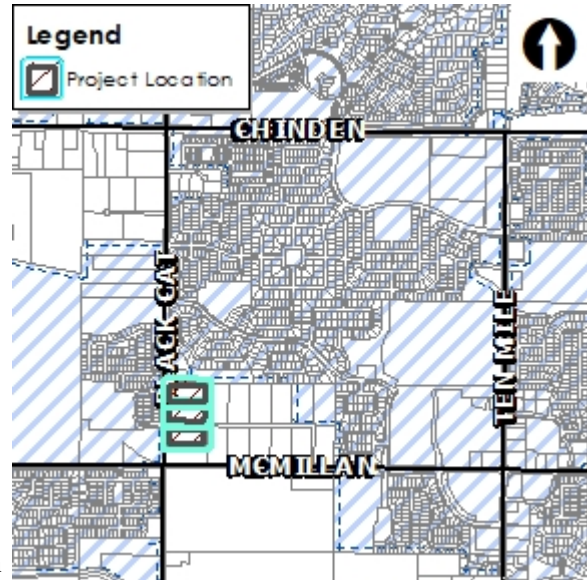
By: \_\_\_\_\_ Dated: \_\_\_\_\_  
City Clerk's Office



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



HEARING DATE: 7/21/2020  
 TO: Mayor & City Council  
 FROM: Alan Tiefenbach, Associate Planner  
 208-489-0573  
 Bruce Freckleton, Development Services Manager  
 208-887-2211  
 SUBJECT: H-2020-0032  
 Brody Square  
 LOCATION: The site is located within the northeast quadrant of N. Black Cat Road and W. McMillan Road., in the SW ¼ of Section 27, Township 4 N., Range 1W.



**I. PROJECT DESCRIPTION**

Annexation & zoning of 15 acres of land (3 different properties) with an R-8 zoning district, and preliminary plat consisting of 65 building lots and 7 common lots, by Pinnacle Land Development, LLC. This request also includes vacating approximately 275 feet of Daphine Street.

**II. SUMMARY OF REPORT**

A. Project Summary

Description	Details	Page
Acreage	15.00	
Future Land Use Designation	Medium Density Residential	
Existing Land Use(s)	Single Family / Rural	
Proposed Land Use(s)	Single Family, 65 Lots	
Lots (# and type; bldg./common)	65 Single Family, 7 Common Lots	
Phasing Plan (# of phases)	1 phase	
Number of Residential Units (type of units)	65 Single Family	
Density	4.33 du / acre	
Open Space (acres, total [%]/buffer/qualified)	2.67 acres, 16.5% total open space, 11.5% qualified open space	
Amenities	< 20 acres, one required.	
Physical Features (waterways, hazards, flood plain, hillside)	Beach Lateral parallels N. Black Cat Road.	
Neighborhood meeting date; # of attendees:	January 23, 2020 – 7 attendees signed in.	

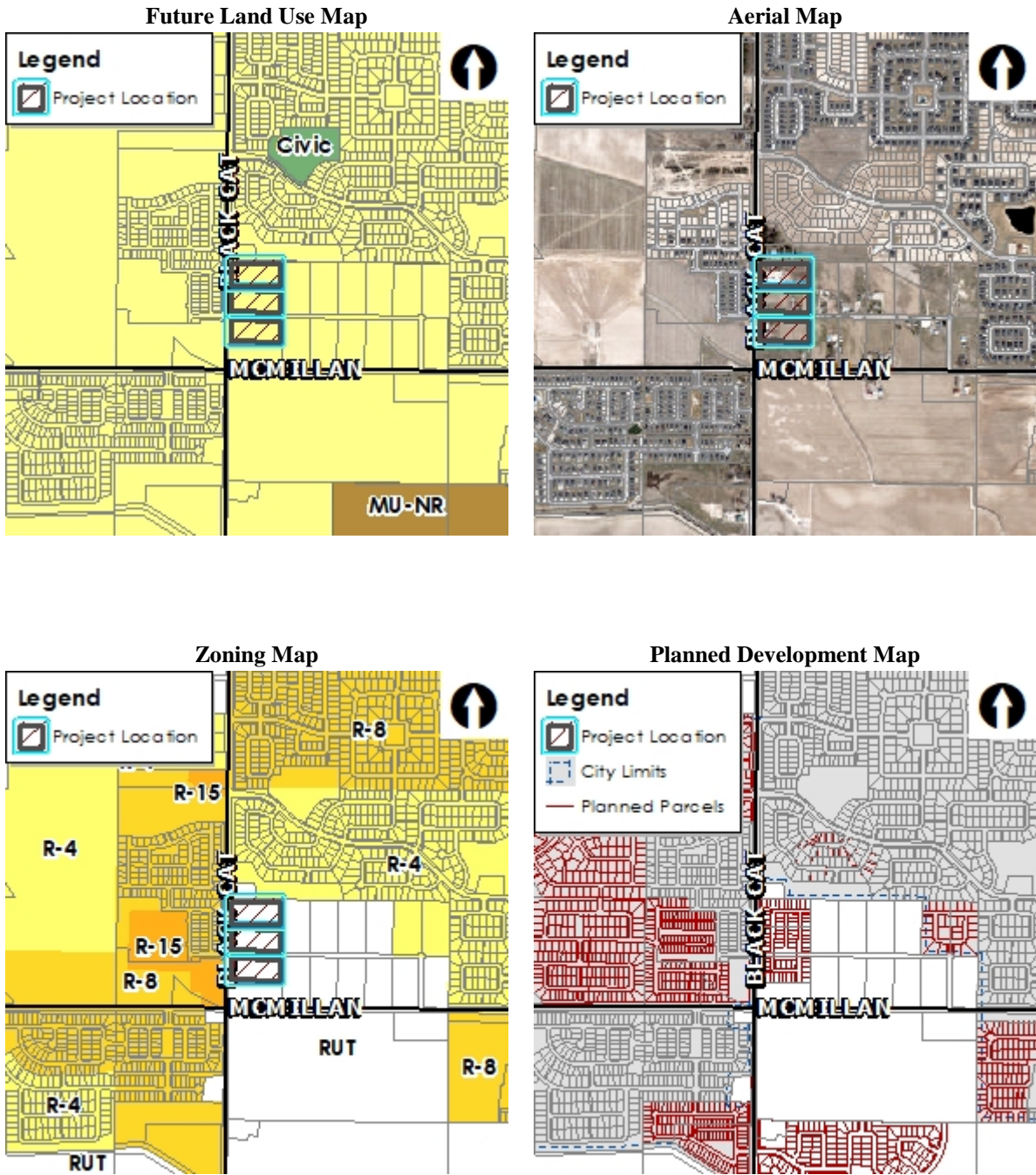
Description	Details	Page
History (previous approvals)	Black Cat Estates No. 1 & 2, unincorporated Ada County	

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>Yes – Vacation of Daphne St must be approved by ACHD.</p>	
Access (Arterial/Collectors/State Hwy/Local)(Existing and Proposed)	Four accesses are proposed. The western access is to N. Black Cat Road (Minor Arterial) from Daphine Street (local road) and the eastern access is to McMillan Road (Minor Arterial) via Daphine Street and N. Joy Street (local roads). There are two stub streets shown.	
Traffic Level of Service	Per the ACHD staff report: McMillan Rd. – Better than “E” (acceptable level of service) Black Cate Rd. – Better than “E” (acceptable level of service)	
Stub Street/Interconnectivity/Cross Access	The applicant is proposing two stub streets – one to the east and one to the south.	
Existing Road Network	Minor Arterials and Local Streets	
Existing Arterial Sidewalks / Buffers	Buffer and sidewalk exists on west side of N. Black Cat Road (part of the Jump Creek Subdivision.) Buffer and sidewalk on east side of N. Black Cat Road proposed with this subdivision.	
Proposed Road Improvements	Local streets are being constructed to serve this development. All streets will be constructed to ACHD standards.	
Distance to nearest City Park (+ size)	Approx. 1.5 miles to Keith Bird Legacy Park and Heroes Park	
Distance to other key services	Approx. 1.5 miles to Hunter Elementary School, 2 miles to Rocky Mountain High School.	
Fire Service		
<ul style="list-style-type: none"> <li>• Distance to Fire Station</li> <li>• Fire Response Time</li> <li>• Resource Reliability</li> </ul>	<p>Fire Station No. 2, 2.6 miles</p> <p>Less than 5 minutes</p> <p>76% - does meet the targeted goal of 80% or greater</p>	
<ul style="list-style-type: none"> <li>• Risk Identification</li> </ul>	Risk Factor 2. Current resources would not be adequate to supply serve to project.	
<ul style="list-style-type: none"> <li>• Accessibility</li> </ul>	Project meets all required access, road widths and turnaround.	

Description	Details	Page	
<ul style="list-style-type: none"> <li>Special/resource needs</li> </ul>	Project will not require an aerial device; cannot meet this need in the required timeframe if a truck company is required. Closest truck company is 13 minutes travel time.		
<ul style="list-style-type: none"> <li>Water Supply</li> </ul>	Requires 1,000 gallons per minute for one hour, may be less if buildings are fully sprinklered.		
Police Service	No comments submitted.		
West Ada School District	No comments submitted.		
Wastewater			
<ul style="list-style-type: none"> <li>Distance to Sewer Services</li> </ul>	Directly adjacent in N. Black Cat Road		
<ul style="list-style-type: none"> <li>Sewer Shed</li> </ul>	North Black Cat Trunkshed		
<ul style="list-style-type: none"> <li>Estimated Project Sewer ERU's</li> </ul>	See application		
<ul style="list-style-type: none"> <li>WRRF Declining Balance</li> </ul>	13.91		
<ul style="list-style-type: none"> <li>Project Consistent with WW Master Plan/Facility Plan</li> </ul>	Yes		
<ul style="list-style-type: none"> <li>Impacts/Concerns</li> </ul>	<ul style="list-style-type: none"> <li>No sewer mains in common driveways.</li> <li>No manholes in common driveways or sidewalks.</li> <li>Provide "to and through" sewer connection to the property to the south.</li> </ul>		
Water			
<ul style="list-style-type: none"> <li>Distance to Water Services</li> </ul>	Located in N. Black Cat Road		
<ul style="list-style-type: none"> <li>Pressure Zone</li> </ul>	1		
<ul style="list-style-type: none"> <li>Estimated Project Water ERU's</li> </ul>	See application		
<ul style="list-style-type: none"> <li>Water Quality</li> </ul>	No concerns		
<ul style="list-style-type: none"> <li>Project Consistent with Water Master Plan</li> </ul>	Yes		
<ul style="list-style-type: none"> <li>Impacts/Concerns</li> </ul>	Modeling analysis will need to be completed at Final Plat to verify minimum fire flow pressure is met at each phase.		

C. Project Area Maps



III. APPLICANT INFORMATION

A. Applicant:

Randy Clarno, Pinnacle Land Development, LLC – 7629 E. Pinnacle Peak Rd, Ste 110  
Scottsdale, AZ 85255

B. Owner:

Max Steinback, Hurley Family Trust, Kenneth Arendse

4924 & 5120 N. Black Cat Rd, 4644 W. Daphine Street, Meridian, ID 83646

C. Representative:

Keith Nichter, Kimley-Horn and Associates Inc, 950 W. Bannock St, Boise, ID 83702

IV. NOTICING

	Planning & Zoning Posting Date	City Council Posting Date
Newspaper Notification	5/29/2020	6/19/2020
Radius notification mailed to properties within 300 feet	5/29/2020	7/16/2020
Public hearing notice sign posted on site	7/10/2020	
Nextdoor posting	5/27/2020	7/16/2020

V. STAFF ANALYSIS

A. Annexation:

The proposed annexation area is contiguous to City annexed property and is within the Area of City Impact Boundary. To ensure the site develops as proposed by the applicant, staff is recommending a development agreement as part of the annexation approval.

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

This property is designated Medium Density Residential on the City’s Future Land Use Map (FLUM) contained in the Comprehensive Plan.

This designation allows for dwelling units at gross densities of three to eight dwelling units per acre. Density bonuses may be considered with the provision of additional public amenities such as a park, school, or land dedicated for public services.

*The annexation area is near existing public services and not on the periphery of corporate city limits; existing City of Meridian zoning and development is directly adjacent to the west, north and nearby to the east. The proposed land use of single-family residential is consistent with the recommended uses in the FLUM designation. The proposed project has a gross density of 4.3 du/ac, meeting the required density range listed above. Therefore, Staff finds the proposed preliminary plat and requested R-8 zoning district to be generally consistent with the Future Land Use Map designation of Medium Density Residential.*

*The City may require a development agreement (DA) in conjunction with an annexation pursuant to Idaho Code section 67-6511A. In order to ensure the site develops as proposed with this application, staff recommends a DA as a provision of annexation with the provisions included in Section IX.A. The DA is required to be signed by the property owner(s)/developer and returned to the City within 6 months of the Council granting the annexation for approval by City Council and subsequent recordation.*

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

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 homes will contribute to the variety of residential categories in the City; however, there is no variety in housing types proposed within the development. The FLUM recommends densities of between 3 and 8 dwelling units per acre. Given this density recommendation, likely any resulting housing would be of the single-family detached type.*

- “With new subdivision plats, require the design and construction of pathway connections, easy pedestrian and bicycle access to parks, safe routes to schools, and the incorporation of usable open space with quality amenities.” (2.02.01A)

*The proposed plat depicts 5’ sidewalks on both sides of all local roads, a 5’ detached sidewalk along Black Cat Rd, and 6’ wide pathways within the central common open space. This will result in multi-modal routes both to the development and within the development.*

*The central park amenity shown in Lot 9 consists of a small pond, a gazebo and several pathways. At present, the pond cuts off walkway access in the middle of Block 3. It is staff’s opinion that connecting the two pathways along the pond would result in more useable space. Staff has added this as a recommended condition of approval.*

- “Require pedestrian access in all new development to link subdivisions together and promote neighborhood connectivity.” (2.02.01D)

*Attached sidewalks are proposed on both side of all streets. Sidewalks will be completed to the terminus of stub streets at the east and south which would connect to any future development. A 5’ detached sidewalk is proposed along the length of the development paralleling Black Cat Road.*

- “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 along Black Cat Road and can be extended by the developer with development in accord with UDC 11-3A-21.*

- Ensure that new development within existing residential neighborhoods is cohesive and complementary in design and construction. (2.02.02F)

*To the west of the subject property is the Jump Creek Subdivision, zoned R-8 (same as this proposal) with lot sizes of approximately 6,000 square feet (similar sizes as what is proposed with this plat). North of the property is single family residential zoned R-4. South of the property is vacant land, and east of the property is rural residential zoned RUT in Ada County. The areas that have developed in the vicinity of the subject property thus far have been comparable in zoning and lot sizes.*

*This development proposes architecture consisting of one and two story homes with pitched roofs, stone bases and / or lap siding very similar to what has been constructed in the Jump Creek Subdivision. The landscape buffer and 5' detached pathway shown on the landscape plan is comparable to the improved stretch of Black Cat Road along the Jump Street Subdivision. The proposed single-family residential development and site design should be compatible with existing residential uses.*

*In order to ensure compatibility and quality of design, staff recommends a condition that the rear and/or sides of 2-story structures on Lots 11-21, Block 1 and Lots 2-6, Block 2 that face N. Black Cat Road shall incorporate articulation through changes in two or more of the following: modulation (e.g. projections, recesses, step-backs, pop-outs), bays, banding, porches, balconies, material types, or other integrated architectural elements to break up monotonous wall planes and roof lines. Single-story structures are exempt from this requirement. Planning approval will be required at time of building permit.*

C. Existing Structures/Site Improvements:

*The subject property consists of three lots. There is an existing single-family residence on each lot. These will be removed.*

D. Proposed Use Analysis:

Single-family detached dwellings are listed as a principal permitted use in the R-8 zoning districts in UDC Table 11-2A-2.

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

All proposed lots and public streets appear to meet UDC dimensional standards per the submitted preliminary plat. This includes property sizes, required street frontages, and road widths. 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. In addition, all subdivision developments are also required to comply with Subdivision Design and Improvement Standards (UDC 11-6C-3) regarding common driveways.

*There are two (2) common driveways proposed; such driveways should be constructed in accord with the standards listed in UDC 11-6C-3D. 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 shall be filed with the Ada County Recorder, which shall include a requirement for maintenance of a paved surface capable of supporting fire vehicles and equipment.*

*Address signage should be provided at the public street for homes accessed via the common driveways.*

F. Access (11-3A-3):

Four accesses are proposed. The western access is to N. Black Cat Road (Minor Arterial) from Daphne Street (local road) and the eastern access is to McMillan Road (Minor Arterial) via Daphne Street and N. Joy Street (local roads). There are two stub streets shown.

ACHD reviewed this proposal and in a staff report dated May 1, 2020 stated the project is anticipated to generate approximately 613 additional trips per day, with 65 additional trips during the PM peak hour.

*Black Cat Road, a minor arterial, is presently improved with two travel lanes. ACHD intends to expand it to three lanes between 2026 and 2030. There is no curb, gutter or sidewalk on the east side along the subject property although it is improved with detached sidewalk on the west. Existing right-of-way is approximately 29 feet from centerline to the subject property. The applicant proposes to dedicate 19 additional feet of right-of-way to centerline and construct a 5' detached sidewalk in this area.*

*Daphne Street is presently built to 26 feet wide in a 50' right-of-way without curb, gutter or sidewalk. The applicant proposes to vacate approximately 275 feet of Daphne at the center of the proposed development to locate an approximately 1.6 acre park and pond in this area. At the east and west of this park, Daphne will be built to 33 feet in width with rolled curb, gutter and 5 foot attached sidewalk. ACHD has not expressed concerns regarding the proposed vacation. City Council is a recommending body on the vacation request.*

*Two stub streets are proposed. Avilla Drive will stub to the east, and Eynsford Ave will stub to the south. All roads within this proposed development will be local roads built to the same standards as Daphne Street.*

*During the November 7, 2019 Pre-Application Meeting, staff recommended that a stub street should be provided to the north from Avilla Drive through Block 1. This is to allow future access from the property at 5230 N. Black Cat Rd if it were to redevelop in the future. This access is not provided. Staff is recommending this as a condition of approval.*

*W. McMillan Road, a minor arterial, is intended to be widened from two to three lanes by 2035. A roundabout is planned for the McMillan / Black Cat intersection. W. McMillan Road is not part of this development.*

*Meridian Fire has stated the project meets all required access, road widths and turnarounds. ACHD has stated they support the road network and improvements as proposed.*

G. Parking (UDC 11-3C):

Off-street parking is required to be provided in accord with the standards listed in UDC Table 11-3C-6 for single-family detached dwellings based on the number of bedrooms



per unit. Future development should comply with these standards. No parking plan was submitted with the application.

H. Pathways (*UDC 11-3A-8*):

*Several pathways are proposed with this development. At the center of the development is a common lot containing a park and a pond (Lot 9 Block 3). There is an approximately 295' long pathway north of the pond in this common lot. There is an east / west pathway south of the pond. Sidewalks are proposed on both sides of all roads within the development.*

*The applicant is requesting an open water pond be credited toward their qualifying open space (as is discussed below). For full credit, staff recommends the northern and southern pathways connect along the pond to produce a more inviting and useable area.*

*The applicant has submitted conceptual exhibits to demonstrate the alignment and distances. All pathways will be required to meet the requirements of section 11-3A-8 of the UDC.*

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

Attached sidewalks are proposed along internal streets in accord with the standards listed in UDC 11-3A-17.

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

No parkways are proposed with this plat.

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

*The development proposes approximately 108,000 sf of open space, which is 16.5% of the total area. This includes a 25' wide buffer along Black Cat Road as required for arterial streets, 20' wide landscape strips on either side of Daphne Street, and a central open space and park with a water feature shown as Lot 9. With a length of 988 feet, 28 trees would be required within the Black Cat Road Buffer. The landscape plan proposes 34 trees. The buffer appears to comply with UDC 11-2A-6.*

L. Qualified Open Space (*UDC 11-3G*):

*The applicant proposes 11.5% of qualified open space. This includes a central park within Lot 9, Block 3 (including a .42-acre pond) and the .54-acre arterial landscape buffer which is being given ½ credit per the UDC. The pond is 24% of the total qualified open space, which meets the 25% maximum of UDC 11-3G-3D. As is required to count the pond as qualified open space, it is proposed to be developed with an amenity consisting of a shade structure and several benches. The landscaping as proposed meets the minimum requirements of 11-3B. As mentioned in the "Pathways" Section above, staff recommends the northern and southern pathways connect along the pond to produce a more inviting and useable area.*

M. Qualified Site Amenities (*UDC 11-3G*):

Based on the area of the proposed plat (15.4 acres), a minimum of one (1) qualified site amenity is required to be provided per the standards listed in UDC 11-3G-3C.

*The applicant has proposed one (1) qualified amenity, a pond and shade structure with a seat wall and several benches. There are pathways that intersect in this area. The amenity meets the minimum requirements of UDC 11-3G.*

N. Tree preservation (11-3B-10)

*The applicant proposes to remove 93 trees (1,367 cal. inches) that will require mitigation. The applicant has committed to working with the City Arborist prior to removal. Staff is recommending a condition that the applicant submit a tree mitigation plan at time of final plat. This mitigation plan shall indicate the total number and caliper inches of trees proposed for removal and the total number of replacement trees proposed.*

O. Waterways (UDC 11-3A-6):

The existing Beach Lateral parallels the western property line along Black Cat Road. This ditch is required to be piped as indicated by UDC 11-3A-6.

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

All fencing is required to comply with the standards listed in UDC 11-3A-6C and 11-3A-7. Fencing is shown on the landscape plan and consists of 6' high solid vinyl fencing around the entire perimeter of the development (including along Black Cat Road, and 5' open style lattice top fencing along the common areas. *There are several areas within Lot 9 (the common area) where closed style fencing is shown. UDC 11-3A-7 requires any fencing abutting pathways and open space to be open style.*

Q. Utilities (UDC 11-3A-21):

Public services are available to accommodate the proposed development. All lots within the subdivision will be provided domestic water and sanitary sewer service by the City via extensions available along N. Black Cat Road. Irrigation will be provided by Settlers Irrigation District via the Beach Lateral. The Beach Lateral is not a constant delivery system so a pump and pond will be constructed for water storage. The pond is being developed as a landscape feature.

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

The Applicant has submitted sample elevations of the single-family homes for this project (see Section VIII).

The single-family homes are depicted as two-story structures with two-car garages, and a variety of finish materials with stone and lap-siding combinations. The submitted sample elevations appear to meet design requirements for single-family homes and use consistent architecture as the homes across N. Black Cat Road in the Jump Creek Subdivision. As mentioned in the Comprehensive Plan section above, a condition of approval is being recommended in regard to planning review of homes visible from N. Black Cat Road.

S. Right-of-Way Vacation

The applicant is proposing to vacate approximately 275 feet of Daphne Street to configure the central park and open space in the center of the development. Proposed internal roads will route traffic around the park. This section of Daphne Street is not

needed for access. Therefore, staff is supportive of vacating the ROW. However, per City Code, the City Council is only a recommending body on the vacation request; final approval is subject to ACHD approval. ACHD has noted a separate application will be required and the vacation should be completed prior to final plat approval. If the vacation is ultimately not approved, the plat as currently presented must be revised.

## VI. DECISION

### A. Staff:

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

### B. The Meridian Planning & Zoning Commission heard this item on June 18, 2020. At the public hearing, the Commission moved to recommend approval of the subject Annexation and Preliminary Plat request.

#### 1. Summary of Commission public hearing:

- a. In favor: Deborah Nelson with Givens Pursley, Randy Clarno with Pinnacle Land Development and Brandon McDougald with Kimley Horn (Applicant's Representatives), Paul Poorman, neighbor at 5230 N. Black Cat Road.
- b. In opposition: None
- c. Commenting: Deborah Nelson with Givens Pursley, Randy Clarno with Pinnacle Land Development and Brandon McDougald with Kimley Horn (Applicant's Representatives)
- d. Written testimony: None
- e. Staff presenting application: Alan Tiefenbach
- f. Other Staff commenting on application: Bill Parsons

#### 2. Key issue(s) of public testimony:

- a. Paul Poorman, adjacent neighbor to the north at 5230 N. Black Cat Road, said the applicant had been very good with working with him, and he supported the development but had privacy concerns. He said the applicant had assured him he would get a privacy fence to the south and any houses adjacent to his would be kept one story so they would not look down into his house.

#### 3. Key issues(s) of discussion by Commission

- a. The Commissioners discussed whether the northern stub street was necessary.

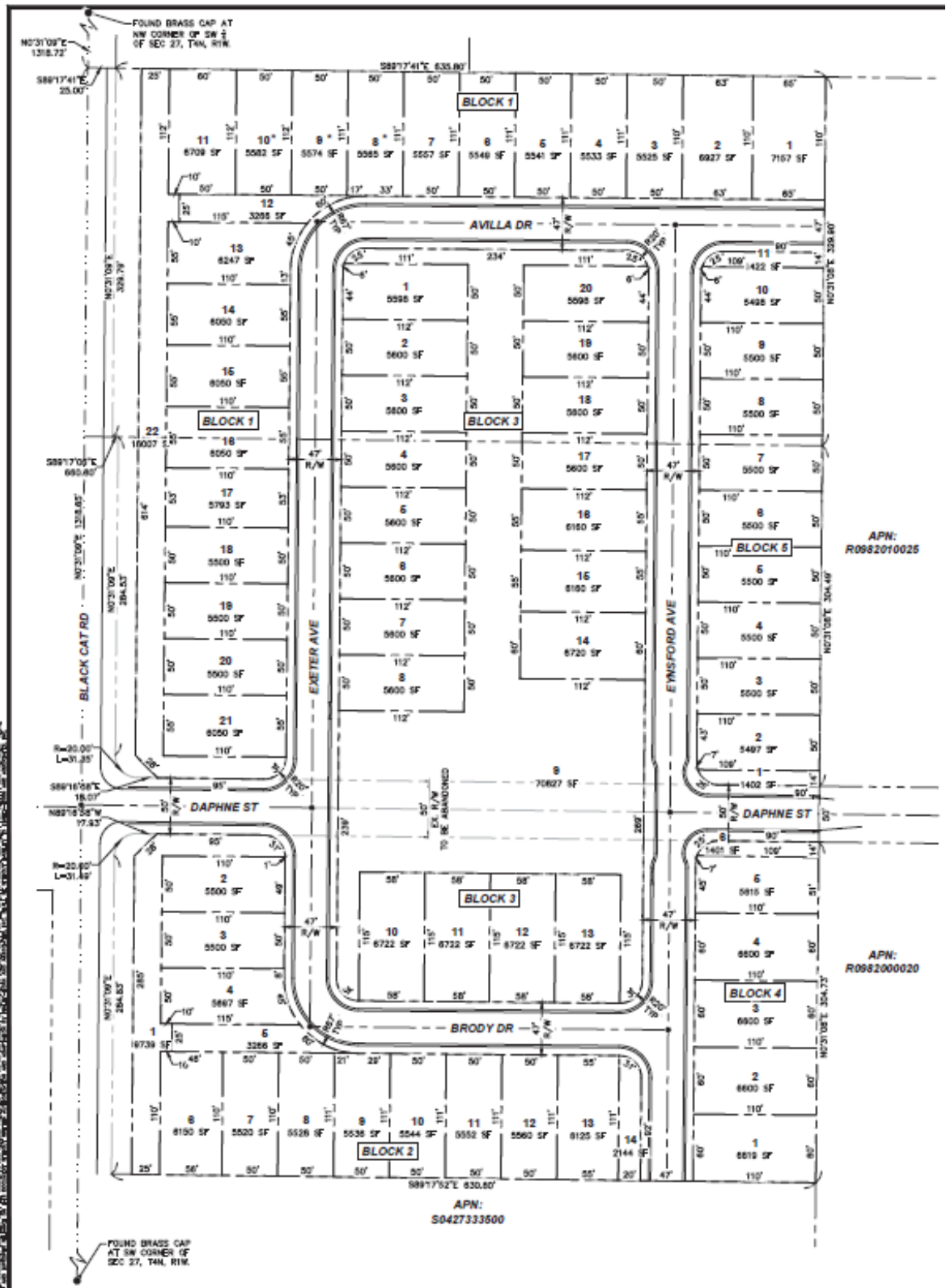
- b. The Commissioners had questions regarding future expansions of N. Black Cat Road and whether the round-about was still being constructed at N. Black Cat Road and W. McMillian Road.
  - c. The Commissioners discussed whether the pond should be considered an amenity, and whether it could be reconfigured to connect the north and south pathways as staff had recommended.
  - d. The Commissioners discussed Paul Poorman's request for a fence, and his desire for adjacent homes to be kept to one story.
4. Commission change(s) to Staff recommendation:
- a. Remove staff condition for a stub street to be provided to the north from Avilla Drive through Block 1.
  - b. Remove Lot 61 to reconfigure the pond into this area to provide a better open space and allow the connection of the pathways as recommended by staff.
  - c. Add a restriction that homes on Lots 42-44 be limited to one-story.
  - d. Add a condition for a concrete wall and berm to be constructed along the property line adjacent to 5230 N. Black Cat Road.
5. Outstanding issues(s) for City Council:
- a. The lot numbering on the plat versus the landscape plan is not consistent. The plat has the correct numbering. The Planning Commission recommendation for homes on Lots 42-44 to be limited to one-story should be changed to Lots 8-10, Block 1.
- C. The Meridian City Council heard these items on July 21, 2020. At the public hearing, the Council moved to approve the subject preliminary plat request.
1. Summary of the City Council public hearing:
- a. In favor: Deborah Nelson (Givens Pursley)
  - b. In opposition: None
  - c. Commenting: Deborah Nelson (Givens Pursley), Randy Clarno (developer) and Tim Nicholson (Kimley – Horn)
  - d. Written testimony: None
  - e. Staff presenting application: Alan Tiefenbach
  - f. Other Staff commenting on application: None

2. Key issue(s) of public testimony
  - a. None
3. Key issue(s) of discussion by City Council:
  - a. None
4. City Council change(s) to Commission recommendation:
  - a. None

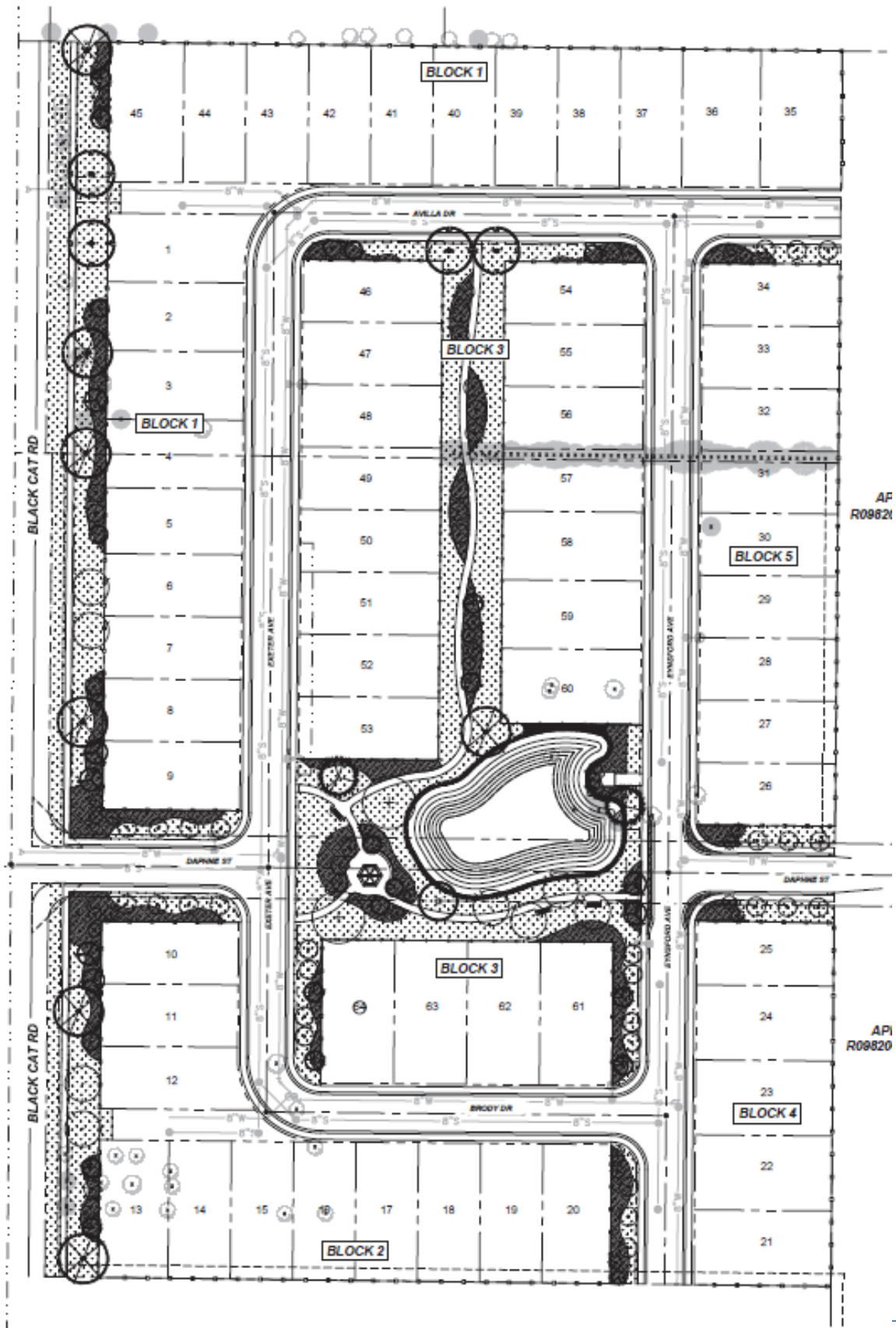
Item #6.

### VII. EXHIBITS

#### A. Preliminary Plat (date: 7/1/2020)



B. Landscape Plan (date: 7/1/2020)



C. Amenities

Community Shade Structure/Picnic Area



Ramada:

- Manufacturer: Classic Recreation Systems
- Model: Charleston
- Size: 20' x 20'
- Material: Steel
- Color: "Cool Jade Green" (roof) and "Jet Black" (frame)

Community Pond (Example)



Stucco Seat Wall (Example)





D. Elevations



## VIII. CITY/AGENCY COMMENTS & CONDITIONS

### A. PLANNING DIVISION

1. A Development Agreement (DA) is required as a provision of annexation of this property. Prior to approval of the annexation ordinance, a DA shall be entered into between the City of Meridian, the property owner(s) at the time of annexation ordinance adoption, and the developer.

Currently, a fee of \$303.00 shall be paid by the Applicant to the Planning Division prior to commencement of the DA. The DA shall be signed by the property owner and returned to the Planning Division within six (6) months of the City Council granting the annexation. The DA shall, at minimum, incorporate the following provisions:

- a. The Development Agreement shall require the rear and/or sides of 2-story structures on Lots 11-21, Block 1 and Lots 2-6, Block 2 that face N. Black Cat Road to incorporate articulation through changes in two or more of the following: modulation (e.g. projections, recesses, step-backs, pop-outs), bays, banding, porches, balconies, material types, or other integrated architectural elements to break up monotonous wall planes and roof lines. Single-story structures are exempt from this requirement. Planning approval will be required at time of building permit.
  - b. The Development Agreement shall have a restriction that homes on Lots 8-10, Block 1 should be limited to one-story.
  - c. The Development Agreement shall add a condition for a concrete wall and berm to be constructed along the property line adjacent to 5230 N. Black Cat Road.
  - d. Future development of this site shall be generally consistent with the preliminary plat, landscape plan and conceptual building elevations for the single-family dwellings included in Section VIII and the provisions contained herein.
2. This approval is based upon ACHD vacating the requested section of Daphne St.
  3. The plat included in Section VII, dated 7/1/2020, shall be revised as follows prior to submittal of the final plat application:
    - ~~i. A stub street shall be provided to the north from Avilla Drive through Block 1. This is to allow future access from the property at 5230 N. Black Cat Rd if it were to redevelop in the future.~~
  4. The landscape plan included in Section VII.C, dated ~~2/2/2020~~ 7/1/2020, shall be revised as follows prior to submittal of the final plat application:
    - ~~a. The northern and southern pathways shall connect at the pond to result in a continuous pathway along the pond.~~
    - ~~b. Sitting and passive recreation areas shall be depicted on the landscape plan.~~
    - c. The fencing shown in Block 3 shall be revised to be open style as required per UDC 11-3A-7.
  5. The applicant will submit a tree mitigation plan at time of final plat. This mitigation plan shall indicate the total number and caliper inches of trees proposed for removal and the total number of replacement trees proposed.

6. Future development shall be consistent with the minimum dimensional standards listed in UDC Table 11-2A-6 for all buildable lots.
7. The applicant shall comply with all provisions of 11-3A-3 with regard to access to streets.
8. The development shall comply with standards and installation for landscaping as set forth in UDC 11-3B-5 and maintenance thereof as set forth in UDC 11-3B-13.
9. The plat shall comply with the provisions for irrigation ditches, laterals, canals and/or drainage courses, as set forth in UDC 11-3A-6.
10. Pathway and adjoining fencings and landscaping shall be constructed consistent with the standards as set forth in UDC 11-3A-7A7, 11-3A-8 and 11-3B-12C.
11. The development shall comply with all subdivision design and improvement standards as set forth in UDC 11-6C-3, including but not limited to cul-de-sacs, alleys, driveways, common driveways, easements, blocks, street buffers, and mailbox placement.
12. Off-street parking is required to be provided in accord with the standards listed in UDC Table 11-3C-6 for single-family detached dwellings based on the number of bedrooms per unit.
13. 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 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 shall be depicted on the opposite side of the shared property line from the common driveway as set forth in UDC 11-6C-3D.
14. For the common driveway that serves a dual purpose (i.e. driveway/emergency access), signage shall be provided to notify residents that the common driveway is a no parking zone.

## **B. PUBLIC WORKS**

### **1. Site Specific Conditions of Approval**

- 1.1 No sanitary sewer mainlines are allowed in the common driveways.
- 1.2 No sanitary sewer manholes are allowed in common driveways or sidewalks.
- 1.3 No dead-end water mainlines are allowed in common driveways.
- 1.3 Provide a "to and through" sanitary sewer mainline connection to the property to the south.
- 1.4 Modeling analysis must be completed at Final Plat to verify minimum fire flow pressure is met at each phase.
- 1.5 The geotechnical investigative report prepared by AllWest indicates some very specific construction considerations. The applicant shall be responsible for the adherence of these recommendations to help ensure that groundwater does not become a problem within crawlspaces of homes.

### **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. ACHD**

<https://weblink.meridiancity.org/WebLink/DocView.aspx?id=186071&dbid=0&repo=MeridianCity>

**D. MERIDIAN FIRE DEPARTMENT (MFD)**

<https://weblink.meridiancity.org/WebLink/DocView.aspx?id=186071&dbid=0&repo=MeridianCity>

**E. COMPASS**

<https://weblink.meridiancity.org/WebLink/DocView.aspx?id=188452&dbid=0&repo=MeridianCity>

**F. DEPARTMENT OF ENVIRONMENTAL QUALITY**

<https://weblink.meridiancity.org/WebLink/DocView.aspx?id=186718&dbid=0&repo=MeridianCity>

**IX. FINDINGS**

**A. Annexation and/or Rezone (UDC 11-5B-3E)**

Required Findings: Upon recommendation from the commission, the Council shall make a full investigation and shall at the public hearing, review the application. In order to grant an annexation and/or rezone, the council shall make the following findings:

1. The map amendment complies with the applicable provisions of the comprehensive plan;

*The Commission finds annexation of the subject site with an R-8 zoning designation is consistent with the Comprehensive Plan MDR FLUM designation for this property if the Applicant complies with the provisions in Section VIII.*

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

*The Commission finds the lot sizes proposed combined with the housing types proposed will be consistent with the purpose statement of the residential districts in that a range of housing opportunities will be provided consistent with the Comprehensive Plan.*

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

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

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

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

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

*The Commission finds the proposed annexation is in the best interest of the City if the property is developed in accord with the provisions in Section VIII.*

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

In consideration of a preliminary plat, combined preliminary and final plat, or short plat, the decision making body shall make the following findings: (Ord. 05-1170, 8-30-2005, eff. 9-15-2005)

1. The plat is in conformance with the comprehensive plan and is consistent with this unified development code; (Ord. 08-1372, 7-8-2008, eff. 7-8-2008)

*The Commission finds the proposed plat is generally in conformance with the UDC if the Applicant complies with the conditions of approval in Section IX.*

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

*The Commission finds public services can be made available to the subject property and will be adequate to accommodate the proposed development.*

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

*The Commission finds the proposed plat is in substantial conformance with scheduled public improvements in accord with the City's CIP.*

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

*The Commission finds there is public financial capability of supporting services for the proposed development.*

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

*The Commission finds the proposed development will not be detrimental to the public health, safety or general welfare.*

6. The development preserves significant natural, scenic or historic features. (Ord. 05-1170, 8-30-2005, eff. 9-15-2005)

*The Commission is unaware of any significant natural, scenic or historic features that need to be preserved with this development.*

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



**In the Matter of the Request for Preliminary Plat, by Investment Analytics Group,  
Case No(s). H-2020-0025**

**For the City Council Hearing Date of: July 21, 2020 (Findings on August 4, 2020)**

**A. Findings of Fact**

1. Hearing Facts (see attached Staff Report for the hearing date of July 21, 2020, incorporated by reference)
2. Process Facts (see attached Staff Report for the hearing date of July 21, 2020, incorporated by reference)
3. Application and Property Facts (see attached Staff Report for the hearing date of July 21, 2020, incorporated by reference)
4. Required Findings per the Unified Development Code (see attached Staff Report for the hearing date of July 21, 2020, incorporated by reference)

**B. Conclusions of Law**

1. The City of Meridian shall exercise the powers conferred upon it by the “Local Land Use Planning Act of 1975,” codified at Chapter 65, Title 67, Idaho Code (I.C. §67-6503).
2. The Meridian City Council takes judicial notice of its Unified Development Code codified as Title 11 Meridian City Code, and all current zoning maps thereof. The City of Meridian has, by ordinance, established the Impact Area and the Comprehensive Plan of the City of Meridian, which was adopted December 17, 2019, Resolution No. 19-2179 and Maps.
3. The conditions shall be reviewable by the City Council pursuant to Meridian City Code § 11-5A.
4. Due consideration has been given to the comment(s) received from the governmental subdivisions providing services in the City of Meridian planning jurisdiction.
5. It is found public facilities and services required by the proposed development will not impose expense upon the public if the attached conditions of approval are imposed.
6. That the City has granted an order of approval in accordance with this Decision, which shall be signed by the Mayor and City Clerk and then a copy served by the Clerk upon the applicant, the Community Development Department, the Public Works Department and any affected party requesting notice.
7. That this approval is subject to the Conditions of Approval all in the attached Staff Report for the hearing date of July 21, 2020, incorporated by reference. The conditions are concluded to be



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

C. Decision and Order

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

- 1. The applicant’s request for Preliminary Plat is hereby approved per the conditions of approval in the Staff Report for the hearing date of July 21, 2020, attached as Exhibit A.

D. Notice of Applicable Time Limits

Notice of Preliminary Plat Duration

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

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

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

Notice of Development Agreement Duration

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

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

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

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

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

F. Attached: Staff Report for the hearing date of July 21, 2020.

By action of the City Council at its regular meeting held on the \_\_\_\_\_ day of \_\_\_\_\_, [year].

COUNCIL PRESIDENT TREG BERNT VOTED\_\_\_\_\_

COUNCIL VICE PRESIDENT BRAD HOAGLUN VOTED\_\_\_\_\_

COUNCIL MEMBER JESSICA PERREAULT VOTED\_\_\_\_\_

COUNCIL MEMBER LUKE CAVENER VOTED\_\_\_\_\_

COUNCIL MEMBER JOE BORTON VOTED\_\_\_\_\_

COUNCIL MEMBER LIZ STRADER VOTED\_\_\_\_\_

MAYOR ROBERT SIMISON VOTED\_\_\_\_\_
(TIE BREAKER)

\_\_\_\_\_  
Mayor Robert Simison

Attest:

\_\_\_\_\_  
Chris Johnson  
City Clerk

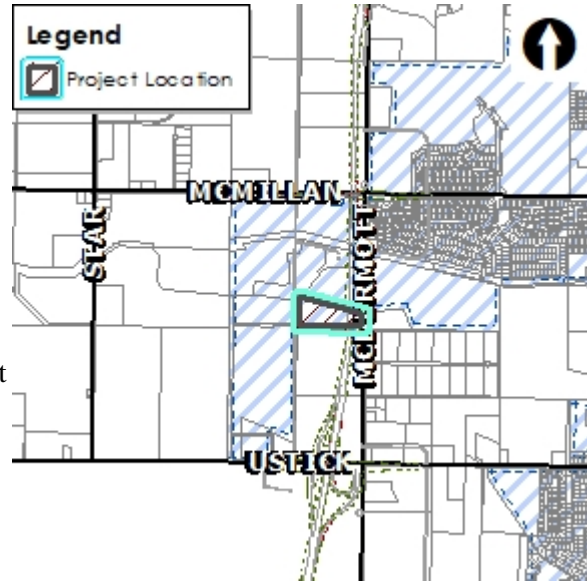
Copy served upon Applicant, Community Development Department, Public Works Department and City Attorney.

By: \_\_\_\_\_ Dated: \_\_\_\_\_  
City Clerk's Office

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



HEARING DATE: 7/21/2020  
 TO: Mayor & City Council  
 FROM: Alan Tiefenbach, Associate Planner  
 208-489-0573  
 SUBJECT: PP-H-2020-0025  
 Chukar Ridge  
 LOCATION: The site is located at 4005 N. McDermott Rd., in the NE ¼ of Section 32, Township 4 N., Range 1W.



**I. PROJECT DESCRIPTION**

Preliminary plat consisting of 63 buildable lots, 8 common lots and 5 other lots on 15.42 acres of land in the R-8 zoning district.

**II. SUMMARY OF REPORT**

A. Project Summary

Description	Details	Page
Acreage	15.42	
Future Land Use Designation	Mixed Use Neighborhood	
Existing Land Use(s)	Single Family / Rural	
Proposed Land Use(s)	Single Family, 63 Lots	
Lots (# and type; bldg./common)	63 Single Family	
Phasing Plan (# of phases)	1 phase	
Number of Residential Units (type of units)	63	
Density	4 du / acre	
Open Space (acres, total [%]/buffer/qualified)	1.24 acres, 17% total open space, 10.2% qualified open space	
Amenities	< 20 acres, one required.	
Physical Features (waterways, hazards, flood plain, hillside)	McFadden Canal traverses the property along the northern perimeter.	
Neighborhood meeting date; # of attendees:	February 6, 2020 – 1 attendee signed in.	
History (previous approvals)	H-2018-0075, DA 2019-005925	

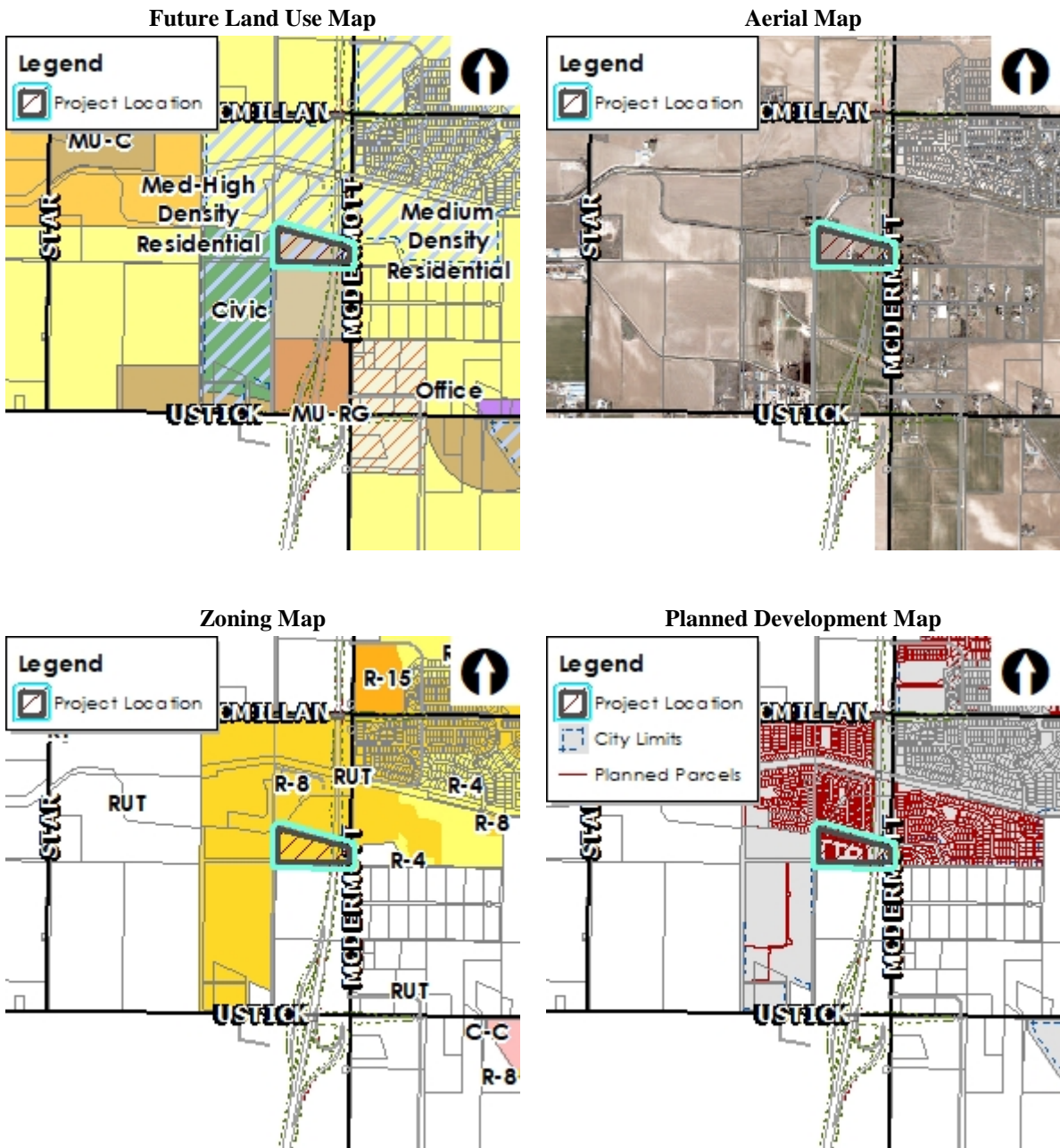
B. Community Metrics

Description	Details	Page
<b>Ada County Highway District</b>		
<ul style="list-style-type: none"> <li>• Staff report (yes/no)</li> </ul>	No	
<ul style="list-style-type: none"> <li>• Requires ACHD Commission Action (yes/no)</li> </ul>	Yes – ACHD hearing will occur on June 10, 2020.	
Access (Arterial/Collectors/State Hwy/Local)(Existing and Proposed)	Primary access is proposed to W. McMillan Rd. and W. Ustick Rd via north / south and west/east collectors being constructed by West Ada School District with development of Owyhee High School. Emergency access will occur along the McFadden Drain easement.	
Stub Street/Interconnectivity/Cross Access	Two southern stubs are proposed that will connect to any future development at the south.	
Existing Road Network	Local public streets	
Existing Arterial Sidewalks / Buffers	A 35’ buffer is proposed at the west for future development of Hwy 16.	
Proposed Road Improvements	Local streets are being constructed to serve this development.	
Distance to nearest City Park (+ size)	Approx. 3 miles to Reta Huskey Park, 4 miles to Keith Bird Legacy Park, and Heroes Park	
Distance to other key services	Adjacent to future elementary and high school.	
<b>Fire Service</b>		
<ul style="list-style-type: none"> <li>• Distance to Fire Station</li> </ul>	Fire Station No. 2, 3.1 miles	
<ul style="list-style-type: none"> <li>• Fire Response Time</li> </ul>	5 minutes. When SH 16 is constructed, response time will be longer.	
<ul style="list-style-type: none"> <li>• Resource Reliability</li> </ul>	76% - does meet the targeted goal of 80% or greater	
<ul style="list-style-type: none"> <li>• Risk Identification</li> </ul>	Risk Factor 2. Current resources would not be adequate to supply serve to project.	
<ul style="list-style-type: none"> <li>• Accessibility</li> </ul>	Project meets all required access, road widths and turnaround.	
<ul style="list-style-type: none"> <li>• Special/resource needs</li> </ul>	Project will not require an aerial device; cannot meet this need in the required timeframe if a truck company is required. Closest truck company is 13 minutes travel time.	
<ul style="list-style-type: none"> <li>• Water Supply</li> </ul>	Requires 1,000 gallons per minute for one hour, may be less if buildings are fully sprinklered.	

Police Service			
<b>Meridian Police Department - Chukar Ridge</b>			
Location of new development -	4005 N McDermott Road		
Time Frame -	03/01/2019 - 02/29/2020		
Level of Service (LoS)- Delivered	By Reporting District (RD - M718/A096**)		
<b>Calls for Service (CFS): Response Times: Dispatch to Arrival (all units)</b>			
<b>Average Response Times by Priority: 'City of Meridian'</b>			
<i>Priority 3 (MPD Goal is within 3 to 5 minutes)</i>			3:4
<i>Priority 2 (MPD Goal is within 8 to 10 minutes)</i>			7:1
<i>Priority 1 (MPD Goal is within 15 to 20 minutes)</i>			10:4
<b>Average Response Times by Priority: 'M718/A096**'</b>			
<i>Priority 3</i>			5:0
<i>Priority 2</i>			9:4
<i>Priority 1</i>			0:00**
<b>Calls for Service (CFS): Calls occurring in RD 'M718/A096**'</b>			
<b>CFS Count Total</b>			<b>1</b>
<b>% of Calls for Service split by Priority in 'M718/A096**'</b>			
<i>% of P3 CFS</i>			7.1%
<i>% of P2 CFS</i>			71.4%
<i>% of P1 CFS</i>			21.4%
<i>% of P0 CFS</i>			0.0%
<b>Crimes</b>			
<b>Crime Count Total</b>			
<b>Crashes</b>			
<b>*Crash Count Total</b>			

West Ada School District	No comments were received on this application.		
• Distance (elem, ms, hs)	A new elementary and high school are planned for construction adjacent to the site.		
<b>Wastewater</b>			
• Distance to Sewer Services	McDermott Trunk is being constructed as part of the Owyhee High School Project.		
• Sewer Shed	N. McDermott Trunkshed		
• Estimated Project Sewer ERU's	See application		
• WRRF Declining Balance	13.91		
• Project Consistent with WW Master Plan/Facility Plan	Y		
• Impacts/Concerns	Sewer mainlines/manholes are not allowed in common driveways or under sidewalks.		
<b>Water</b>			
• Distance to Water Services	0		
• Pressure Zone	1		
• Estimated Project Water ERU's	See application		
• Water Quality	Results in two dead-end water mains which may result in poor water quality. Development to the south will eliminate these dead-ends and correct problem.		
• Project Consistent with Water Master Plan	Yes		
• Impacts/Concerns	Development will need to be modeled at each phase at Final Plat to make sure minimum fire flow is met.		

C. Project Area Maps



III. APPLICANT INFORMATION

A. Applicant:

Investment Analytics Group – 800 W. Main Street #1460, Boise, ID 83702

B. Owner:

Robert and Judith Spriguel – 4005 N. McDermott Rd, Meridian, ID 83646

C. Representative:

Matt Adams, the Land Group Inc – 462 E. Shore Dr. #100, Eagle, ID 83616

**IV. NOTICING**

	<b>Planning &amp; Zoning Posting Date</b>	<b>City Council Posting Date</b>
Newspaper Notification	5/15/2020	7/3/2020
Radius notification mailed to properties within 300 feet	5/13/2020	7/1/2020
Public hearing notice sign posted on site	5/23/2020	7/11/2020
Nextdoor posting	5/13/2020	7/1/2020

**V. STAFF ANALYSIS**

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

This property is designated Mixed Use Neighborhood on the City’s Future Land Use Map (FLUM) contained in the Comprehensive Plan.

The purpose of this designation is to assign areas where neighborhood-serving uses and dwellings are seamlessly integrated into the urban fabric. The intent is to avoid predominantly single-use developments by incorporating a variety of uses. Land uses in these areas should be primarily residential with supporting non-residential services. Employment opportunities for those living in the neighborhood are encouraged. Connectivity and access between the non-residential and residential land uses is particularly critical in MU-N areas.

*This property was annexed and zoned to Medium-Density Residential (R-8) in October of 2018 as part of the Owyhee High School Annexation. The project included a high school surrounded by new detached single family residences. At the time of this annexation, the Comprehensive Plan recommended this area for Medium Density Residential. The purpose of the MDR designation is to allow smaller lots for residential purposes within City limits. Uses may include single-family homes at gross densities of 3 to 8 dwelling units per acre. Since this time the recommendations of the Comprehensive Plan have been changed, but development of the property under the standards of the R-8 zone district is now an entitlement. Staff notes there is a 40-acre property to the south of the subject property which is presently not within the City limits. This property is also designated as Mixed Use Neighborhood by the Future Land Use Map. Even though the subject property is already entitled with R-8 zoning, there is still an opportunity to encourage mixed use development within the area as envisioned by the comprehensive plan.*

*A development agreement (H-2019-005925, DA #2019-005925) exists between Bob Spriggel and the City of Meridian with a concept plan that depicts a single family development as envisioned under the previous Comprehensive Plan designation.*



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

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 homes will contribute to the variety of residential categories in the City; however, there is no variety in housing types proposed within the development. R-8 zoning and detached single-family homes are abundant in this immediate area. Within half a mile of the site, there are numerous single family residences and two proposed schools.*

- “With new subdivision plats, require the design and construction of pathway connections, easy pedestrian and bicycle access to parks, safe routes to schools, and the incorporation of usable open space with quality amenities.” (2.02.01A)

*The proposed plat depicts a total of 142,638 sf of open space. 88,606 square feet of this open space is within the McFadden Drain easement and the remaining 54,032 square feet is proposed as common open space. As discussed below, the project incorporates a small internal pathway loop. 5’ wide attached sidewalks are proposed on both sides of all roads. This development is directly adjacent to both a future elementary school (to the west) and Owyhee High School (to the south) of which is anticipated to be completed in the fall of 2021.*

- “Require pedestrian access in all new development to link subdivisions together and promote neighborhood connectivity”. (2.02.01D)

*Attached sidewalks are proposed on both side of all streets. Sidewalks will be completed to the terminus of stub streets at the south which would connect to any future development of the adjacent 40-acre vacant parcel to the south (currently not within the City). Owyhee High School is being constructed to the southeast of the property, and a new elementary school is planned directly adjacent (east) of the site. The Owyhee High School Development Agreement requires a 10’ detached pathway along the north / south collector street being constructed, and detached sidewalks to the subject property.*

- “Ensure development provides safe routes and access to schools, parks, and other community gathering places. (2.02.01G)”

*As mentioned, the property is directly adjacent to sites identified as locations of a new elementary school and new high school. Per the terms of the development agreement between West Ada School District and the City of Meridian (DA 2019-005924), the District will be required to construct a 10’ wide pathway along the north-south collector serving the subject site to W. Ustick Road. The District is also*

*required to construct an east / west collector street from the N/S collector to the subject property. Detached sidewalks or pathways will be required along this street.*

- “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.*

- “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 is required to be provided with development as proposed.*

B. Existing Structures/Site Improvements:

*There is one existing single family residence on the site. This residence will be removed with development of the proposed subdivision.*

C. Proposed Use Analysis:

*Single-family detached dwellings are listed as a principal permitted use in the R-8 zoning districts in UDC Table 11-2A-2.*

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

All proposed lots and public streets appear to meet UDC dimensional standards per the submitted preliminary plat. This includes property sizes, required street frontages, and road widths. 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. In addition, all subdivision developments are also required to comply with Subdivision Design and Improvement Standards (UDC 11-6C-3) regarding common driveways.

*There are three (3) common driveways proposed; such driveways should be constructed in accord with the standards listed in UDC 11-6C-3D. 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 shall be filed with the Ada County Recorder, which shall include a requirement for maintenance of a paved surface capable of supporting fire vehicles and equipment.*

*Address signage should be provided at the public street for homes accessed via common driveways for emergency wayfinding purposes.*

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

*The Chukar Ridge Subdivision is proposed to take access from three primary roads: W. McMillan Road, W. Ustick Road, and (temporarily) N. McDermott Road (see attached access exhibit). Access from W. Ustick and W. McMillan will occur from a north / south public collector roadway (shown in orange on the access exhibit) which would then connect to an east / west local street terminating into the development. The portion of the collector south of the subject property to W. Ustick Road is currently under construction and completion is anticipated this year. The portion of the public roadway north of the subject property to W. McMillan Road is required to be constructed as part of the Gander Creek Subdivision and construction is anticipated to be completed in late 2021. West Ada County Schools are constructing the east / west local street from the collector to the subject property per the 2019 Annexation Development Agreement (an elementary school is anticipated directly west of the subject property). Two stub streets are being provided with this development for any future build out of the property to the south, which is presently not in the City of Meridian limits.*

*No more than 30 lots can be served without a secondary access. There was a secondary emergency access proposed which would (temporarily) occur from the north through Common Lot 2, Block 2 and to a gravel road eastbound along a utility easement adjacent to the McFadden Drain and to N. McDermott Road. However, at some point, a Hwy 16 extension east of the property will be constructed. This would terminate eastbound emergency access along the McFadden Drain. As an alternative, the applicant proposes access westbound along the McFadden Drain and to a north / south collector road that is to be constructed as part of the Gander Creek Subdivision and W. Ada County Elementary School. Meridian Fire has reviewed this plan and agrees with the access. Staff does have concerns with allowing a subdivision of more than 30 homes to be constructed before secondary access is established. Staff recommends as a condition of approval that no more than 30 homes may be constructed without a permanent secondary access.*

*UDC 11-6C-3 prohibits lots with double frontages. This type of road configuration is shown along Lots 1-10 of Block 2. Staff recommends a condition that the plat and landscape plan be revised to incorporate a 10' wide buffer in a common lot between the future north / south local street and Lots 1-10 Block 2. NOTE: The City has approved the second phase of the Gander Creek South Subdivisions. This phase does include a stub street in a location that will be extended when the elementary school is developed west of this property. Timing for the extension of this roadway is unknown at this time.*

*ACHD has noted this preliminary plat will go to a hearing on June 10, 2020, after the Planning Commission hearing for this preliminary plat. The applicant has requested this preliminary plat move forward with a recommendation from the Planning Commission with a condition that any ACHD comments will be addressed 10 days prior to the City*

*Council meeting or at the time of final plat. Staff is unsure if ACHD will require significant changes or whether changes would significantly change design of the development. The Planning Commission should discuss whether they are comfortable with moving forward on this application prior to comments from ACHD.*

F. 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 dwellings based on the number of bedrooms per unit. Future development should comply with these standards.

G. Pathways ( UDC 11-3A-8):

*Several pathways are proposed with this development and are being requested to be credited toward the qualified open space requirement. The applicant has submitted conceptual exhibits to demonstrate the alignment and distance. The pathways run north / south along landscaped common open spaces in Block 2 from the southern periphery of the site to McFadden Drain, west a distance of approximately 330 feet west along the McFadden Drain, then north / south through landscaped common space in approximately the center of the development back to the southern perimeter. This entire loop is approximately ¼ mile in length. There are several connections to this loop from the sidewalks on the interior road. Staff has requested these common areas along the “loop” include sitting and passive recreating areas. The applicant has agreed to this and proposes the conceptual pathway plan as part of the preliminary plat, with a condition of approval that an updated landscape plan with the final pathway plan will be submitted with the final plat. All pathways will be required to meet the requirements of section 11-3A-8 of the UDC.*

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

Attached sidewalks are proposed along internal streets in accord with the standards listed in UDC 11-3A-17.

I. Parkways (UDC 11-3A-17):

No parkways are proposed with this plat.

J. Landscaping (UDC 11-3B):

*The development proposes approximately 142,638 sf of open space. 88,606 square feet of this open space is within the McFadden Drain easement and must remain gravel. The remaining 54,032 square feet is proposed as common open space. Common open space is required to be landscaped with one tree per 8,000 square feet of landscaped area in accord with the standards listed in UDC 11-3G-3E. The preliminary plat complies with this requirement.*

*The preliminary plat sets aside an approximately 52,000 square foot parcel at the east (Lot 40 Block 2) for future development of Highway 16. Between the proposed plat area and the “highway parcel”, the landscape plan proposes a landscape buffer of between 50’ and 100’ feet in width in accordance with UDC 11-2A-6. A 35’ wide buffer adjacent to entryway corridors is required; the rest of the buffer is being used for their trail system and common open space.*

K. Qualified Open Space (UDC 11-3G):

*The applicant proposes 54,032 square feet of qualified open space, or 10.2%. The majority of this qualified open space comprises a walkway loop and passive recreation area with an approximately 16,500 square foot open space area at the center of the development (please see the conceptual pathway plan). Landscaping will surround a paved trail on the south side of Lot 37 and the length of Block 2 (east perimeter). This open area will connect to the McFadden Drain (which must remain gravel), then the pathway will return south through the center of the development.*

*The landscaping as proposed meets the minimum requirements of 11-3B but it is not reflected on either the preliminary landscape plan or open space exhibits whether any additional amenities such as benches or outdoor seating areas are proposed. Also, the conceptual pathway plan evolved from discussions with staff and the applicant late in the design process. The applicant understands the landscape plan must be revised 10 days prior to City Council to indicate the pathway alignment, type and design of construction, any outdoor seating, and other passive recreation areas. This landscape plan should clearly indicate Lot 25, Block 2, which is both providing emergency access out the McFadden Drain and serving as a walkway to the loop system, to contain landscape strips of a minimum of 10’ wide on either side of the gravel access. These requirements have been added as a condition of approval.*

L. Qualified Site Amenities (UDC 11-3G):

Based on the area of the proposed plat (15.4 acres), a minimum of one (1) qualified site amenity is required to be provided per the standards listed in UDC 11-3G-3C.

*The applicant has proposed one (1) qualified amenity, their pathway loop. As mentioned, this system consists of several lengths of paved walkways running through common open space areas that tie to the Mcfadden Drain as well as proposed sidewalks to complete an approximately ¼ mile loop. The proposed qualified open space and trail loop would meet the minimum requirements for at least 10% qualified open space as long as the pathway meets the minimum requirements of UDC 11-3A-8 and were landscaped in accordance with UDC 11-3B-12. As the conceptual pathway plan resulted in discussions with staff and the applicant late in the design process, the applicant understands the landscape plan should be revised to indicate the pathway alignment and any outdoor seating and other passive recreation areas prior to City Council. This has been added as a condition of approval.*

M. Waterways (UDC 11-3A-6):

*The McFadden Drain runs along the northern perimeter of the property within a 65-foot wide easement. The applicant proposes to use this area for emergency access westbound. The Applicant also proposes to connect their pathway system to this area. The applicant should coordinate with the irrigation district to ensure public access will be authorized within this area. Prevention of public access could affect whether their trail loop receives credits as qualified open space and an amenity.*

*UDC 11-3A- states “Irrigation ditches, laterals, canals, sloughs and drains may be left open when used as a water amenity or linear open space.” The applicant intends to leave the McFadden Drainage open and connect it to their pathway system. Staff does not object to this but is adding a recommendation that the McFadden Drain be landscaped as allowed by the irrigation district.*

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

All fencing is required to comply with the standards listed in UDC 11-3A-6C and 11-3A-7. Fencing is proposed as shown on the landscape plan and consists of 6’ high open style metal fencing along the common areas serving the pathways and 6’ vinyl closed style fencing behind (north) the lots on Block 2 adjacent to the McFadden Drain.

O. Utilities (UDC 11-3A-21):

Public services are available to accommodate the proposed Development. All lots within the subdivision will be provided domestic water and sanitary sewer service by the City via extensions available along the south side of the McFadden Drain.

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

The Applicant has submitted sample elevations of the single-family homes for this project (see Section VII.F).

The single-family homes are depicted as two-story structures with two-car garages, and a variety of finish materials with stone and lap-siding combinations. The submitted sample elevations appear to meet design requirements for single-family homes.

## VI. DECISION

A. Staff:

Staff recommends approval of the requested preliminary plat with the conditions noted in Section IX.A per the Findings in Section IX.

B. The Meridian Planning & Zoning Commission heard this item on June 4, 2020. At the public hearing, the Commission moved to recommend approval of the subject Preliminary Plat request.

1. Summary of Commission Public Hearing
  - a. In favor: Matt Adams, The Land Group, Inc.
  - b. In opposition: None
  - c. Commenting: Matt Adams, the Land Group, Inc.
  - d. Written testimony: None
  - e. Staff presenting application: Alan Tiefenbach
  - f. Other Staff commenting on application: Bill Parsons
2. Key issue(s) of public testimony:
  - a. None
3. Key issue(s) of discussion by Commission
  - a. Commissioners discussed whether they were comfortable moving forward on this application without ACHD hearing and staff report. At least one Commissioner recommended a continuance. ACHD has since responded in favor of this application, with a condition that the applicant dedicate right of way and improve McDermott Road abutting the site as ½ of a 46-foot wide street section with curb, gutter and no sidewalk. The applicant is amenable to this and has revised the plat accordingly.
  - b. Commission discussed the shared drives and their concerns with more than three homes sharing a common driveway. Applicant has revised the drawings limiting the homes on the shared drives to three.
  - c. Commission had questions in regard to the sizes of the homes. The applicant responded they would be between 1,400 and 2,000 square feet.
  - d. Commissions inquired into prices of these homes. Applicant responded it would be in the low \$200,000's.
  - e. Commission discussed whether the amenities provided accommodated children. Commissioner Grove recommended an amenity to address this. Applicant agreed to provide a "tot lot" as an additional amenity. The landscape plan has been updated accordingly.
  - f. Commissioner discussed the 6' height of the sound wall and whether it could be raised. They mentioned they would like to see it higher, and tie into the same type of berm and wall approved for the Gander Creek Subdivision to the south. The applicant is amenable to this and has provided a detail on the landscape plan showing a 6' berm and 6' wall.

4. Commission change(s) to Staff recommendation (A new plat and landscape plan has been updated with the staff report to reflect the changes required by the Commission):
  - a. The applicant shall construct a berm and fence, both of six feet in height, on the east side of the development.
  - b. The applicant shall work with staff to limit shared drives to a maximum of three houses.
  - c. The applicant shall add an additional amenity.
5. Outstanding issue(s) for Council.
  - a. Meridian Fire has commented that the applicant can have more than 30 lots served by a single access if the homes are sprinklered. The applicant requests this be added to condition of approval No.1 (b).

C. Council Hearing

The Meridian City Council heard these items on July 21, 2020. At the public hearing, the Council moved to approve the subject Preliminary Plat request.

1. Summary of the City Council public hearing:
  - a. In favor: Matthew Adams, Applicant's Representative
  - b. In opposition: None
  - c. Commenting: None
  - d. Written testimony: None
  - e. Staff presenting application: Alan Tiefenbach
  - f. Other Staff commenting on application: None
2. Key issue(s) of public testimony:
  - a. None
3. Key issue(s) of discussion by City Council:
  - a. Discussion regarding allowing fire sprinkling to serve in lieu of requiring a second point of access if more than 30 homes were built.
4. City Council change(s) to Commission recommendation:
  - a. Changed staff's recommendation listed in VIII.A.1.b to read:  
"No more than 30 homes shall be constructed unless one of the following is completed:  
  
Option A: Construct roadway crossing of the McFadden Drain to connect to Gander Creek South.



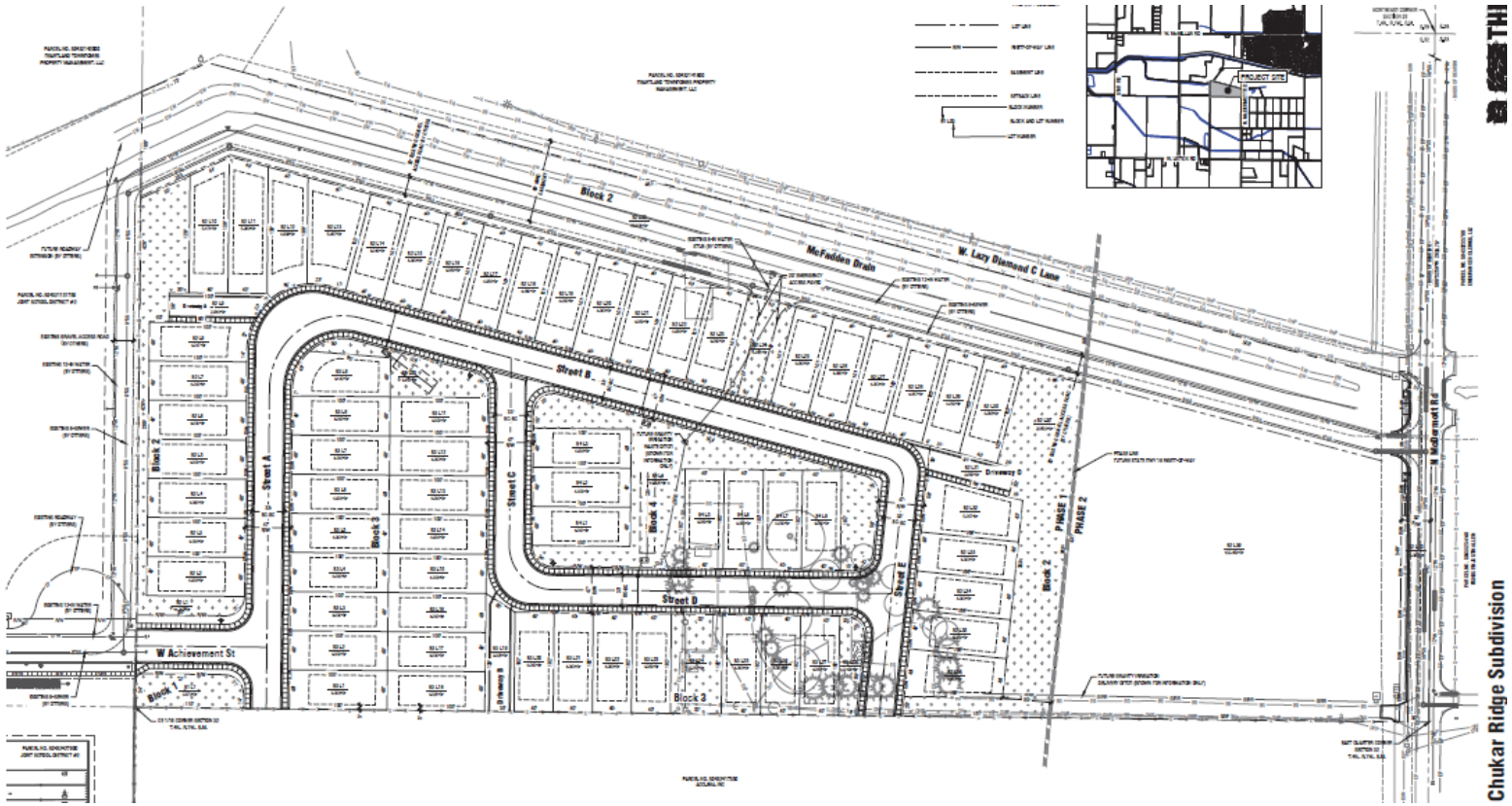
Item #7.

Option B: Construct connection south to Ustick Road.

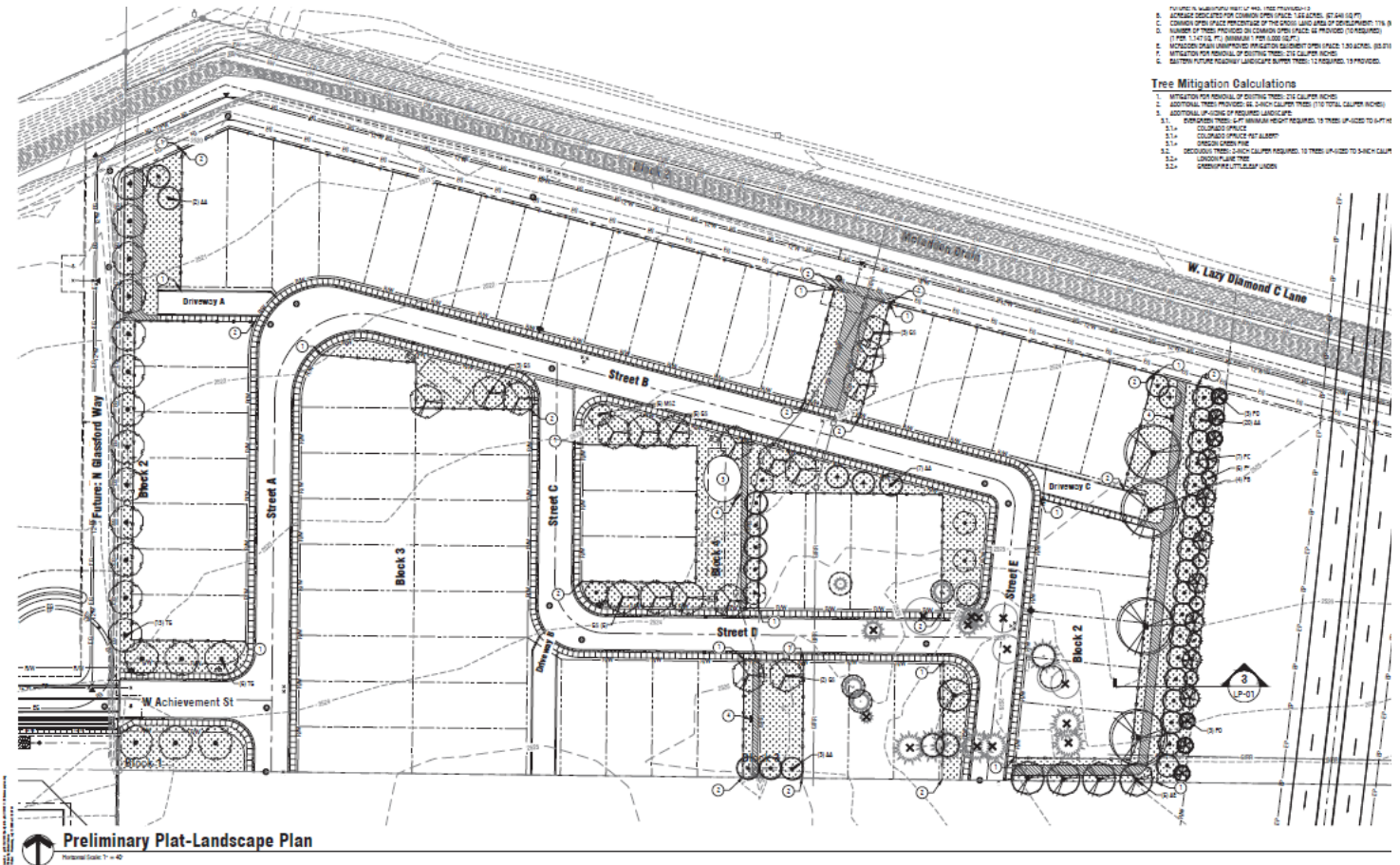
Option C: Fire Sprinkle all structures in excess of 30 units (unit 31 through unit 63). “

### VII. EXHIBITS

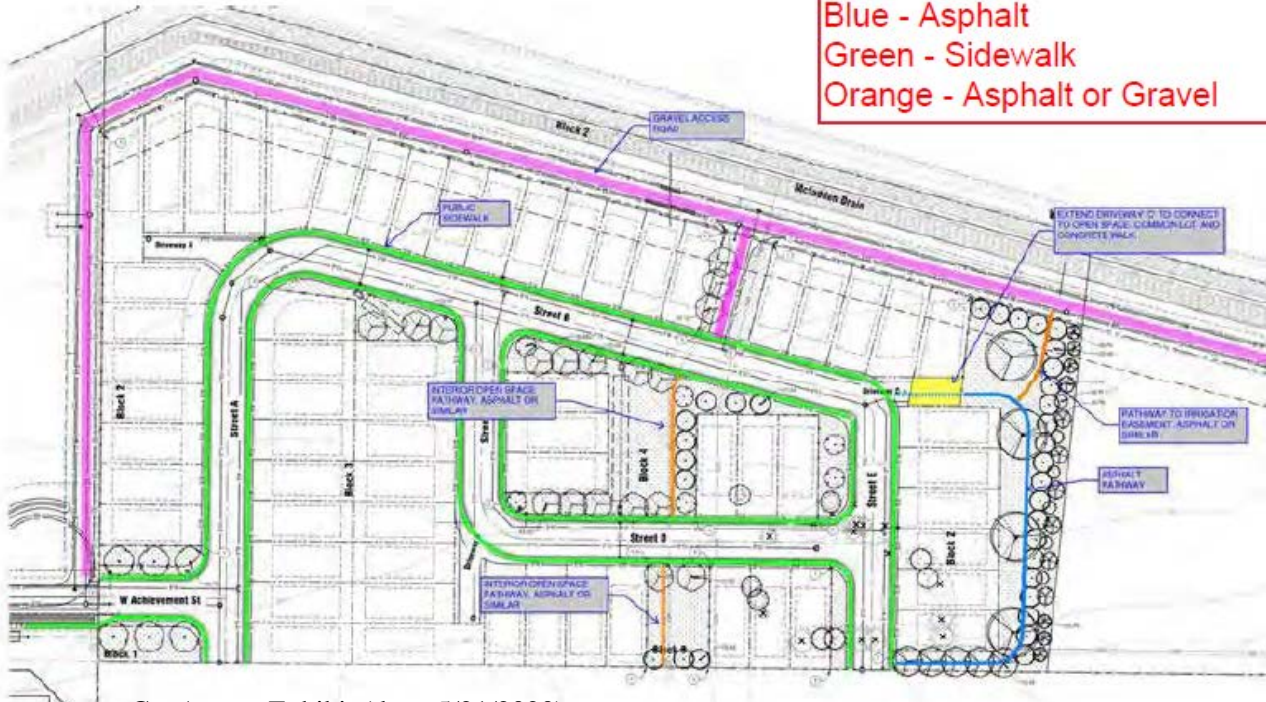
A. Plat (date ~~2/20/2020~~ 7/2/2020)



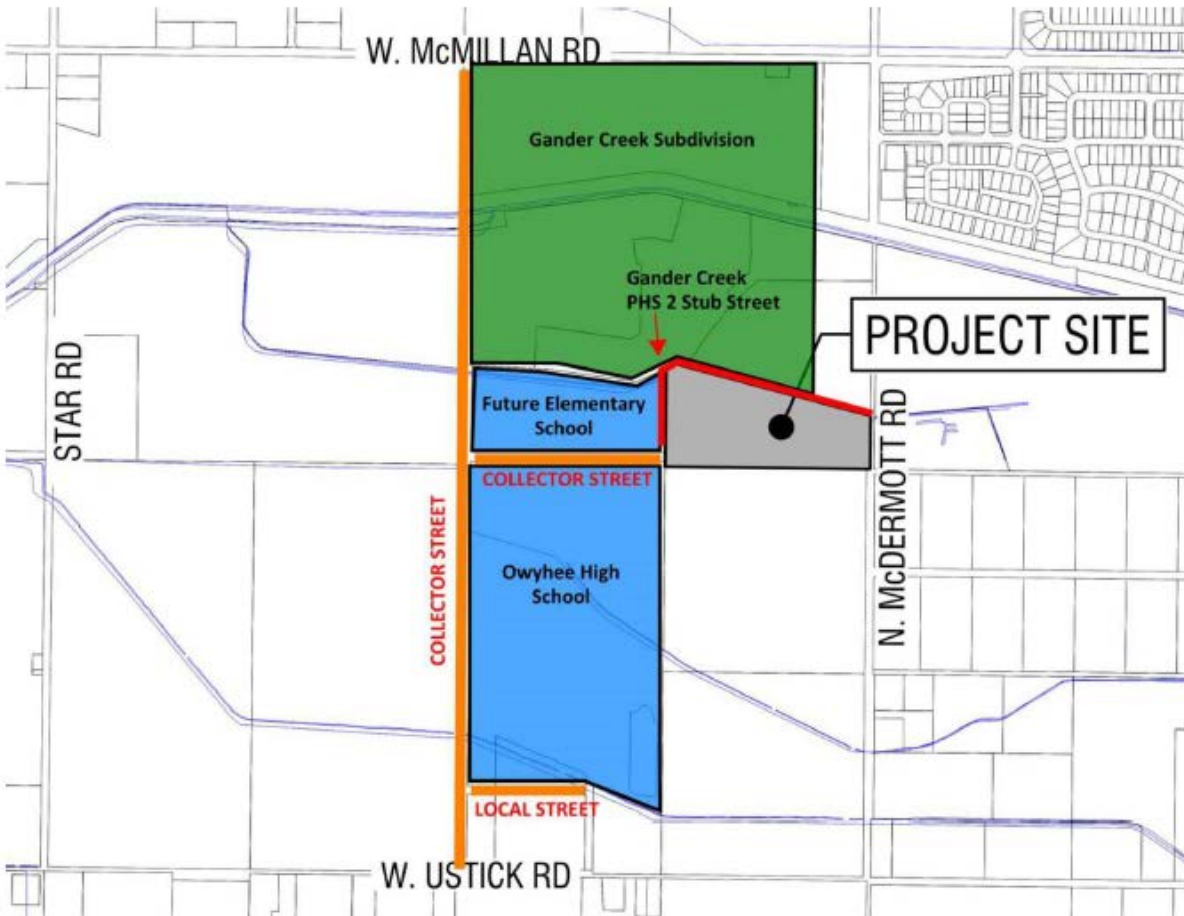
B.1 Landscape Plan (date: ~~2/20/2020~~ 7/15/2020)



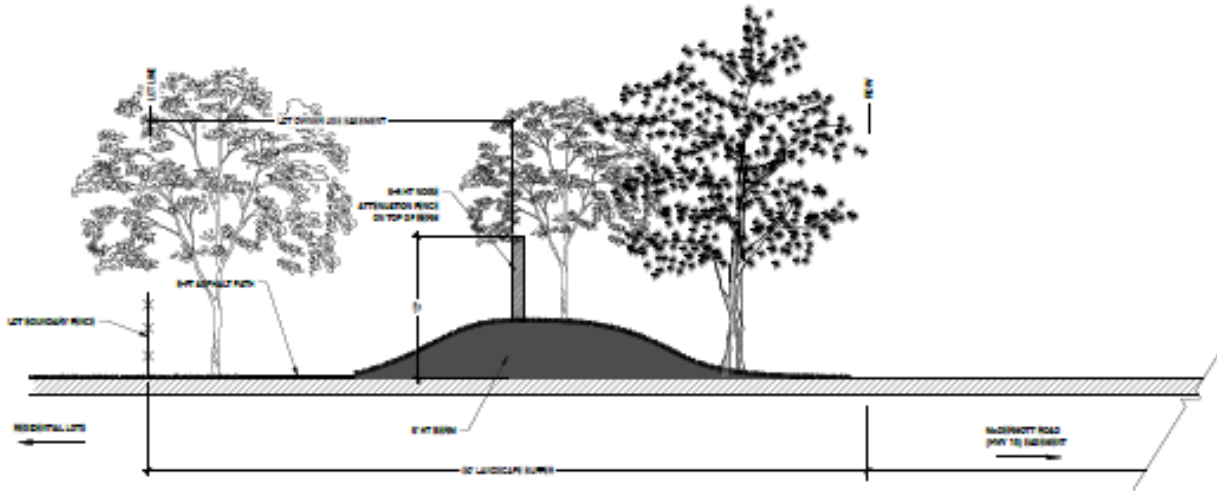
B. Pathway Plan (date: 2/20/2020)



C. Access Exhibit (date: 5/21/2020)

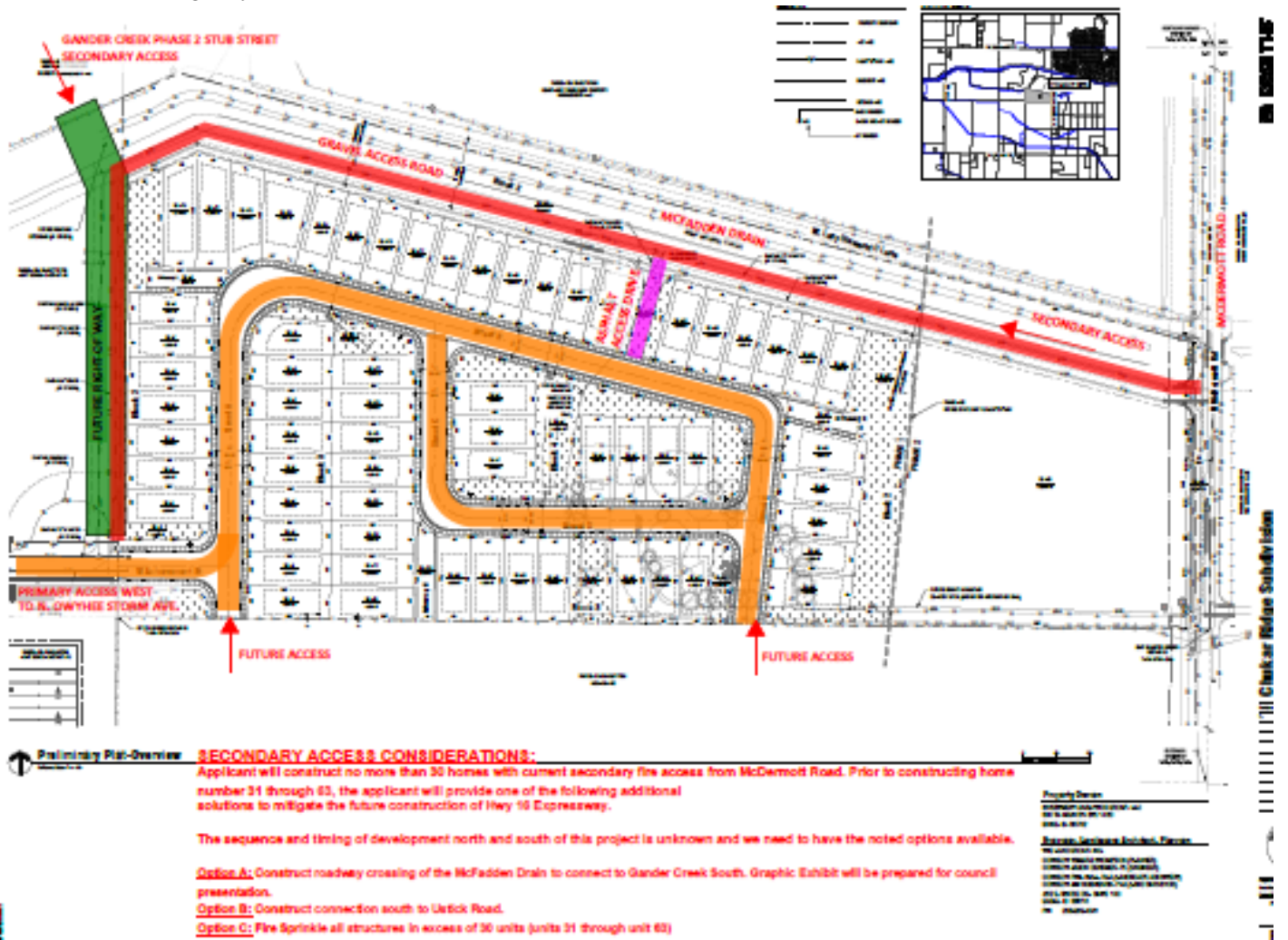


D. Hwy 16 Landscaped Buffer as Recommended by Planning Commission (date: June 29, 2020)

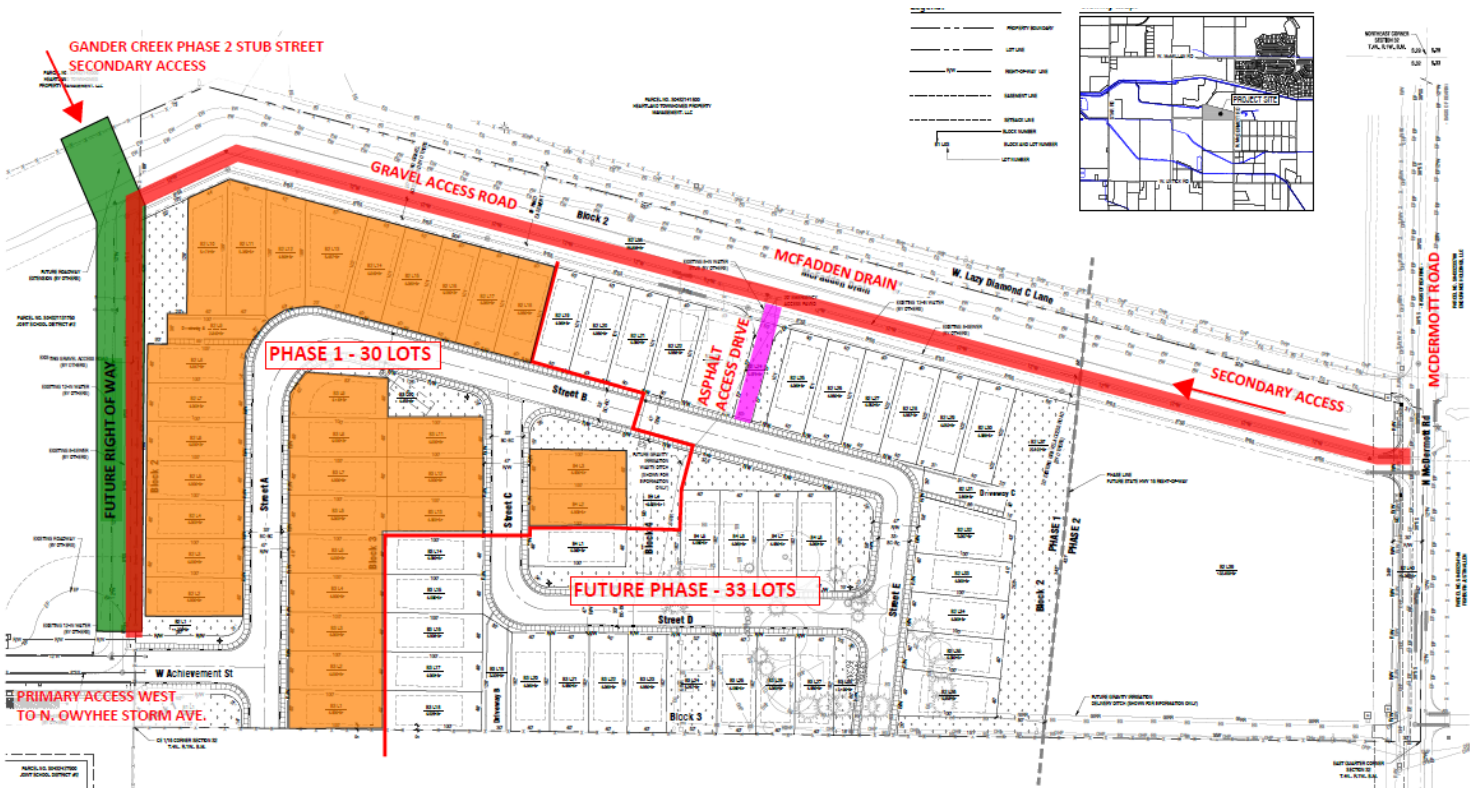


3 McDermott Rd (HWY 16) Landscape Buffer

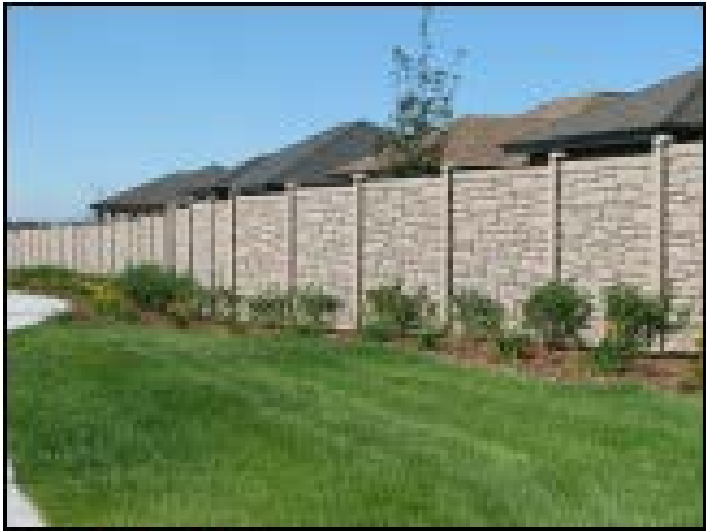
E. Emergency Access Exhibit (date: 5/20/2020)



F. Fire Phasing Exhibit (date: July 15, 2020)



Sound Wall Materials and Second Amenity (date: July 2, 2020)



4 Sound Wall Material Sample



5 Play Structure Amenity Sample

G. Conceptual Building Elevations (date: 2/25/2020)



**VIII. CITY/AGENCY COMMENTS & CONDITIONS**

**A. PLANNING DIVISION**

- 1. The preliminary plat, dated ~~2/20/2020~~ 07/2/2020, shall be revised as follows:
  - a. Lot 40, Block 2 shall be restricted to development and reserved for the future expansion of State Highway 16.
  - b. ~~No more than 30 homes shall be constructed unless a permanent secondary emergency access is established.~~ No more than 30 homes shall be constructed unless one of the following is completed:

Option A: Construct roadway crossing of the McFadden Drain to connect to Gander South.

Option B: Construct connection south to Ustick Road.

Option C: Fire Sprinkle all structures in excess of 30 units (unit 31 through unit 63).

- e. ~~The plat and landscape plan be revised to incorporate a 10' wide buffer in a common lot on the west boundary of Lots 1-10 Block 2.~~
  - d. The applicant shall obtain all approvals from the irrigation district to allow public access across the portion of the McFadden Drain easement necessary for a complete connection of the walkway loop system.
2. The landscape plan included in Section VII.C, dated ~~02/31/2020~~ 7/15/2020, shall be revised as follows: ~~10 days prior to submittal of the City Council:~~
    - a. ~~The landscape plan shall provide a detail of a berm or a berm and wall combination within the 35' buffer along Lot 40, Block 2 as required by UDC 11-3H-4D.~~
    - b. ~~The walkway loop system shall be depicted on the landscape plan. Materials and dimensions shall be indicated and shall meet the requirements of 11-3A-8 of the UDC. Gravel is strictly prohibited except in Lot 25.~~
    - c. The pathway connection – emergency access through Lot 25 will consist of a 20' gravel access drive, at least 10' of landscape area on either side and a 5' paved walkway.
    - d. ~~Provide details of the sitting and passive recreation areas and depict their location on the revised landscape plan.~~
  3. The developer shall landscape along the McFadden Drain as allowed by the irrigation district.
  4. Future development shall be consistent with the minimum dimensional standards listed in UDC Table 11-2A-6 for all buildable lots.
  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 dwellings based on the number of bedrooms per unit.
  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 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 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. For the common driveway that serves a dual purpose (i.e. driveway/emergency access), signage shall be provided to notify residents that the common driveway is a no parking zone.
  8. Applicant shall construct homes consistent with the homes elevation in Exhibit VII (F).



9. Developer shall comply with all ACHD conditions of approval.
10. The applicant shall comply with all previous conditions of approval associated with this site (H-2018-0075 and Development Agreement 2019-005924).
11. The Applicant shall have a maximum of two (2) years to obtain City Engineer's signature on a final plat in accord with UDC 11-6B-7.
12. Staff's failure to cite specific ordinance provisions does not relieve the applicant of responsibility for compliance.

## **B. PUBLIC WORKS**

### **1. Site Specific Conditions of Approval**

- 1.1 Sewer mainline/manholes are not allowed in common driveways or under sidewalks. Run service lines down common drive but make sure required separation can be met.
- 1.2 Sewer mainline connection for property is to the north and west, and is being installed with the Owyhee High School. Service to this property will not be available until such time as these mainlines are accepted by the City. The 14-foot wide compacted gravel roadway over the sewer and water mains along the north and west boundaries must be protected during construction.
- 1.3 Results in two dead-end water mains which may result in poor water quality. Development to the south will eliminate these dead-ends and correct problem.
- 1.4 Development will need to be modeled at each phase at Final Plat to make sure minimum fire flow is met.
- 1.5 A street light plan will need to be included in the final plat application. Street light plan requirements are listed in section 6-7 of the City's Design Standards.
- 1.6 Applicant shall adjust their sanitary sewer design to remove the mainline out of the common driveway. In this case, service lines shall be extended to the common drive lots from the mainline located in the public right-of-way.
- 1.7 Utility easement for possible future water main extension must be provided to property to the west via the common driveway.

### **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. MERIDIAN POLICE DEPARTMENT**

<https://weblink.meridiancity.org/WebLink/DocView.aspx?id=188192&dbid=0&repo=MeridianCity&cr=1>

**D. MERIDIAN FIRE DEPARTMENT (MFD)**

<https://weblink.meridiancity.org/WebLink/DocView.aspx?id=191375&dbid=0&repo=MeridianCity>

**E. DEPARTMENT OF ENVIRONMENTAL QUALITY**

<https://weblink.meridiancity.org/WebLink/DocView.aspx?id=188718&dbid=0&repo=MeridianCity>

**IX. FINDINGS**

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

In consideration of a preliminary plat, combined preliminary and final plat, or short plat, the decision making body shall make the following findings: (Ord. 05-1170, 8-30-2005, eff. 9-15-2005)

1. The plat is in conformance with the comprehensive plan and is consistent with this unified development code; (Ord. 08-1372, 7-8-2008, eff. 7-8-2008)

*Commission finds the proposed plat is generally in conformance with the UDC if the Applicant complies with the conditions of approval in Section VIII.*

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

*Commission finds public services can be made available to the subject property and will be adequate to accommodate the proposed development.*

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

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

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

*Commission finds there is public financial capability of supporting services for the proposed development.*

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

*Commission finds the proposed development will not be detrimental to the public health, safety or general welfare.*

6. The development preserves significant natural, scenic or historic features. (Ord. 05-1170, 8-30-2005, eff. 9-15-2005)

*Commission is unaware of any significant natural, scenic or historic features that need to be preserved with this development.*

**From:** [Matthew Adams](#)  
**To:** [Alan Tiefenbach](#)  
**Cc:** [Bill Parsons](#); [Joe Bongiorno](#); [Tamara Thompson](#); [Brady Lasher \(brady@lasherenterprises.com\)](#); [Michael Thomas](#)  
**Subject:** Chukar Ridge Sub - Council Hearing: Pre-Plat Resubmittal  
**Date:** Thursday, July 2, 2020 12:03:04 PM  
**Attachments:** [PP 200702 Chukar Ridge PP - Resubmittal OpenSpaceExhibit 119192.pdf](#)  
[PP 200702 Chukar Ridge PP - Resubmittal 119192.pdf](#)

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

Good Morning Alan -

Per the comments received from P&Z at our hearing on June 4 and summarized in your email received 6.5.20, we are listing the 5 items below as the “Meridian City P&Z Conditions”. Each of these comments have been addressed and are reflected on the attached resubmittal.

1. 6’ fence and 6’ berm along State Highway 16 ( I recommend you use the same landscaping and fencing as Gander Creek South).  
*Complete - Berm and Fence have been added. Refer to Detail 3&4/LP-02.*
2. Reduce the common drives to serve no more than 3 residences.  
*Complete – see Driveway A, B, & C / PP-01*
3. Add an extra amenity.  
*Complete – In addition to the extensive pathway system amenity we are proposing a tot lot feature in Lot 4 / Block 4. See LP-01 and detail 5/LP-02.*
4. ACHD recommendations should be finalized.  
*ACHD Staff report approved on consent agenda June 17, 2020 and received via email.  
Applicant will work with ACHD to complete conditions of approval. All conditions are shown on pre-plat resubmittal.*
5. 2<sup>nd</sup> access will be established prior to Council.  
*Applicant will construct no more than 30 homes with current secondary fire access from McDermott Road. Prior to constructing home number 31 through 63, the applicant will provide one of the following additional solutions to mitigate the future construction of Hwy 16 Expressway.*
  - *Construct roadway crossing of the McFadden Drain to connect to Gander Creek South. Graphic Exhibit will be prepared for council presentation.*
  - *Construct connection south to Ustick Road. Graphic Exhibit will be prepared for council presentation.*
  - *Fire Sprinkle all structures in excess of 30 units (units 31 through unit 63)*  
*The sequence and timing of development north and south of this project is unknown and we need to have the above options available.*

Not listed in the email but discussed at the hearing was the request for a 10’ wide buffer on the west edge of the project to mitigate for the future planned street construction by West Ada School District. We have also added the 10-FT buffer behind the lots on the west edge of the development.

We are also developing some additional graphics for our presentation to council but plan on simply

bringing those to the hearing. I will provide all exhibits and graphics to you as far in advance of the hearing as possible.

Please contact our office with any questions. Thank you,

principal | landscape architect

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matthew t. adams

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208.939.4041 | p

208.921.4757 | c

462 e shore dr, ste 100

eagle, idaho 83616

[matt@thelandgroupinc.com](mailto:matt@thelandgroupinc.com)

THE LAND GROUP | [thelandgroupinc.com](http://thelandgroupinc.com)

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



**In the Matter of the Request for Annexation of 7.09 Acres of Land with an R-8 Zoning District; and Preliminary Plat Consisting of 26 Residential Buildable Lots and 6 Common Lots on 7 Acres of Land in the Proposed R-8 Zoning District, by Penelope Constantikes, Riley Planning Services.**

**Case No(s). H-2019-0133**

**For the City Council Hearing Date of: July 21, 2020 (Findings on August 4, 2020)**

**A. Findings of Fact**

1. Hearing Facts (see attached Staff Report for the hearing date of July 21, 2020, incorporated by reference)
2. Process Facts (see attached Staff Report for the hearing date of July 21, 2020, incorporated by reference)
3. Application and Property Facts (see attached Staff Report for the hearing date of July 21, 2020, incorporated by reference)
4. Required Findings per the Unified Development Code (see attached Staff Report for the hearing date of July 21, 2020, incorporated by reference)

**B. Conclusions of Law**

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



- 7. That this approval is subject to the Conditions of Approval all in the attached Staff Report for the hearing date of July 21, 2020, incorporated by reference. The conditions are concluded to be reasonable and the applicant shall meet such requirements as a condition of approval of the application.

C. Decision and Order

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

- 1. The applicant’s request for Annexation and Preliminary Plat is hereby approved per the conditions of approval in the Staff Report for the hearing date of July 21, 2020, attached as Exhibit A.

D. Notice of Applicable Time Limits

Notice of Preliminary Plat Duration

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

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

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

Notice of Development Agreement Duration

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

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

A modification to the development agreement may be initiated prior to signature of the

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

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

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

F. Attached: Staff Report for the hearing date of July 21, 2020

By action of the City Council at its regular meeting held on the \_\_\_\_\_ day of \_\_\_\_\_, 2020.

COUNCIL PRESIDENT TREG BERNT VOTED\_\_\_\_\_

COUNCIL VICE PRESIDENT BRAD HOAGLUN VOTED\_\_\_\_\_

COUNCIL MEMBER JESSICA PERREAULT VOTED\_\_\_\_\_

COUNCIL MEMBER LUKE CAVENER VOTED\_\_\_\_\_

COUNCIL MEMBER JOE BORTON VOTED\_\_\_\_\_

COUNCIL MEMBER LIZ STRADER VOTED\_\_\_\_\_

MAYOR ROBERT SIMISON VOTED\_\_\_\_\_
(TIE BREAKER)

\_\_\_\_\_  
Mayor Robert Simison

Attest:

\_\_\_\_\_  
Chris Johnson  
City Clerk

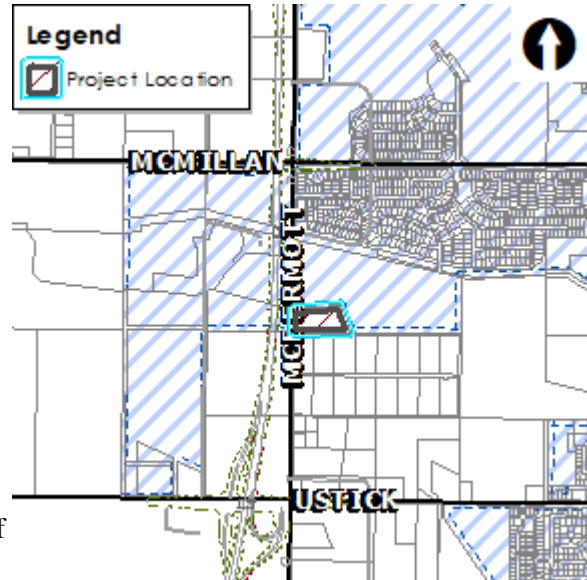
Copy served upon Applicant, Community Development Department, Public Works Department and City Attorney.

By: \_\_\_\_\_ Dated: \_\_\_\_\_  
City Clerk's Office

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



HEARING DATE: July 21, 2020  
TO: Mayor & City Council  
FROM: Bill Parsons, Current Planning Supervisor  
208-884-5533  
Bruce Freckleton, Development Services Manager  
208-887-2211  
SUBJECT: H-2019-0133  
Lupine Cove  
LOCATION: 4000 N. McDermott Rd., in the NW ¼ of Section 33, Township 4N., Range 1W.



**I. PROJECT DESCRIPTION**

*NOTE: On April 28, 2020, City Council remanded this project back to Planning and Zoning Commission to provide a recommendation on a revised preliminary plat and landscape plan. Staff has updated the staff report in a strike-through and underline format to represent the proposed changes to the plans. Originally, Staff and the Commission had recommended denial based on previous versions of the plans. With the revisions to the plans, Staff is recommending approval of the project. Staff's recommended development agreement provisions and conditions of approval are provided below.*

Annexation of 7.09 acres of land with an R-8 zoning district and Preliminary Plat consisting of twenty-six~~eight~~ (26~~8~~) buildable lots, six~~seven~~ (6~~7~~) common lots and two (2) other lots on 7 acres of land in the proposed R-8 zoning district.

**II. SUMMARY OF REPORT**

A. Project Summary

Description	Details	Page
Acreage	7 acres	
Future Land Use Designation	Medium Density Residential (MDR) (3-8 units/acre)	
Existing Land Use	Residential/agricultural	
Proposed Land Use(s)	Single-family residential (SFR) development	
Current Zoning	RUT in Ada County	
Proposed Zoning	R-8	
Lots (# and type; bldg/common)	<del>268</del> buildable; <del>67</del> common & <del>2</del> other	
Phasing plan (# of phases)	1	
Number of Residential Units (type of units)	<del>257</del> new and 1 existing (SFR detached homes)	
Density (gross & net)	<del>3.714</del> gross/7.46 net	
Open Space (acres, total [%] / buffer / qualified)	Based on the applicant's calculations <del>0.834</del> of an acre ( <del>12.0544.7%</del> ) is being proposed.	

Amenities	Children's play equipment <del>and gazebo and basketball court</del>	
Physical Features (waterways, hazards, flood plain, hillside)	The Five Mile Creek/McFadden Drain runs along the northern and eastern boundary of this site.	
Neighborhood meeting date; # of attendees:	August 28, 2019; 9 attendees	
History (previous approvals)	None	

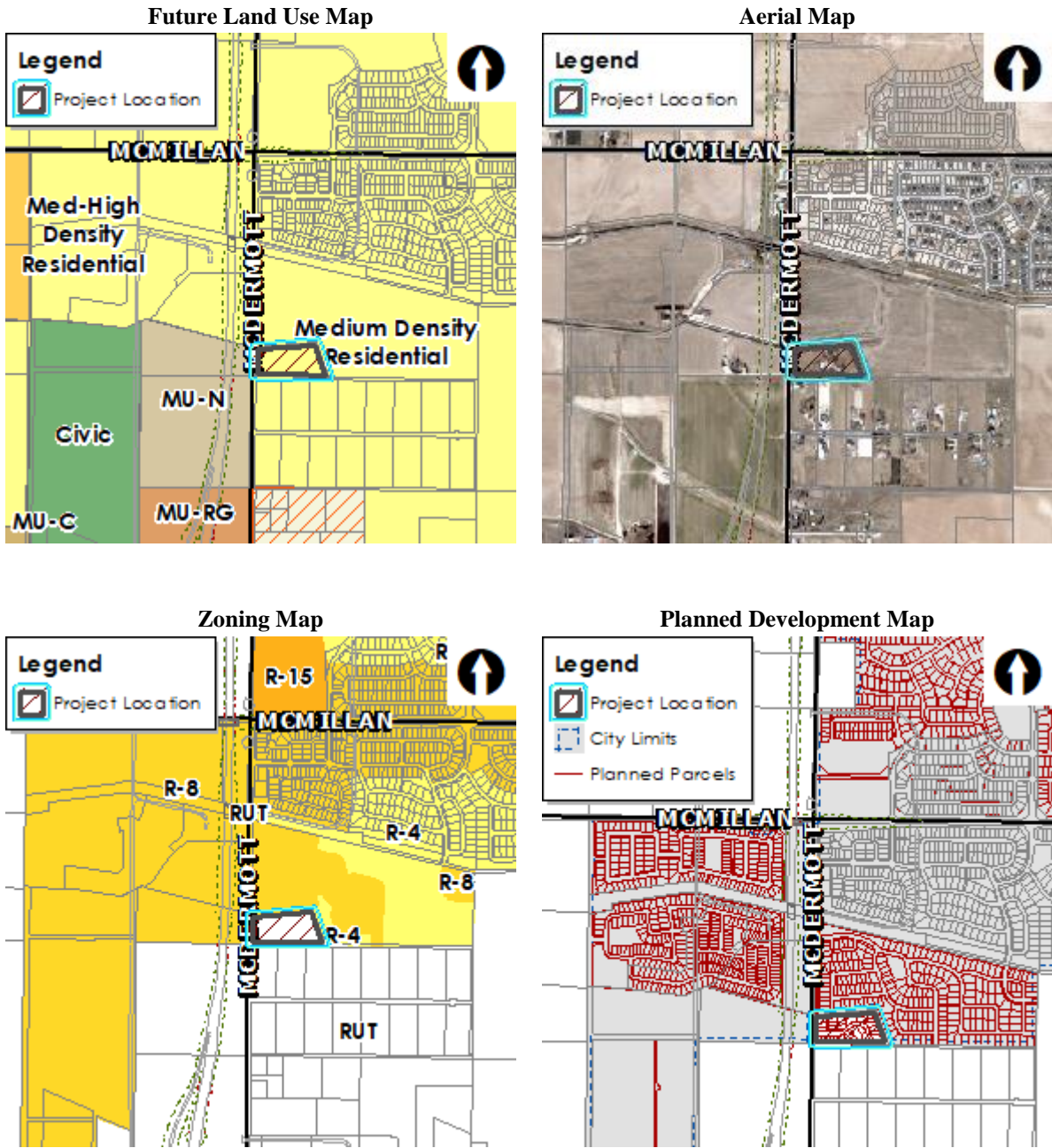
B. Community Metrics

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)	One (1) access proposed via N. McDermott Rd., a collector street	
Traffic Level of Service		
Stub Street/Interconnectivity/Cross Access	A stub street was required to the subject property from the Aegean Subdivision to the north. <u>The revised plan depicts the extension of the stub street,</u> <del>but the plan as submitted doesn't contemplate extension with this development.</del> A stub street is proposed at the south boundary.	
Existing Road Network	None	

Fire Service		
• Distance to Fire Station	3 miles from Fire Station #2	
• Fire Response Time	5 minutes under ideal conditions; can meet the response time goals	
• Resource Reliability	81% from Fire Station #2 – does meet the target goal of 80% or greater	
• Risk Identification	Risk factor of 2 – current resources would <i>not</i> be adequate to supply service to this project (see comments in Section VIII.C)	
• Accessibility	Project meets all required access, road widths and turnarounds	
• Special/resource needs	An aerial device is not required; the closest truck company is 12 minutes travel time (under ideal conditions) – Fire Dept. can meet this need in the required timeframe if needed.	
• Water Supply	Requires 1,000 gallons per minute for 1 hour; may be less if buildings are fully sprinklered	
• Other Resources	NA	
Police Service		
• Distance to Police Station	8.5 miles	
• Police Response Time	5:30 minutes	
• Calls for Service	241 for Reporting District M719 (1/1/2019 – 12/31/2019)	
• Accessibility	No issues with the proposed access	
• Specialty/resource needs	This proposed development is on the edge of the city limits. The Meridian Police Department already serves this area with the Oaks Development and Jump Creek. As of now no additional resources are needed at this time. Once all the surrounding developments build out such as Gander Creek, Aegean Estates and Owyhee High School it will require future additional police resources in this geographic area.	
• Crimes	241 (1/1/2019 – 12/31/2019)	
• Crashes	3 (1/1/2019 – 12/31/2019)	
• Other	The Meridian Police Department has no outstanding issues concerning this development application.  All qualified open space provided in the development, to include all amenities, must be in an open area in order to allow for natural observation opportunities. Pathways and landscaping should not create hiding spots or blind spots that would promote criminal opportunities.  The Meridian Police Department will support all Community Development Staff recommendations, Traffic Impact Studies from ITD and or ACHD to improve access, roadways, intersections, pathways and sidewalks before the project if fully completed.	
Wastewater		
• Distance to Sewer Services	Directly adjacent to McDermott Road	
• Sewer Shed	North McDermott Trunkshed	
• Estimated Project Sewer ERU's	See application	
• WRRF Declining Balance	13.81	

<ul style="list-style-type: none"> <li>• Project Consistent with WW Master Plan/Facility Plan</li> </ul>	Yes	
<ul style="list-style-type: none"> <li>• Impacts/Concerns</li> </ul>	The maximum slope of sewer mainlines is 5.0% due to limitations on our collections televising equipment. Please revise sewer grade between existing SSMH (within McDermott) and the upstream manhole, SSMH A1.	
<b>Water</b>		
<ul style="list-style-type: none"> <li>• Distance to Water Services</li> </ul>	0 feet	
<ul style="list-style-type: none"> <li>• Pressure Zone</li> </ul>	1	
<ul style="list-style-type: none"> <li>• Estimated Project Water ERU's</li> </ul>	See application	
<ul style="list-style-type: none"> <li>• Water Quality Concerns</li> </ul>	Yes - this development results in a long deadend water main which may result in poor water quality. This deadend won't be eliminated until the Count parcels to the south are developed.	
<ul style="list-style-type: none"> <li>• Project Consistent with Water Master Plan</li> </ul>	Yes	
<ul style="list-style-type: none"> <li>• Impacts/Concerns</li> </ul>	The water mainline in McDermott Road must be extended to the southern property line extended. Water mainline sizes were not indicated on the plans, however the McDermott line must be 12-inch diameter and the Lupine Lane line as shall be 8-inch diameter.	

C. Project Maps



III. APPLICANT INFORMATION

A. Applicant:

Penelope Constantikes, Riley Planning Services  
PO Box 405  
Boise, ID 83701

B. Owner:

Justin Fishburn



4000 N. McDermott Rd.  
Meridian, ID 83646

C. Representative:

Same as Applicant

**IV. NOTICING**

	<b>Planning &amp; Zoning Posting Date</b>	<b>City Council Posting Date</b>
Newspaper notification published in newspaper	5/29/2020	7/3/2020
Radius notification mailed to property owners within 300 feet	5/26/2020	7/1/2020
Public hearing notice sign posted on site	6/5/2020	7/8/2020
Nextdoor posting	5/27/2020	7/1/2020

**V. COMPREHENSIVE PLAN ANALYSIS ([Comprehensive Plan](#))**

*(Note: This project was submitted prior to the new Comprehensive Plan being adopted; therefore, this project is being evaluated under the previous 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. As noted above, the submitted plat consists of 268 building lots on approximately 7 acres of land which is 3.714 dwelling units to the acre. Staff finds the proposed density is within the density parameters of the MDR land use designation.

The following Comprehensive Plan Policies are applicable to this development:

- “Support a variety of residential categories (low-, medium-, medium-high and high-density single-family, multi-family, townhouses, duplexes, apartments, condominiums, etc.) for the purpose of providing the City with a range of affordable housing opportunities.” (3.07.01E)

*The proposed single-family detached homes will contribute to the variety of residential categories in the City; Staff is unaware how “affordable” the units will be.*

- “Permit new development only where urban services can be reasonably provided at the time of final approval and development is contiguous to the City.” (3.01.01F)

*City services are available and will be extended by the developer to the proposed lots upon development of the site in accord with UDC 11-3A-21.*

- “Require useable open space be incorporated into new residential subdivision plats.” (3.07.02A)

***The proposed plat depicts a total of 0.831 of an acre (or 12.0511.7%) of qualified open space. To increase the usability of the open space, staff recommends that the applicant relocate the temporary turnaround proposed on Common Lot 10 on the east side of Lupine Lane., however much of the qualified open space is ether developed with imperious surface or ponds which lacks creativity in the design per the purpose statement in UDC 11-6A-1. The applicant has redesigned the open space***

- “Require all new development to create a site design compatible with surrounding uses through buffering, screening, transitional densities, and other best site design practices.” (3.07.01A)

*On the south boundary are rural county lots in excess of 4 acres. **The applicant has not provided any real transitional lot sizes along this boundary. The two (2) most impacted rural lots have a 5:1 and 3:1 lot ratio respectively.***

- “Require new urban density subdivision which abut or are proximal to existing low density residential land uses to provide landscaped screening or transitional densities with larger, more comparable lot sizes to buffer the interface between urban level densities and rural residential densities.” (3.05.02F)

**Staff does not believe the transition proposed is adequate to the rural residential lots to the south. Commission should determine if the applicant’s revisions to plan provide a transition as desired by the Comprehensive Plan.**

- “Review new development for appropriate opportunities to connect local roads and collectors to adjacent properties (stub streets).” (3.03.020)

*A stub street was approved at the north boundary of this property with the Aegean Subdivision preliminary plat which is required to be extended on this property with development. This street ~~would~~ provides local street access to this development in accord with UDC 11-3A-3. **The proposed plat ~~does not~~ depicts a stub street in the location of the stub street approved with the Aegean Subdivision.***

- “Incorporate creek corridors as an amenity in development design.” (5.09.01E)

*The City’s mapping depicts the Five Mile Creek on the north boundary and the McFadden Drain on the east boundary of the development. **The submitted plans depicts minimal improvements or enhancements in these areas. Staff believes these areas should be improved as an amenity for the development. Both the Parks Department and NMID are not opposed to a pathway in the easement area, however the City’s master pathways plan does not specifically call out one in this area. NMID is amenable to a pathway if the City is willing to amend the master agreement with the district. The Parks Department has indicated a pathway is not desired at this location and one is not required to be constructed with this development. The applicant is proposing to enhance this area with native grasses to preserve as many trees as possible to leave the area undisturbed and natural. This area is designated as common lots so the maintenance of the area is the responsibility of the HOA. Staff is supportive of this area remaining in a natural state however, the applicant should construct an internal pathway network through the internal common lots internal to the development that ties in the creek area for residents use as a recreational amenity (see analysis below for more information).***

- “Develop and implement programs to encourage and promote tree health and preservation throughout the City, including along waterways and within proposed development.” (5.01.01E)

*The subject property contains many mature trees that will be retained or removed with development of the subdivision. The previous landscape plan indicates that 1,958 caliper inches of mature trees exist on the site. Many of them will be removed for various reasons. **The plan indicates of the 1,958 caliper inches, only 184 caliper inches will be mitigated and 134 caliper inches of existing will be retained on the site. If The plat were has been designed with less density, so staff believes more of the existing mature trees can ~~could~~ be preserved with the development. The applicant is indicated that the landscape plan will be updated with a new mitigation plan prior to the City Council hearing.***

Staff believes the ~~proposed~~ revised development plan is generally consistent with the vision of the Comprehensive Plan in regards to land use, open space, connectivity and density; ~~However,~~ **because the plat still lacks transitional lots sizes on the south boundary.**

**VI. UNIFIED DEVELOPMENT CODE ANALYSIS**

**A. ANNEXATION & ZONING**

The Applicant requests annexation of 7.09 acres of land, which includes land to the section line of N. McDermott Rd., with an R-8 zoning district consistent with the Medium Density Residential (MDR) Future Land Use Map (FLUM) designation in the Comprehensive Plan. The legal description and exhibit map for the area proposed to be annexed is included in Section VIII.A below.

**Proposed Use:**

The Applicant proposes to develop the site with ~~257~~ new single-family detached homes; the existing home is proposed to remain on a lot in the proposed subdivision.

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

The proposed annexation area is contiguous to City annexed property and is within the Area of City Impact Boundary. A legal description and exhibit map for the annexation area is included in Section VII.A. **A development agreement is not being recommended as part of the annexation request because staff is recommending denial.**

**B. PRELIMINARY PLAT**

The proposed preliminary plat consists of ~~268~~ buildable lots (include the lot where the existing home is proposed to remain) and ~~67~~ common lots ~~and 2 other lots~~ on 7 acres of land in the proposed R-8 zoning district. Lots range in size from 4,353,500 to 13,924,126,74-square feet (s.f.). The plat is proposed to develop in one phase.

**Existing Structures/Site Improvements:**

There is one (1) existing home and some accessory structures on this site; the existing home is proposed to remain on Lot ~~113~~, Block 2 – all accessory structures that don't comply with the setbacks of the district are required to be removed prior to signature on the final plat by the City Engineer. If the annexation and subdivision is approved, the existing residence should connect to City services and obtain a new address with development of the property.

**Dimensional Standards:**

Compliance with the dimensional standards listed in UDC Table 11-2A-6 for the R-8 district is required. The minimum property size in the R-8 district is 4,000 square feet with a minimum street frontage of 40 feet. All of the lots conform the dimensional standards in UDC Table 11-2A-6.

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

One access is proposed via N. McDermott Rd., a collector street; local street access is not available to this property at this time, however a local stub street was planned from the Aegean Subdivision to the north. The applicant is ~~not~~ proposing the extension of the roadway for interconnectivity between the two developments in accord with the Plan and UDC. ~~due to the cost associated with crossing over the Five Mile Creek for the extension of the roadway. ACHD did not require half the cost of the crossing from the developer of the Aegean project. Therefore, the crossing half the cost would be absorbed by the subject developer with long term maintenance by ACHD. ACHD is requiring the extension of the road consistent with their policy. Staff believes these two projects should be connected with a public street connection.~~

UDC 11-3A-3 requires access to local streets when available and the Comprehensive Plan requires interconnectivity and the extension of stub streets with development. The stub street to the north is not shown on the proposed plat which is not consistent with the UDC or the Plan.

The local street being proposed (Lupine Lane) does stub at the south boundary. This street does not meet the naming convention of the City and "Lane" should be removed from the street name as this nomenclature is reserved for private streets, not public streets. **The street does exceed 150 feet, therefore a temporary turnaround is required. The applicant is proposing to construct a temporary turnaround on a common lot (Lot 10, Block 2), which decreases the usability of the area. Staff recommends that the applicant construct the temporary turnaround on Lots 13 and 14 in the southeast corner of the development to increase the open space for development. The reason for this recommendation is to ensure open space for the development remains intact without placing a burden on the HOA to remediate the removal of the turnaround area. In discussions with ACHD, this would not violate any of their policies.**

In addition to the stub street not being extended, approximately half of the residential lots take access from common driveways. The long term maintenance of the common driveways will be the responsibility of the HOA. Further, Public Works Department is being less supportive of common driveways because of the separation requirements between the services. They also oppose the extension of any mains (water or sewer) in said driveways as currently proposed by the applicant.

~~Per UDC 11-6A-1, one of the objectives of subdividing land is to promote the extension public streets to improve vehicular network. Staff finds excluding the extension of the stub street and the excessive number of common driveways does not meet this objective of the subdivision regulations in the UDC.~~

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

There are no pathways depicted on the Pathways Master Plan for this property. **As noted above, the applicant is making an attempt to incorporate the irrigation facilities into the boundary of the plat. This area will remain a natural waterway that will be maintained by the future HOA. Staff believes the applicant could enhance this development if an internal pedestrian network were provided in the development. Staff recommends that the applicant include a 5-foot wide pathway within the following common lots - Lot 5 and Lot 10 AND provide another micropath lot at south boundary of Lot 14 in the SEC of the development. Further, the 5-foot wide pathway in Lot 10 should stub to southern property boundary for pedestrian connectivity when the property to the south re-develops.** The applicant is proposing a mireopath (Lot 7, Block 2) along the south boundary, preserving pedestrian connectivity in the future. Common Lot 7, Block 2 must be developed in accord with UDC 11-3A-8 and UDC 11-3B-12.

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

A 5-foot wide detached sidewalk is required along the frontage of this site adjacent to N. McDermott Rd. The proposed plat depicts the 5 foot wide sidewalk outside of the required landscape buffer adjacent to McDermott Road. The applicant should relocate the sidewalk in the 35 foot wide landscape buffer to ensure compliance with the UDC. The plat as submitted complies with this requirement of the UDC.

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

A 35-foot wide street buffer is required along N. McDermott Rd. (measured from back of curb), landscaped per the standards in UDC Table 11-3B-7C. The proposed landscape plan depicts the buffer in a common lot as required by the UDC and landscaped in accord with UDC 11-3B-7C.

Landscaping is required in common open space areas in accord with the standards listed in UDC 11-3G-3E. Trees are proposed far exceeding UDC standards.

**Tree mitigation is required in accord with the standards listed in UDC 11-3B-10C. As noted above, the property contains many mature trees that are proposed to be removed or retained as part of**

the project (approximately 1,958 caliper inches). With the redesign of the plat, the applicant intends to retain more of the mature trees on the site as desired by the City. However, the revised landscape plan does not depict the number of caliper inches that may be retained as part of the development. The applicant has informed staff that it is their desire to update the plan with the mitigation plan prior to the City Council hearing. Staff is amenable to this request and recommends that 10 days prior to City Council hearing, the applicant should provide a revised landscape plan that includes the caliper inches that are to be retained and removed as part of the development. Further, this should be ~~The applicant is proposing to retain 134 caliper inches in the form of existing trees and mitigate 184 caliper inches. The remaining 1,320 caliper inches are not being mitigated. UDC 11-3B-10C.5(a) requires 100% replacement of the caliper inches. The mitigation plan as proposed by the applicant depicts mitigation of 184 caliper inches which does not comply with UDC standards. The applicant should~~ coordinated with the City Arborist ~~on the mitigation plan~~ to ensure the development can accommodate as many caliper inches as possible.

**Qualified Open Space & Site Amenities (UDC 11-3G):**

Because the area of the preliminary plat is approximately 7 acres in size, the qualified open space and site amenity standards listed in UDC 11-3G-3 apply. The applicant is proposing to approximately 0.83 of an acre of qualified open space in accord with UDC standards. However, as noted above, staff has concerns with the temporary turnaround on Common Lot 10. If the temporary turnaround encumbered buildable lots as recommended above, there would be more useable open space provided within the development. Further, staff is recommending that the applicant provide an additional amenity in the form of an internal walking path system to integrate the irrigation facilities into the proposed development (see pathway analysis above). With the relocation of the turnaround and the inclusion of the internal walking paths, staff is supportive of the open space and amenities proposed for the development.

The applicant has also indicated that a tot lot is proposed on Common Lot 10 however, the revised plan does not provide any details of this amenity. During the public hearing the applicant should clarify if a tot lot is proposed for this development. If one is proposed, the applicant should revise the landscape plan to include details of this amenity. ~~The applicant has provided an open space exhibit to show how she derived at the qualified open space for the development. In reviewing the submitted plan, some of the areas, the applicant is counting towards qualified open space does not meet UDC standards as follows:~~

- ~~1. Lot 7, Block 2 is not landscaped in accord with UDC 11-3B-12.~~
- ~~2. Lot 6, Block 1 is not improved with an amenity (parking lot does not count as an amenity) or meet the dimensional standards (50' X 100') to count towards qualified open space.~~
- ~~3. Lot 15, Block 2 is proposed to be developed with ACHD temporary turnaround. This area must be removed from the open space calculations. If this area is not dimensioned 50' x 100' with the removal of imperious surface, this area does not meet the City's open space standards.~~
- ~~4. Lot 13, Block 1 depicts a pond greater than 25% of the common lot and does not meet UDC standards in accord with UDC 11-3G-3B.7 and 8.~~
- ~~5. Lot 1, Block 1 is not included in the open space calculation. If this area was enhanced and improved in accord with City and the irrigation standards and integrated in the subdivision design as envisioned by the Comprehensive Plan, the applicant could include this lot in the open space calculations. Without this lot, staff finds that the qualified open space proposed with this project does not comply with the standards set forth in UDC 11-3G-3.~~

Amenities for the development include a gazebo, tot lot and basketball court in excess of UDC standards.

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

The Five Mile Creek/Mcfadden Drain runs along the northern and eastern perimeter of the property. The applicant is seeking Council waiver to allow the irrigation facilities remain open. This area will be contained in common lot to be owned and maintained by a future HOA. Further, the applicant is proposing to hydroseed this area with native drought tolerant fescue to enhance the area. Although it will not be improved with a pathway, staff finds that the proposed vegetation and retention of existing trees will complement the development and may provide passive open space to be used by future residents who are fond of wildlife viewing.

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

All fencing constructed on the site is required to comply with the standards listed in UDC 11-3A-6 and 11-3A-7. The master fence plan complies with UDC standards.

~~The landscape plan submitted with the application details the fencing proposed for the project. Six foot tall vinyl fencing is proposed along the west, south and a portion of the north boundary. The portion of 6 foot solid fencing along the north boundary is adjacent to a common lot and cannot be 6 foot tall solid fencing as proposed by the applicant. **The fencing along the entire north boundary of the buildable lots, including Lot 14 and 15, Block 1, must be constructed as a 6 foot tall semi-privacy fence** as proposed along the interior common lots within the subdivision.~~

Six foot tall semi-privacy fencing is proposed along the internal common lots and the northern boundary of Lots 16-22, Block 1 in accord with UDC standards.

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

Connection to City water and sewer services is proposed in accord with UDC 11-3A-21. Street lighting is required to be installed in accord with the City's adopted standards, specifications and ordinances. *See Section VIII.B below for Public Works comments/conditions.*

**Pressurized Irrigation System (UDC 11-3A-15):**

An underground pressurized irrigation (PI) system is required to be provided for each lot within the development as set forth as set forth in UDC 11-3A-15. If a PI pump station is required on the developed property, such station shall be on a lot solely dedicated to that pump station and shall be owned by the entity that owns and maintains the PI system as set forth in UDC 11-3B-6E.

**Storm Drainage (UDC 11-3A-18):**

An adequate storm drainage system is required in all developments in accord with the City's adopted standards, specifications and ordinances. Design and construction shall follow best management practice as adopted by the City as set forth in UDC 11-3A-18.

Storm drainage will be mitigated with private drainage ponds at the end of the proposed common driveways and public street drainage is proposed to accommodate in common Lots 2 and 13, Block 1. Because ACHD drainage ponds are proposed within common lots, the proposed ponds must be designed in accord with UDC 11-3B-11 or removed from the open space calculations.

**Building Elevations:**

Conceptual building elevation photos were submitted for the proposed homes, as shown in Section VII.E. Building materials are proposed to consist of a mix of stucco, wood, and stone wainscot. Field and trim materials are distinguished by color and texture; window and door openings are accentuated with trim.

Because the rear and/or side of 2-story structures on lots that abut N. McDermott Rd. will be highly visible, Staff recommends those elevations incorporate articulation through changes in two or more of the following: modulation (e.g. projections, recesses, step-backs, pop-outs), bays, banding, porches, balconies, material types, or other integrated architectural elements to break up monotonous wall planes and roof lines. *Single-story structures are exempt from this requirement.*

## VII. DECISION

### A. Staff:

Staff recommends ~~approval~~denial of the proposed Annexation and Preliminary Plat in accord with the Findings in Section IX.

### B. The Meridian Planning and Zoning Commission heard these items on June 18, 2020. At the public hearing, the Commission voted to recommend approval of the subject AZ and PP requests.

1. Summary of Commission public hearing:
  - a. In favor: Penelope Constantikes and Derritt Kerner
  - b. In opposition: None
  - c. Commenting: None
  - d. Written testimony: Sue Wag
  - e. Staff presenting application: Bill Parsons
  - f. Other Staff commenting on application: Adrienne Weatherly
2. Key issue(s) of public testimony:
  - a. Will the proposed development affect the wells and water quality of the Apple Valley residents.
3. Key issue(s) of discussion by Commission:
  - a. Lot transition on the south boundary
  - b. Coordination with NMID on allowing the walking path connections to the Five Creek/McFadden Drain easement area
  - c. Relocation of the temporary turnaround on lots 13 and 14
  - d. Future extension of the stub street on the south boundary
4. Commission change(s) to Staff recommendation:
  - a. Struck condition 2e and 3c requiring the relocation of the temporary turnaround on buildable lots on the east side of Lupine Lane
  - b. Modify condition of approval 2b. requiring the pathway connections to the irrigation facilities if allowed by the NMID
5. Outstanding issue(s) for City Council:
  - a. Applicant is seeking Council waiver to keep the waterways (Five Mile Creek/McFadden Drain) open in accord with UDC 11-3A-6.

### C. The Meridian City Council heard these items on July 21, 2020. At the public hearing, the Council moved to approve the subject AZ and PP requests.

1. Summary of the City Council public hearing:
  - a. In favor: Penelope Constantikes
  - b. In opposition: None
  - c. Commenting: Gennie Fishburn
  - d. Written testimony: None
  - e. Staff presenting application: Bill Parsons
  - f. Other Staff commenting on application: None
2. Key issue(s) of public testimony:
  - a. None

3. Key issue(s) of discussion by City Council:
  - a. Fencing along the open waterway(s).
  - b. Landscaping proposed in the NMID easement area.
  - c. Methods for restricting access from residents recreating in the NMID easement area.
4. City Council change(s) to Commission recommendation:
  - a. Council granted the waiver to allow the Five Mile Creek/McFadden Drain to remain an open waterway in accord with UDC 11-3A-6.



VIII. EXHIBITS

A. Annexation & Zoning Legal Description and Exhibit Map

*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;

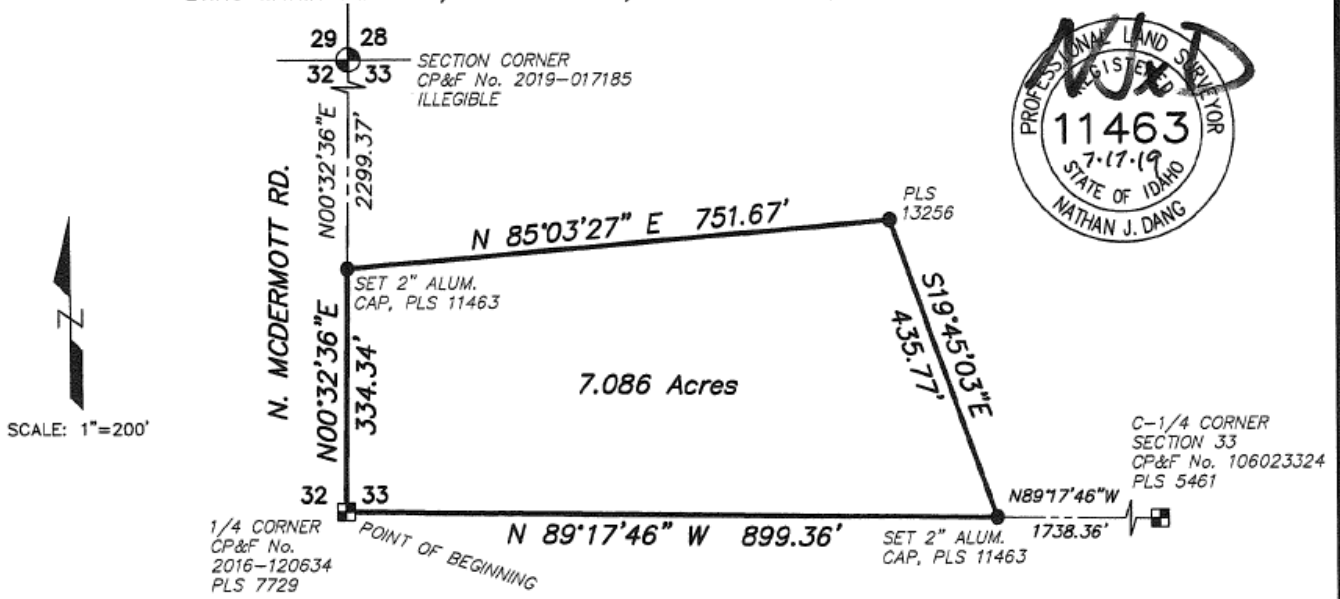
Thence N 89° 17' 46" W along the center section line for a distance of 899.36 feet to the **POINT OF BEGINNING.**

Parcel contains 7.086 acres, more or less.



# ANNEXATION MAP

4000 N. McDERMOTT RD. MERIDIAN ID. 83646  
 LYING WITHIN THE SW 1/4 OF THE NW 1/4 OF SECTION 33, T.4N., R.1W., B.M.



**LEGEND**

- BOUNDARY LINE
- SECTION LINE
- FOUND 3 1/2" BRASS CAP MONUMENT IN ASPHALT
- FOUND 2" ALUMINUM CAP MONUMENT IN ASPHALT
- FOUND 5/8" IRON PIN, WITH PLASTIC CAP, OR AS NOTED

**BASIS OF BEARING**

N 00°32'36" E BETWEEN FOUND MONUMENTS AT THE 1/4 CORNER COMMON TO SECTIONS 32 & 33, AND THE SECTION CORNER COMMON TO SECTIONS 28, 29, 32, & 33.



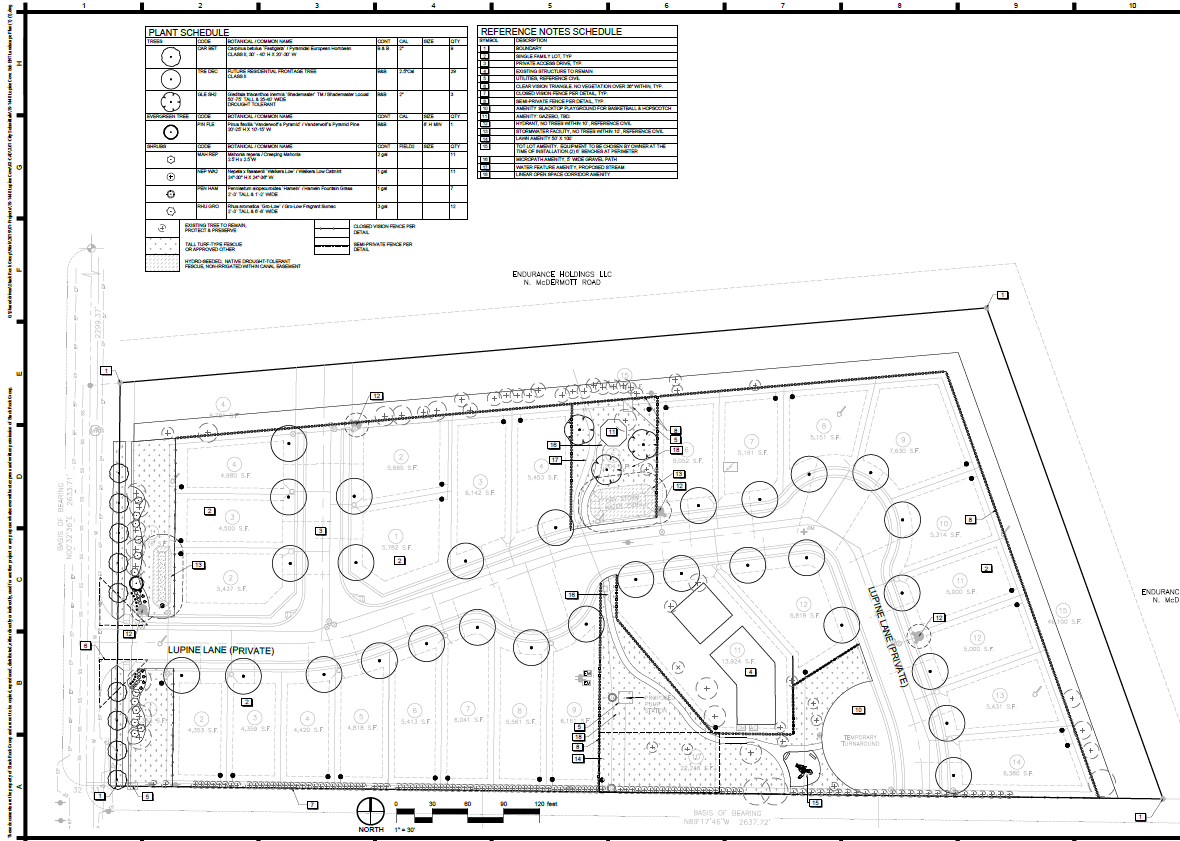
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 (208) 488-4227  
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DATE: JULY, 2019      JOB 19-178







**STACK ROCK**  
CIVIL ENGINEERING & ARCHITECTURE

1700 S. 1000 E.  
SUITE 100  
SALT LAKE CITY, UT 84143

PROJECT: LUPINE COVER SUBDIVISION  
SHEET: L101

DATE: 01/23/23

SCALE: AS SHOWN

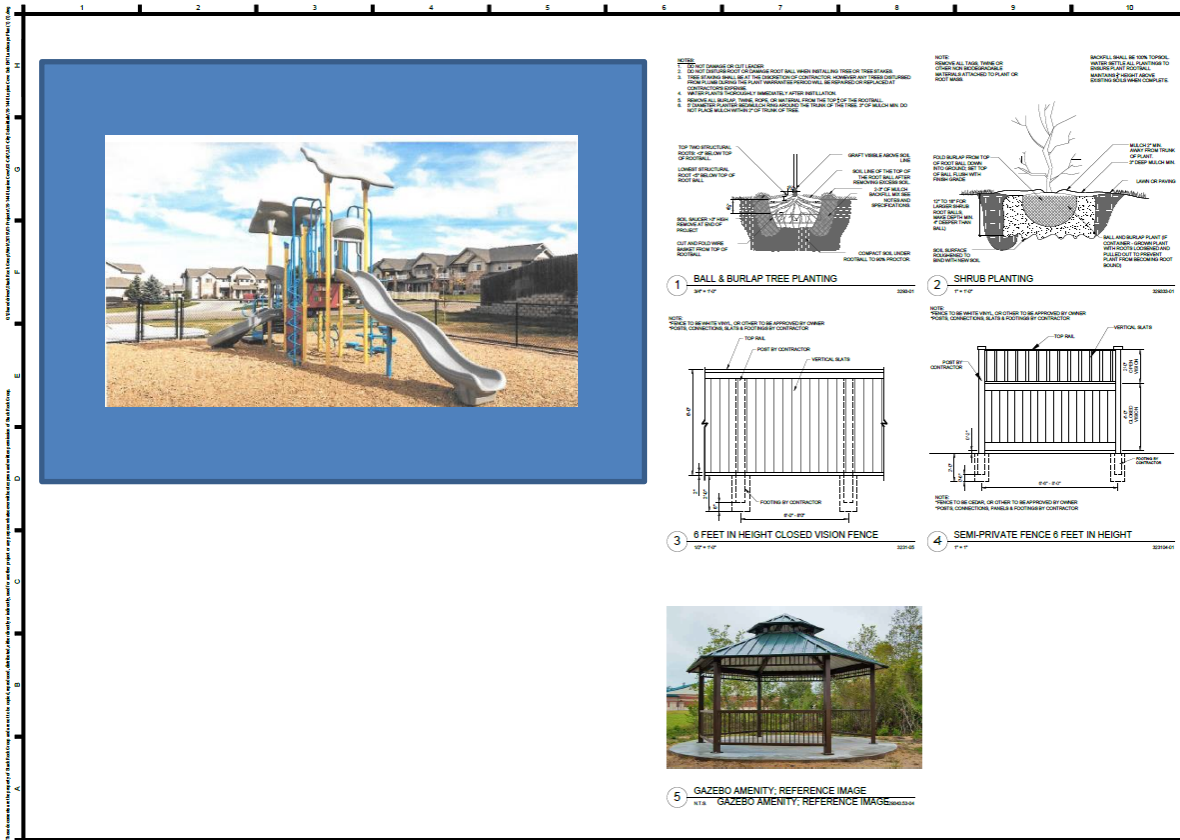
DESIGNED BY: [Name]

DRAWN BY: [Name]

CHECKED BY: [Name]

APPROVED BY: [Name]

NOT FOR CONSTRUCTION



**STACK ROCK**  
CIVIL ENGINEERING & ARCHITECTURE

1700 S. 1000 E.  
SUITE 100  
SALT LAKE CITY, UT 84143

PROJECT: LUPINE COVER SUBDIVISION  
SHEET: L102

DATE: 01/23/23

SCALE: AS SHOWN

DESIGNED BY: [Name]

DRAWN BY: [Name]

CHECKED BY: [Name]

APPROVED BY: [Name]

NOT FOR CONSTRUCTION

D. Conceptual Building Elevation Photos



Item #8.



**IX. CITY/AGENCY COMMENTS & CONDITIONS (~~NO CONDITIONS OF APPROVAL DUE TO STAFF'S RECOMMENDATION OF DENIAL~~)**

**A. PLANNING DIVISION**

1. A Development Agreement (DA) is required as a provision of annexation of this property. Prior to approval of the annexation ordinance, a DA shall be entered into between the City of Meridian, the property owner(s) at the time of annexation ordinance adoption, and the developer.

Currently, a fee of \$303.00 shall be paid by the Applicant to the Planning Division prior to commencement of the DA. The DA shall be signed by the property owner and returned to the Planning Division within six (6) months of the City Council granting the annexation. The DA shall, at minimum, incorporate the following provisions:

- a. Future development of this site shall be generally consistent with the preliminary plat, landscape plan and conceptual building elevations for the single-family dwellings included in Section VIII and the provisions contained herein.
  - b. The rear and/or sides of 2-story structures on Lots 2-4, Block 1 and Lots 2, Block 2 that face N. McDermott Road shall incorporate articulation through changes in two or more of the following: modulation (e.g. projections, recesses, step-backs, pop-outs), bays, banding, porches, balconies, material types, or other integrated architectural elements to break up monotonous wall planes and roof lines. Single-story structures are exempt from this requirement.
2. The preliminary plat included in Section VII.B, dated 05/14/2020, shall be revised as follows:
- a. Add a note to the final plat that prohibits direct lot access to N. McDermott Road.
  - b. Add a micropath lot on the south boundary of Lot 14, Block 1 in the SEC of the development in accord with UDC 11-3A-8 and 11-3B-12, if allowed by NMID.
  - c. The internal streets proposed within the development shall comply with the street naming standards in Title 8.
  - d. The existing residence on Lot 13, Block 2 shall connect to City services and obtain a new address with development of the property.
  - e. ~~The temporary turnaround on Common Lot 10 shall be relocated on the east side of Lupine Lane and encumber buildable lots.~~
3. The landscape plan included in Section VII.C, dated ~~05/20/2020~~ 07/13/2020, shall be revised ~~ten (10)~~ days prior to the City Council hearing as follows:
- a. The applicant shall coordinate with the City Arborist on the tree mitigation plan to ensure the development can accommodate as many caliper inches as possible.
  - b. The applicant shall construct a 5-foot wide pathway within Common Lots 5 and 10 AND provide another micropath lot at south boundary of Lot 14 in the SEC of the development, if allowed by NMID. Further, the 5-foot wide pathway in Common Lot 10 must stub to southern property boundary for pedestrian connectivity when the property to the south develops.



- ~~e. The temporary turnaround area on Common Lot 10 shall be landscaped in accord with UDC 11-3G-3E.~~
- ~~d. During the public hearing the applicant shall clarify if a tot lot is proposed for this development. The applicant shall provide a detail of the children's play structure proposed on Common Lot 10.~~
4. Future development shall be consistent with the R-8 dimensional standards listed in UDC Table 11-2A-6.
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 dwellings based on the number of bedrooms per unit.
6. Applicant shall construct homes consistent with the homes elevation in Exhibit VII (D).
7. Developer shall comply with all ACHD conditions of approval.
8. The Applicant shall have a maximum of two (2) years to obtain City Engineer's signature on a final plat in accord with UDC 11-6B-7.
9. Staff's failure to cite specific ordinance provisions does not relieve the applicant of responsibility for compliance.
10. 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.  
**NOTE: The applicant is seeking City Council waiver to leave the adjacent waterways open. The City Council approved the Five Mile Creek and McFadden Drain to remain open.**

## **B. PUBLIC WORKS**

### **1. Site Specific Condition of Approval**

- 1.1 The applicant shall be required to pay the Oaks Lift Station and Pressure Sewer Reimbursement Fees in the amount of \$265.25 per building lot. The aggregate amount of the reimbursement fees for the entire preliminary plat area must be paid with the first final plat application.
- 1.2 The applicant shall be required to pay the Oaks Lift Station Pump Upgrades Reimbursement Fees in the amount of \$185.43 per building lot. The aggregate amount of the reimbursement fees for the entire preliminary plat area must be paid with the first final plat application.
- 1.3 As designed, the water mainline will be a long dead-end main, which may result in poor water quality. This dead-end situation won't be eliminated until the parcels to the south are developed.
- 1.4 The water mainline in McDermott Road must be extended to the southern property line extended. Water mainline sizes were not indicated on the preliminary development plans, however the McDermott mainline must be 12-inch diameter and the Lupine Lane mainline shall be 8-inch diameter.

- 1.5 The maximum slope of sewer mainlines is 5.0% due to limitations on our collections televising equipment. Please revise sewer grade between existing SSMH (within McDermott) and the upstream manhole, SSMH A1.
- 1.6 The geotechnical investigative report prepared by SITE Consulting, LLC indicates some very specific construction considerations. The applicant shall be responsible for the adherence of these recommendations to help ensure that groundwater does not become a problem within crawlspaces of homes, and that storm drainage systems function properly. Applicant shall be required to submit updated groundwater monitoring data and any new geotechnical investigative information that has been derived since the initial investigation efforts of April 20, 2019.

## **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 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.
- 2.3 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.
- 2.4 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.
- 2.5 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.
- 2.6 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.

- 2.7 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.
- 2.8 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.
- 2.9 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.
- 2.10 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.
- 2.11 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.
- 2.12 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.
- 2.13 Applicant shall be responsible for application and compliance with any Section 404 Permitting that may be required by the Army Corps of Engineers.
- 2.14 Developer shall coordinate mailbox locations with the Meridian Post Office.
- 2.15 All grading of the site shall be performed in conformance with MCC 11-12-3H.
- 2.16 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.
- 2.17 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.
- 2.18 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.
- 2.19 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.

- 2.20 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).
- 2.21 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.
- 2.22 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=181295&dbid=0&repo=MeridianCity>

**D. POLICE DEPARTMENT**

<https://weblink.meridiancity.org/WebLink/DocView.aspx?id=182011&dbid=0&repo=MeridianCity>

**E. NAMPA & MERIDIAN IRRIGATION DISTRICT (NMID)**

<https://weblink.meridiancity.org/WebLink/DocView.aspx?id=182431&dbid=0&repo=MeridianCity>

**F. CENTRAL DISTRICT HEALTH DEPARTMENT (CDHD)**

<https://weblink.meridiancity.org/WebLink/DocView.aspx?id=181358&dbid=0&repo=MeridianCity>

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

<https://weblink.meridiancity.org/WebLink/DocView.aspx?id=181368&dbid=0&repo=MeridianCity&cr=1>

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

<https://weblink.meridiancity.org/WebLink/DocView.aspx?id=183096&dbid=0&repo=MeridianCity>

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

<https://weblink.meridiancity.org/WebLink/DocView.aspx?id=183480&dbid=0&repo=MeridianCity>

**X. FINDINGS**

**A. Annexation and/or Rezone (UDC 11-5B-3E)**

Required Findings: Upon recommendation from the commission, the council shall make a full investigation and shall, at the public hearing, review the application. In order to grant an annexation and/or rezone, the council shall make the following findings:

**1. The map amendment complies with the applicable provisions of the comprehensive plan;**

*The Council finds the proposed development is consistent with the vision of the Comprehensive Plan in regards to land use, open space, transportation and density however, the plat lacks transitional lots sizes on the south boundary. (See section V. above for more information.)*

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

*The Council finds the proposed map amendment and development complies with the purpose statements of the residential districts in that it will contribute to the range of housing opportunities for the community consistent with the Comprehensive Plan.*

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

*The Council finds the proposed map amendment should not be detrimental to the public health, safety and welfare as the proposed residential uses should be compatible with adjacent existing and future residential uses in the area, if transitional lot sizes are provided along the south boundary.*

**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 Council finds City services are available to be provided to this development.*

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

*The Council finds the proposed annexation is in the best interest of the City as the proposed development is consistent with the Comprehensive Plan and UDC standards.*

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

In consideration of a preliminary plat, combined preliminary and final plat, or short plat, the decision making body shall make the following findings: (Ord. 05-1170, 8-30-2005, eff. 9-15-2005)

**1. The plat is in conformance with the comprehensive plan and is consistent with this unified development code; (Ord. 08-1372, 7-8-2008, eff. 7-8-2008)**

*The Council finds the proposed plat is generally in conformance with the Comprehensive Plan and UDC if the Applicant complies with the conditions of approval in Section VIII.*

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

*The Council finds public services can be made available to the subject property and will be adequate to accommodate the proposed development.*

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

*The Council finds the proposed plat is in substantial conformance with scheduled public improvements in accord with the City's CIP.*

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

*The Council finds there is public financial capability of supporting services for the proposed development.*

- 5. The development will not be detrimental to the public health, safety or general welfare; and**  
*The Council finds the proposed development will not be detrimental to the public health, safety or general welfare.*
- 6. The development preserves significant natural, scenic or historic features.**  
*The Council finds there are natural features (Five Mile Creek and McFadden Drain) that need to be preserved and enhanced as part of the development.*

**DEVELOPMENT AGREEMENT**

- PARTIES:**
- 1. City of Meridian
  - 2. Donald Cantrell, Owner
  - 4. HHS Construction, LLC, Developer

THIS DEVELOPMENT AGREEMENT (this Agreement), is made and entered into this 23 day of July, 2020, by and between **City of Meridian**, a municipal corporation of the State of Idaho, hereafter called CITY whose address is 33 E. Broadway Avenue, Meridian, Idaho 83642 and **Donald Cantrell**, whose address is PO Box 5099, Boise, ID 83705, hereinafter called OWNER and **HHS Construction, LLC**, whose address is 729 S. Bridgeway Place, Eagle, ID 83616, hereinafter called DEVELOPER.

1. **RECITALS:**

- 1.1 **WHEREAS**, Owner is the sole owner, in law and/or equity, of certain tract of land in the County of Ada, State of Idaho, described in Exhibit "A", which is attached hereto and by this reference incorporated herein as if set forth in full, herein after referred to as the Property; and
- 1.2 **WHEREAS**, Idaho Code § 67-6511A provides that cities may, by ordinance, require or permit as a condition of zoning that the Owners and/or Developer make a written commitment concerning the use or development of the subject Property; and
- 1.3 **WHEREAS**, City has exercised its statutory authority by the enactment of Section 11-5B-3 of the Unified Development Code ("UDC"), which authorizes development agreements upon the annexation and/or re-zoning of land; and
- 1.4 **WHEREAS**, Owner and/or Developer have submitted an application for annexation and zoning of 31.96 acres of land with an R-4 (medium low density residential) zoning district on the property listed in Exhibit "A" (attached), under the Unified Development Code, which generally describes how the Property will be developed and what improvements will be made; and
- 1.5 **WHEREAS**, Owner and/or Developer made representations at the public hearing before the Meridian Planning and Zoning Commission and the Meridian City Council, as to how the Property will be developed and what improvements will be made; and

- 1.6 **WHEREAS**, the record of the proceedings for requested annexation and zoning before the Planning and Zoning Commission and the City Council, includes responses of government subdivisions providing services within the City of Meridian planning jurisdiction, and includes further testimony and comment; and
- 1.7 **WHEREAS**, on the 7<sup>th</sup> day of April, 2020, the Meridian City Council approved certain Findings of Fact and Conclusions of Law and Decision and Order (“Findings”), which have been incorporated into this Agreement and attached as Exhibit “B”; and
- 1.8 **WHEREAS**, the Findings require the Owner and/or Developer to enter into a Development Agreement before the City Council takes final action on final plat; and
- 1.9 **WHEREAS**, Owner and/or Developer deem it to be in its best interest to be able to enter into this Agreement and acknowledges that this Agreement was entered into voluntarily and at its urging and request; and
- 1.10 **WHEREAS**, City requires the Owner and/or Developer to enter into a development agreement for the purpose of ensuring that the Property is developed and the subsequent use of the Property is in accordance with the terms and conditions of this Agreement, herein being established as a result of evidence received by the City in the proceedings for zoning designation from government subdivisions providing services within the planning jurisdiction and from affected property owners and to ensure zoning designation are in accordance with the amended Comprehensive Plan of the City of Meridian on October 11, 2016, Resolution No. 16-1173, and the UDC, Title 11.

**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:** For all purposes of this Agreement the following words, terms, and phrases herein contained in this section shall be defined and interpreted as herein provided for, unless the clear context of the presentation of the same requires otherwise:

3.1 **CITY:** means and refers to the **City of Meridian**, a party to this Agreement, which is a municipal Corporation and government subdivision of the state of Idaho, organized and existing by virtue of law of the State of Idaho, whose address is 33 East Broadway Avenue, Meridian, Idaho 83642.

3.2 **OWNER:** means and refers to **Donald Cantrell**, whose address is PO Box



5099, Boise, ID 83705, the party that owns said Property and shall include any subsequent owner(s) of the Property.

3.3 **DEVELOPER:** means and refers to **HHS Construction, LLC**, whose address is 729 S. Bridgeway Place, Eagle, ID 83616, the party that is developing said Property and shall include any subsequent developer(s) of the Property.

3.4 **PROPERTY:** means and refers to that certain parcel(s) of Property located in the County of Ada, City of Meridian as described in Exhibit "A" describing the parcel to be bound by this Development Agreement and attached hereto and by this reference incorporated herein as if set forth at length.

4. **USES PERMITTED BY THIS AGREEMENT:** This Agreement shall vest the right to develop the Property in accordance with the terms and conditions of this Agreement.

4.1 The uses allowed pursuant to this Agreement are only those uses allowed under the UDC.

4.2 No change in the uses specified in this Agreement shall be allowed without modification of this Agreement.

5. **CONDITIONS GOVERNING DEVELOPMENT OF SUBJECT PROPERTY:**

5.1. Owner and/or Developer shall develop the Property in accordance with the following special conditions:

- a. Future development of this site shall be generally consistent with the preliminary plat, landscape plan, future redevelopment plan and conceptual building elevations included in Section VII and the provisions contained therein in the Staff Report included in the Findings of Fact and Conclusions of Law attached hereto as Exhibit "B".
- b. The existing home proposed to remain on Lot 28, Block 1 shall hook up to City water and sewer services at the developers expense within 60 calendar days of such services becoming available in accord with MCC 9-1-4 and 9-4-8. At such time, the septic tank shall be abandoned and the well solely used for irrigation purposes.
- c. The CC&R's for Sky Mesa Subdivision shall allow for this development to use their common area and site amenities; a revised copy of the recorded CC&R's demonstrating compliance with this provision shall be submitted with the final plat application.
- d. The irrigation system provided for the development shall have at least 60 psi to accommodate the property owners to the south along Lake Hazel Rd.
- e. A scenic easement shall be recorded on Lots 15-27, Block 3 for homes to be five feet (5') below the ground elevation of Mr. Cantrell's (#R1835500400) and neighboring

homes adjacent to the southern boundary of the site on Lake Hazel Rd. A copy of the easement shall be submitted to the Planning Division prior to signature on the first phase final plat by the City Engineer.

- f. The City Council approved the Applicant's request for a waiver to UDC 11-3A-3A.3 to allow the existing accesses via Eagle Rd. to remain for Lot 28, Block 1 until the property redevelops in the future. Upon redevelopment, access shall be taken internally from within the subdivision via a common driveway and emergency access shall be provided as shown on the conceptual redevelopment plan included in Section VII.B of the Staff Report included in the Findings of Fact and Conclusions of Law attached hereto as Exhibit "B".

6. **COMPLIANCE PERIOD** This Agreement must be fully executed within six (6) months after the date of the Findings for the annexation and zoning or it is null and void.

7. **DEFAULT/CONSENT TO DE-ANNEXATION AND REVERSAL OF ZONING DESIGNATION:**

7.1 **Acts of Default.** Either party's failure to faithfully comply with all of the terms and conditions included in this Agreement shall constitute default under this Agreement.

7.2 **Notice and Cure Period.** In the event of Owner and/or Developer's default of this Agreement, Owner and/or Developer shall have thirty (30) days from receipt of written notice from City to initiate commencement of action to correct the breach and cure the default, which action must be prosecuted with diligence and completed within one hundred eighty (180) days; provided, however, that in the case of any such default that cannot with diligence be cured within such one hundred eighty (180) day period, then the time allowed to cure such failure may be extended for such period as may be necessary to complete the curing of the same with diligence and continuity.

7.3 **Remedies.** In the event of default by Owner and/or Developer that is not cured after notice as described in Section 7.2, Owners and/or Developer shall be deemed to have consented to modification of this Agreement and de-annexation and reversal of the zoning designations described herein, solely against the offending portion of Property and upon City's compliance with all applicable laws, ordinances and rules, including any applicable provisions of Idaho Code §§ 67-6509 and 67-6511. Owners and/or Developer reserve all rights to contest whether a default has occurred. This Agreement shall be enforceable in the Fourth Judicial District Court in Ada County by either City or Owner and/or Developer, or by any successor or successors in title or by the assigns of the parties hereto. Enforcement may be sought by an appropriate action at law or in equity to secure the specific performance of the covenants, agreements, conditions, and obligations contained herein.

7.4 **Delay.** In the event the performance of any covenant to be performed hereunder by either Owner and/or Developer or City is delayed for causes that are beyond the reasonable control of the party responsible for such performance, which shall include, without limitation, acts of civil disobedience, strikes or similar causes, the time for such performance shall be extended by the amount of time of such delay.

7.5 **Waiver.** A waiver by City of any default by Owner and/or Developer of any one or more of the covenants or conditions hereof shall apply solely to the default and defaults waived and shall neither bar any other rights or remedies of City nor apply to any subsequent default of any such or other covenants and conditions.

8. **INSPECTION:** Owner and/or Developer shall, immediately upon completion of any portion or the entirety of said development of the Property as required by this Agreement or by City ordinance or policy, notify the City Engineer and request the City Engineer's inspections and written approval of such completed improvements or portion thereof in accordance with the terms and conditions of this Agreement and all other ordinances of the City that apply to said Property.

9. **REQUIREMENT FOR RECORDATION:** City shall record this Agreement, including all of the Exhibits, and submit proof of such recording to Owner and/or Developer, prior to the third reading of the Meridian Zoning Ordinance in connection with the re-zoning of the Property by the City Council. If for any reason after such recordation, the City Council fails to adopt the ordinance in connection with the annexation and zoning of the Property contemplated hereby, the City shall execute and record an appropriate instrument of release of this Agreement.

10. **ZONING:** City shall, following recordation of the duly approved Agreement, enact a valid and binding ordinance zoning the Property as specified herein.

11. **SURETY OF PERFORMANCE:** The City may also require surety bonds, irrevocable letters of credit, cash deposits, certified check or negotiable bonds, as allowed under the UDC, to insure the installation of required improvements, which the Owner and/or Developer agree to provide, if required by the City.

12. **CERTIFICATE OF OCCUPANCY:** No Certificates of Occupancy shall be issued in any phase in which the improvements have not been installed, completed, and accepted by the City, or sufficient surety of performance is provided by Owner and/or Developer to the City in accordance with Paragraph 11 above.

13. **ABIDE BY ALL CITY ORDINANCES:** That Owner and/or Developer agree to abide by all ordinances of the City of Meridian unless otherwise provided by this Agreement.

14. **NOTICES:** Any notice desired by the parties and/or required by this Agreement shall be deemed delivered if and when personally delivered or three (3) days after deposit in the United States Mail, registered or certified mail, postage prepaid, return receipt requested, addressed as follows:

**CITY:**  
City Clerk  
City of Meridian  
33 E. Broadway Ave.  
Meridian, Idaho 83642

with copy to:  
City Attorney  
City of Meridian  
33 E. Broadway Avenue  
Meridian, Idaho 83642

**OWNERS:**  
**Donald Cantrell**  
PO Box 5099  
Boise, ID 83705

**DEVELOPER:**  
**HHS Construction, LLC**  
729 S. Bridgeway Place  
Eagle, ID 83616

14.1 A party shall have the right to change its address by delivering to the other party a written notification thereof in accordance with the requirements of this section.

15. **ATTORNEY FEES:** Should any litigation be commenced between the parties hereto concerning this Agreement, the prevailing party shall be entitled, in addition to any other relief as may be granted, to court costs and reasonable attorney's fees as determined by a Court of competent jurisdiction. This provision shall be deemed to be a separate contract between the parties and shall survive any default, termination or forfeiture of this Agreement.

16. **TIME IS OF THE ESSENCE:** The parties hereto acknowledge and agree that time is strictly of the essence with respect to each and every term, condition and provision hereof, and that the failure to timely perform any of the obligations hereunder shall constitute a breach of and a default under this Agreement by the other party so failing to perform.

17. **BINDING UPON SUCCESSORS:** This Agreement shall be binding upon and inure to the benefit of the parties' respective heirs, successors, assigns and personal representatives, including City's corporate authorities and their successors in office. This Agreement shall be binding on the Owner and/or Developer, each subsequent owner and any other person acquiring an interest in the Property. Nothing herein shall in any way prevent sale or alienation of the Property, or portions thereof, except that any sale or alienation shall be subject to the provisions hereof and any successor owner or owners shall be both benefited and bound by the conditions and restrictions herein expressed. City agrees, upon written request of Owner and/or Developer, to execute appropriate and recordable evidence of termination of this Agreement if City, in its sole and reasonable discretion, had determined that Owner and/or Developer have fully performed their obligations under this Agreement.

18. **INVALID PROVISION:** If any provision of this Agreement is held not valid by a court of competent jurisdiction, such provision shall be deemed to be excised from this Agreement and the invalidity thereof shall not affect any of the other provisions contained herein.

19. **DUTY TO ACT REASONABLY:** Unless otherwise expressly provided, each party shall act reasonably in giving any consent, approval, or taking any other action under this Agreement.

20. **COOPERATION OF THE PARTIES:** In the event of any legal or equitable action or other proceeding instituted by any third party (including a governmental entity or official) challenging the validity of any provision in this Agreement, the parties agree to cooperate in defending such action or proceeding.

21. **FINAL AGREEMENT:** This Agreement sets forth all promises, inducements, agreements, condition and understandings between Owner and/or Developer and City relative to the subject matter hereof, and there are no promises, agreements, conditions or understanding, either oral or written, express or implied, between Owner and/or Developer and City, other than as are stated herein. Except as herein otherwise provided, no subsequent alteration, amendment, change or addition to this Agreement shall be binding upon the parties hereto unless reduced to writing and signed by them or their successors in interest or their assigns, and pursuant, with respect to City, to a duly adopted ordinance or resolution of City.

21.1 No condition governing the uses and/or conditions governing re-zoning of the subject Property herein provided for can be modified or amended without the approval of the City Council after the City has conducted public hearing(s) in accordance with the notice provisions provided for a zoning designation and/or amendment in force at the time of the proposed amendment.

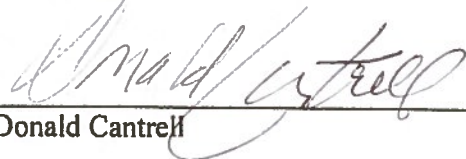
22. **EFFECTIVE DATE OF AGREEMENT:** This Agreement shall be effective on the date the Meridian City Council shall adopt the amendment to the Meridian Zoning Ordinance in connection with the annexation and zoning of the Property and execution of the Mayor and City Clerk.

[end of text; signatures, acknowledgements, and Exhibits A and B follow]

**ACKNOWLEDGMENTS**

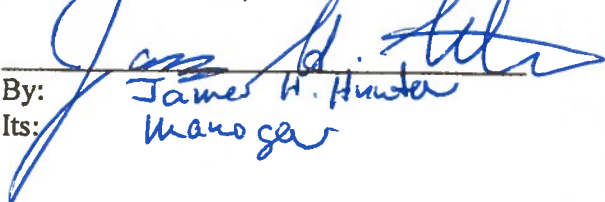
IN WITNESS WHEREOF, the parties have herein executed this agreement and made it effective as hereinabove provided.

**OWNER:**

  
Donald Cantrell

**DEVELOPER:**

HHS Construction, LLC

  
By: James H. Hinder  
Its: Manager

**CITY OF MERIDIAN**

**ATTEST:**

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

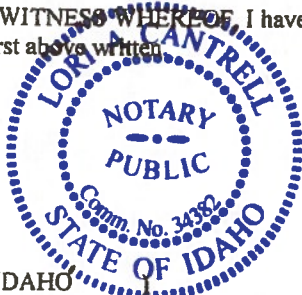
\_\_\_\_\_  
Chris Johnson, City Clerk

STATE OF IDAHO )  
 : ss:  
County of Ada )

On this 23 day of July, 2020, before me, the undersigned, a Notary Public in and for said State, personally appeared Donald Cantrell known or identified to me to be the person who signed above and acknowledged to me that he executed the same.

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

(SEAL)



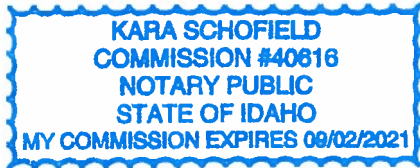
Donald Cantrell  
Notary Public for Idaho  
Residing at: Meridian, Idaho  
My Commission Expires: 7/27/24

STATE OF IDAHO )  
 : ss:  
County of Ada )

On this 23rd day of July, 2020, before me, the undersigned, a Notary Public in and for said State, personally appeared TAMCS H. Hunter, known or identified to me to be the Manager of HHS Construction, LLC, and the person who signed above and acknowledged to me that he executed the same on behalf of said Company.

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

(SEAL)



Kara Schofield  
Notary Public for Idaho  
Residing at: Ada County  
My Commission Expires: 7-2-21

STATE OF IDAHO )  
 : ss:  
County of Ada )

On this \_\_\_\_\_ day of \_\_\_\_\_, 2020, before me, a Notary Public, personally appeared Robert E. Simison and Chris Johnson, known or identified to me to be the Mayor and Clerk, respectively, of the City of Meridian, who executed the instrument or the person that executed the instrument of behalf of said City, and acknowledged to me that such City executed the same.

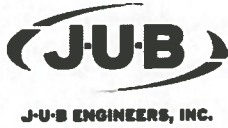
IN WITNESS WHEREOF, I have hereunto set my hand and affixed my official seal the day and year in this certificate first above written.

(SEAL)

\_\_\_\_\_  
Notary Public for Idaho  
Residing at: \_\_\_\_\_  
Commission expires: \_\_\_\_\_

Item #9.

# EXHIBIT A



J-U-B COMPANIES



THE LANSDON GROUP



GATEWAY MAPPING INC.

## SKY MESA HIGHLANDS SUBDIVISION CITY OF MERIDIAN ANNEXATION LEGAL DESCRIPTION

That portion of the Southeast Quarter of the Southeast Quarter of Section 32, Township 3 North, Range 1 East, Boise Meridian, Ada County, Idaho, particularly described as follows:

**BEGINNING** at the southeast corner of said Section 32, Township 3 North, Range 1 East, Boise Meridian, from which the south quarter corner of said Section 32 bears North 89°56'45" West, 2,659.18 feet;

Thence N 89°56'45" W, 275.07 feet along the south line of said Section 32;

Thence N 00°03'15" E, 40.00 feet to the northerly right-of-way line of East Lake Hazel Road and the southerly line of Lot 1 in Block 1 of Diamond Ridge Estates Subdivision according to the official plat thereof filed in Book 71 of Plats at Pages 7308-7309, Ada County Records;

Thence along the southerly line of said Lot 1 the following twelve (12) courses:

- 1) N 00°03'15" E, 109.46 feet;
- 2) N 68°00'17" W, 288.92 feet;
- 3) N 69°22'09" W, 74.72 feet;
- 4) S 86°16'08" W, 79.22 feet;
- 5) N 63°20'09" W, 24.81 feet;
- 6) N 45°18'10" W, 20.07 feet;
- 7) N 45°23'07" W, 105.37 feet;
- 8) N 36°35'59" W, 199.55 feet;
- 9) N 75°46'48" W, 61.61 feet;
- 10) S 75°04'22" W, 88.17 feet;
- 11) S 44°58'11" W, 89.60 feet;
- 12) N 89°50'51" W, 197.33 feet to the west line of said Southeast Quarter of the Southeast Quarter;

Thence N 00°13'08" E, 874.31 feet along said west line to the northwest corner of said Southeast Quarter of the Southeast Quarter;

Thence S 89°48'42" E, 1,329.75 feet along the north line of said Southeast Quarter of the Southeast Quarter to the east line of said Section 32;

Thence S 00°13'37" W, 1,338.07 feet along said east line to the **POINT OF BEGINNING**, containing 31.96 acres, more or less.

### END DESCRIPTION

This description was prepared by me or under my supervision. If any portion of this description is modified or removed without the written consent of Robert L. Kazarinoff, PLS, all professional liability associated with this document is hereby declared null and void.

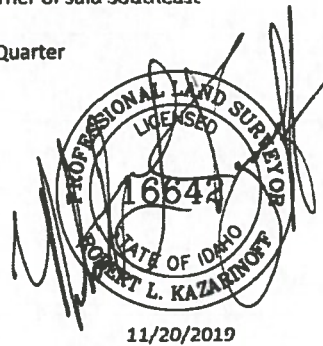


EXHIBIT A

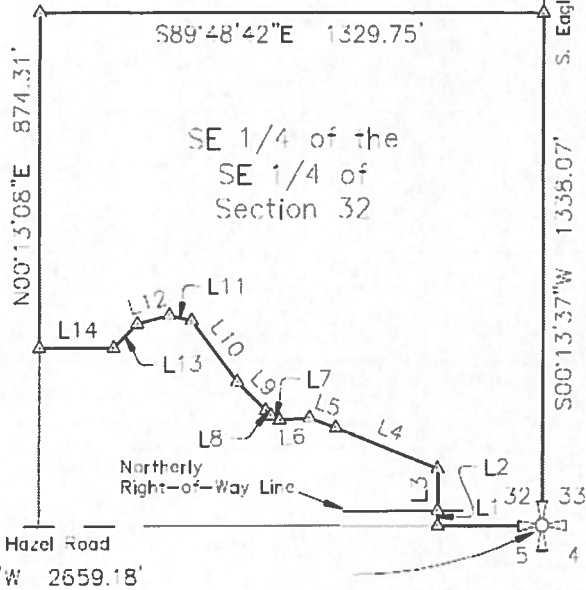


Scale in Feet



11/20/2019

Line Table		
Line #	Direction	Length
L1	N89°56'45"W	275.07'
L2	N00°03'15"E	40.00'
L3	N00°03'15"E	109.46'
L4	N68°00'17"W	288.92'
L5	N69°22'09"W	74.72'
L6	S86°16'08"W	79.22'
L7	N63°20'09"W	24.81'
L8	N45°18'10"W	20.07'
L9	N45°25'07"W	105.37'
L10	N36°35'59"W	199.55'
L11	N75°46'48"W	51.61'
L12	S75°04'22"W	88.17'
L13	S44°58'11"W	89.50'
L14	N89°50'51"W	197.33'



THIS DOCUMENT IS THE PROPERTY OF JUB ENGINEERS, INC. AND IS NOT TO BE REPRODUCED OR TRANSMITTED IN ANY FORM OR BY ANY MEANS, ELECTRONIC OR MECHANICAL, INCLUDING PHOTOCOPYING, RECORDING, OR BY ANY INFORMATION STORAGE AND RETRIEVAL SYSTEM, WITHOUT THE WRITTEN AUTHORIZATION OF JUB ENGINEERS, INC.

THIS DOCUMENT AND THE DATA HEREIN INCORPORATED HEREIN AS AN INSTRUMENT OF PROFESSIONAL SERVICE, IS THE PROPERTY OF JUB ENGINEERS, INC. AND IS NOT TO BE USED IN WHOLE OR PART FOR ANY OTHER PROJECTS WITHOUT THE EXPRESS WRITTEN AUTHORIZATION OF JUB ENGINEERS, INC.	FILE: 1989 SKY MESA HIGHLANDS ANNEXATION JUB PROJ: 0-19-19-123 DRAWN BY: RLK CHECKED BY: RLK DATE: 11/20/19	
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**Sky Mesa Highlands Subdivision**  
**City of Meridian Annexation**  
 Portion of the Southeast Quarter of the Southeast Quarter of Section 32  
 Township 3 North, Range 1 East, Boise Meridian, Idaho

SHEET  
**1 of 1**

*JUB*

*RLK*



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



**In the Matter of the Request for Annexation of 31.96 Acres of Land with an R-4 Zoning District; and a Preliminary Plat Consisting of 75 Buildable Lots, 11 Common Lots and 2 Other Lots on 30.6 Acres of Land in the R-4 Zoning District, by Todd Tucker, HHS Construction, LLC.**

**Case No(s). H-2019-0123**

**For the City Council Hearing Date of: March 24, 2020 (Findings on April 7, 2020)**

**A. Findings of Fact**

1. Hearing Facts (see attached Staff Report for the hearing date of March 24, 2020, incorporated by reference)
2. Process Facts (see attached Staff Report for the hearing date of March 24, 2020, incorporated by reference)
3. Application and Property Facts (see attached Staff Report for the hearing date of March 24, 2020, incorporated by reference)
4. Required Findings per the Unified Development Code (see attached Staff Report for the hearing date of March 24, 2020, incorporated by reference)

**B. Conclusions of Law**

1. The City of Meridian shall exercise the powers conferred upon it by the “Local Land Use Planning Act of 1975,” codified at Chapter 65, Title 67, Idaho Code (I.C. §67-6503).
2. The Meridian City Council takes judicial notice of its Unified Development Code codified at Title 11 Meridian City Code, and all current zoning maps thereof. The City of Meridian has, by ordinance, established the Impact Area and the Amended Comprehensive Plan of the City of Meridian, which was adopted April 19, 2011, Resolution No. 11-784 and Maps.
3. The conditions shall be reviewable by the City Council pursuant to Meridian City Code § 11-5A.
4. Due consideration has been given to the comment(s) received from the governmental subdivisions providing services in the City of Meridian planning jurisdiction.
5. It is found public facilities and services required by the proposed development will not impose expense upon the public if the attached conditions of approval are imposed.
6. That the City has granted an order of approval in accordance with this Decision, which shall be signed by the Mayor and City Clerk and then a copy served by the Clerk upon the applicant, the Community Development Department, the Public Works Department and any affected party requesting notice.

- 7. That this approval is subject to the Conditions of Approval all in the attached Staff Report for the hearing date of March 24, 2020, incorporated by reference. The conditions are concluded to be reasonable and the applicant shall meet such requirements as a condition of approval of the application.

C. Decision and Order

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

- 1. The applicant’s request for annexation & zoning and preliminary plat is hereby approved per the conditions of approval in the Staff Report for the hearing date of March 24, 2020, attached as Exhibit A.

D. Notice of Applicable Time Limits

Notice of Preliminary Plat Duration

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

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

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

Notice of Development Agreement Duration

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

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

A modification to the development agreement may be initiated prior to signature of the

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

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

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

F. Attached: Staff Report for the hearing date of March 24, 2020

By action of the City Council at its regular meeting held on the 7th day of April, 2020.

COUNCIL PRESIDENT TREG BERNT VOTED AYE

COUNCIL VICE PRESIDENT BRAD HOAGLUN VOTED AYE

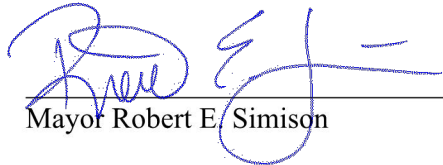
COUNCIL MEMBER JESSICA PERREAULT VOTED AYE

COUNCIL MEMBER LUKE CAVENER VOTED AYE

COUNCIL MEMBER JOE BORTON VOTED AYE

COUNCIL MEMBER LIZ STRADER VOTED AYE

MAYOR ROBERT SIMISON VOTED ---  
(TIE BREAKER)

  
\_\_\_\_\_  
Mayor Robert E. Simison

Attest:

  
\_\_\_\_\_  
Chris Johnson  
City Clerk



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

By:  \_\_\_\_\_ Dated: 4-7-2020  
City Clerk's Office

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



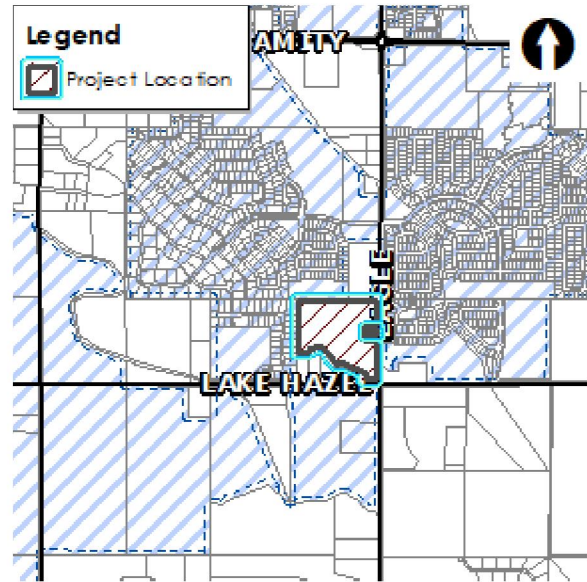
HEARING DATE: March 24, 2020  
 DATE: *Continued from: February 4 and 25, and March 10, 2020*

TO: Mayor & City Council

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

SUBJECT: Sky Mesa Highlands  
 H-2019-0123

LOCATION: Northwest corner of S. Eagle Rd. and E. Lake Hazel Rd., in the SE ¼ of Section 32, T.3N., R.1E. (Parcel #R1835500100 & #S1132449300)



**I. PROJECT DESCRIPTION**

Annexation of 31.96 acres of land with an R-4 zoning district; and preliminary plat consisting of 75 building lots, 11 common lots and 2 other lots on 30.6 acres of land in the proposed R-4 zoning district.

**II. SUMMARY OF REPORT**

A. Project Summary

Description	Details	Page
Acreage	30.6	
Future Land Use Designation	LDR (Low Density Residential) (3 or fewer units/acre)	
Existing Land Use(s)	Rural residential/agricultural with one (1) home	
Proposed Land Use(s)	SFR (single-family residential)	
Lots (# and type; bldg./common)	75 building; 11 common; 2 other (common driveways)	
Phasing Plan (# of phases)	None (+ 2 phases)	
Number of Residential Units (type of units)	75 (SFR detached)	
Density (gross & net)	2.45 gross; 3.96 net	
Open Space (acres, total [%]/buffer/qualified)	6.55 acres; 21% (consisting of half the street buffer along Eagle Rd., arterial street; internal parkways; and open space areas over 50' x 100' in area)	
Amenities	11% additional qualified open space (of at least 20,000 s.f. in area) above the minimum required; Applicant also	

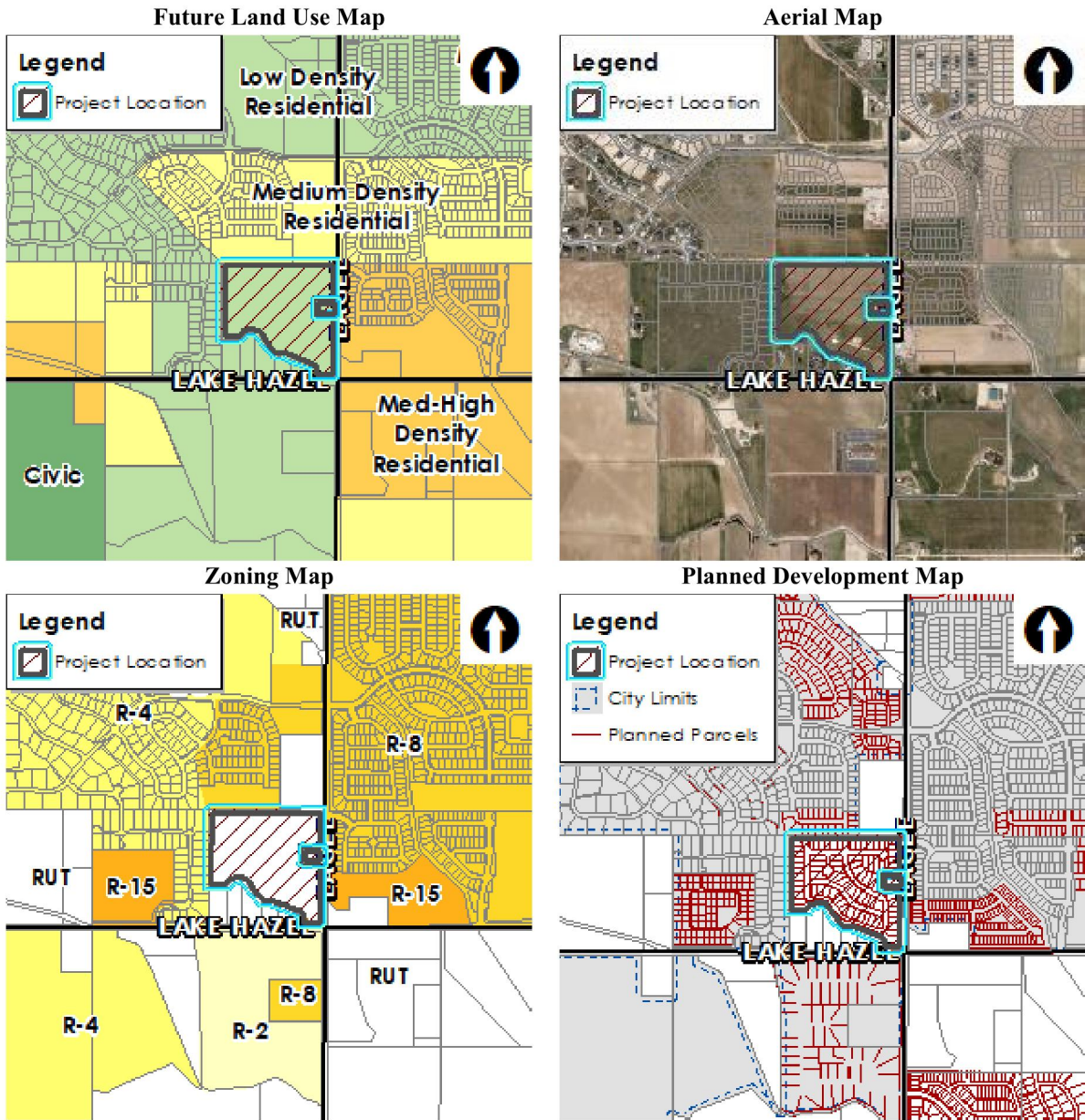
Description	Details	Page
	proposes to provide access to the amenities in Sky Mesa to the north through HOA CC&R's	
Physical Features (waterways, hazards, flood plain, hillside)	The topography of the site slopes up toward E. Lake Hazel Rd. toward the south and west boundaries; there are steep slopes within the common areas on Lot 14, Block 3 and Lot 10, Block 1	
Neighborhood meeting date; # of attendees:	10/7/19; 1 attendee	
History (previous approvals)	None	

**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>Not yet</p> <p>No</p>	
Access (Arterial/Collectors/State Hwy/Local)(Existing and Proposed)	Access from the north via the extension of S. Cubola Way and S. Pioneer Trail Way in Sky Mesa Commons Sub.	
Traffic Level of Service		
Stub Street/Interconnectivity/Cross Access	Connection to two (2) future stub streets to the north is proposed; no stub streets exist to this site from the west; no stub streets are proposed to the south for topography reasons	
Existing Road Network	None	
Existing Arterial Sidewalks / Buffers	None	
Proposed Road Improvements	S. Eagle Rd. between Amity & Lake Hazel Rds. is planned to be widened to 5 lanes with curb, gutter & sidewalk and a Level 3 bike facility; and the intersection at Lake Hazel/Eagle Rds. is planned to be widened to 4/5 lanes on Eagle and 3/5 lanes on Lake Hazel & signalized in 2023 per The Five Year Work Plan	
<b>Fire Service</b>		
<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> </ul>	<p>2.6 miles (Fire Station #4)</p> <p>6:00 minutes (under ideal conditions)</p> <p>78% (does <i>not</i> meet targeted goal of 80% or greater)</p> <p>2 (current resources would not be adequate to supply service)</p>	
<ul style="list-style-type: none"> <li>• Accessibility</li> <li>• Special/resource needs</li> <li>• Water Supply</li> <li>• Other Resources</li> </ul>	<p>Meets all required access, road widths and turnarounds</p> <p>None (will not require an aerial device)</p> <p>1,000 gallons/minute for one hour</p>	
Police Service	No comments submitted	
West Ada School District	No comments submitted	
<b>Wastewater</b>		
<ul style="list-style-type: none"> <li>• Distance to Sewer Services</li> <li>• Sewer Shed</li> <li>• Estimated Project Sewer ERU's</li> <li>• WRRF Declining Balance</li> </ul>	<p>0-feet</p> <p>North Black Cat</p> <p>75</p> <p>13.82</p>	

Description	Details	Page
<ul style="list-style-type: none"> <li>Project Consistent with WW Master Plan/Facility Plan</li> </ul>	Yes	
<ul style="list-style-type: none"> <li>Impacts/Concerns</li> </ul>	<ul style="list-style-type: none"> <li>Slope needs to be 5% or less</li> <li>Common Driveway at east end of line C needs an additional manhole to ensure sewer tie-in is not less than 90 degrees.</li> </ul>	
Water		
<ul style="list-style-type: none"> <li>Distance to Water Services</li> </ul>	0-feet	
<ul style="list-style-type: none"> <li>Pressure Zone</li> </ul>	4	
<ul style="list-style-type: none"> <li>Estimated Project Water ERU's</li> </ul>	75	
<ul style="list-style-type: none"> <li>Water Quality Concerns</li> </ul>	None	
<ul style="list-style-type: none"> <li>Project Consistent with Water Master Plan</li> </ul>	Yes	
<ul style="list-style-type: none"> <li>Impacts/Concerns</li> </ul>	<ol style="list-style-type: none"> <li>Waterlines size not shown. Modeled as 8" throughout project.</li> <li>As currently designed, the water main in the northwest corner will not extend/connect to the northern development. As such, this design does not meet fire flow requirements and the water main must have a second connection to meet minimum fire flows.</li> <li>As currently designed, the static pressure for the southern portion of the development does not meet the requirement of 55 psi. A portion of the property needs to be located in Zone 5 in order to achieve the required pressure. Applicant to coordinate with Engineering to ensure proper pressure and to make sure reconfiguration does not cause dead-end lines.</li> <li>No mainlines in common driveways. Water service lines only.</li> <li>Hydrant needed at the east end of E. Brace Street.</li> </ol>	

C. Project Area Maps



III. APPLICANT INFORMATION

A. Applicant:

Todd Tucker, HHS Construction, LLC – 729 S. Bridgeway Place, Eagle, ID 83616

B. Owner:

Donald Cantrell – PO Box 5099, Boise, ID 83705

C. Representative:

Scott Wonders, J-U-B Engineers, 250 S. Beechwood Ave., Boise, ID 83709



**IV. NOTICING**

	<b>Planning &amp; Zoning Posting Date</b>	<b>City Council Posting Date</b>
Newspaper notification published	12/13/2019	1/17/2020 <i>(not required for 3/24/2020 hearing)</i>
Radius notification mailed to property owners within 300 feet	12/10/2019	1/14/2020; 3/12/2020
Public hearing notice sign posted on site	12/17/2019	1/16/2020; 3/12/2020
Nextdoor posting	12/10/2019	1/14/2020; 3/12/2020

**V. STAFF ANALYSIS**

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

Low Density Residential (LDR): The purpose of this designation is to allow for the development of single-family homes on large lots where urban services are provided. Uses may include single-family homes at gross densities of 3 dwelling units or less per acre.

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

- “Provide for a wide diversity of housing types (single-family, modular, mobile homes and multi-family arrangements) and choices between ownership and rental dwelling units for all income groups in a variety of locations suitable for residential development.” (3.07.03B)  
*The proposed single-family detached homes will contribute to the diversity in housing types in the City. Staff is unaware if the proposed units will be owner occupied or rental units.*
- “Provide housing options close to employment and shopping centers.” (3.07.02D)  
*The proposed development is approximately 2.5 miles away from employment areas along Overland Rd. to the north; the project is not in close proximity to shopping centers.*
- “Require open space areas within all development.” (6.01.01A)  
*Qualified open space is required to be provided in accord with the standards listed in UDC 11-3G-3. As proposed, the proposed qualified open space exceeds the minimum standards.*
- “Permit new development only where urban services can be reasonably provided at the time of final approval and development is contiguous to the City.” (3.01.01F)  
*Urban services can be provided and this development is contiguous to the City.*
- “Restrict private curb cuts and access points on collectors and arterial streets.” (3.06.02D);  
*Access is proposed via the extension of internal local streets from Sky Mesa Subdivision from the north; no access is proposed via Eagle Rd., the arterial street.*
- “Require pedestrian access connectors in all new development to link subdivisions together to promote neighborhood connectivity as part of a community pathway system.” (3.03.03B)  
*There are no pedestrian connections proposed from the adjacent developments to the north and west to this property; a couple of pedestrian connections are proposed to the properties to the south across Lot 10, Block 1.*

The proposed land use (i.e. single-family residential) and density (i.e. 2.45 units per acre gross) is consistent with the Comprehensive Plan. The Applicant should comply with UDC standards related to the provisions in the Comprehensive Plan as noted in Section VIII of the staff report.

C. Existing Structures/Site Improvements:

There is one (1) existing home and three (3) accessory structures on this site that are proposed to remain on Lot 29, Block 1; this property is included in the boundary of the annexation and subdivision because it cannot be verified as an original parcel of record. No changes are proposed to this property; access is proposed to remain the same (via S. Eagle Rd.).

**The configuration of the lot should be designed so that all structures comply with the minimum dimensional standards/setbacks listed in UDC Table 11-2A-5 for the R-4 zoning district.**

D. Proposed Use Analysis:

Single-family residential detached homes are proposed within this development and are allowed as a principal permitted use in the R-4 zoning district per UDC Table 11-2A-2.

The proposed lots average in size at 11,000 square feet with a minimum lot size of 8,000 square feet (s.f.); the majority of lots are 65 feet wide consistent with lots located in other phases of Sky Mesa development to the north. The plat is ~~not~~ proposed to be developed in two (2) phases.

E. Specific Use Standards ([UDC 11-4-3](#)):

*Not Applicable*

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

Development is required to comply with the dimensional standards for the R-4 district listed in UDC Table 11-2A-5.

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

Access is proposed via internal local streets (S. Cubola Way and S. Pioneer Trail Way) extended from the north from Sky Mesa Subdivision; no access is proposed via S. Eagle Rd. except for the existing home proposed to remain on Lot 29, Block 1 which is proposing to retain their access until such time as the property redevelops – at that time, access will be taken internally from within the subdivision. The western access from the north (S. Pioneer Trail Way) was not previously planned on the approved preliminary plat for Sky Mesa; the Applicant has submitted a concept plan showing how access will be provided from the north, which should be vetted through ACHD (see Section VII.B).

The UDC (11-3A-3A.3) requires all subdivisions to provide local street access to any use that currently takes direct access from an arterial street such as S. Eagle Rd.; **therefore, Staff recommends the existing driveway access via S. Eagle Rd. on Lot 29, Block 1 is removed and access is provided internally in accord with UDC 11-3A-3A.3, unless otherwise waived by City Council.** An access easement is depicted on the plat over Lot 30, Block 1, a common lot, for future access to this lot upon redevelopment.

The development to the west did not provide a stub street to this property; no stub streets are proposed to the south because of the steep slopes in that area.

Two (2) common driveways are proposed on Lots 8 and 16, Block 1; common driveways are required to comply with the standards listed in UDC 11-6C-3D.

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

Off-street parking is required for single-family detached dwellings as set forth in UDC Table 11-3C-6. Guest parking can be accommodated on both sides of local streets.

I. Pathways (*UDC 11-3A-8*):

There are no multi-use pathways required on this site per the Pathways Master Plan. However, there are 675+/- linear feet of pathways proposed as amenities in the common areas on Lot 14, Block 3 and Lot 10, Block 1.

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

Sidewalk are required to be provided with development as set forth in UDC 11-3A-17. A 5-foot wide detached sidewalk is proposed along S. Eagle Rd. and a 7-foot wide detached sidewalk is proposed along E. Lake Hazel Rd. Detached sidewalks are proposed along internal local streets.

**The sidewalk is not proposed to extend across Lot 29, Block 1 where the existing home is to remain; Staff recommends the sidewalk is extended across the frontage of this lot with development as required by UDC 11-3A-17 for safe pedestrian access along Eagle Rd.**

K. Parkways (*UDC 11-3A-17*):

Parkways are proposed along all internal local streets with landscaping per the standards listed in UDC 11-3B-7C.

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

Landscaping is required to be provided with development as set forth in UDC Table 11-2A-5 and 11-3B and 11-3G-3E.

A minimum 25-foot wide street buffer is required along S. Eagle Rd. and E. Lake Hazel Rd. per UDC Table 11-2A-5, landscaped per the standards listed in UDC 11-3B-7C. **The street buffer should be extended along the frontage of Lot 29, Block 1 where the existing home is to remain in a common lot as required by UDC 11-3B-7C.2a.** If the unimproved street right of way is ten feet (10') or greater from the edge of pavement to edge of sidewalk or property line, the developer shall maintain a ten foot (10') compacted shoulder meeting the construction standards of the transportation authority and landscape the remainder with lawn or other vegetative ground cover as set forth in UDC 11-3B-7C.5a.

**Landscaping is required along all pathways in accord with the standards listed in UDC 11-3B-12C; a minimum of 1 tree is required per 100 linear feet of pathway – the landscape plan should be revised accordingly to include landscaping along the pathways in Lot 14, Block 3 and Lot 10, Block 1. The Landscape Requirements table should also include calculations for the linear feet of pathways proposed and the number of trees required and proposed.**

**Landscaping is required within all common areas per the standards in UDC 11-3G-3E (i.e. one deciduous shade tree per 8,000 square feet and lawn, either seed or sod); the landscape plan should be revised accordingly to include landscaping in Lot 14, Block 3 and Lot 10, Block 1 in accord with this requirement; calculations should also be included in the Landscape Requirements table demonstrating compliance.**

M. Qualified Open Space (*UDC 11-3G*):

A minimum of 10% *qualified* open space is required to be provided for this development per UDC 11-3G-3A. A qualified open space exhibit is included in Section VII.D that depicts a total of 6.55 acres (or 21%) of qualified open space consisting of half the street buffer along Eagle Rd. and E. Lake Hazel Rd., 8' wide parkways along internal local streets and common areas over 50' x 100' in area in *excess* of UDC standards. A large part of the common area includes two areas with significant slopes that are proposed to be landscaped in accord with the standards listed in UDC 11-3G-3E.2.

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

A minimum of one (1) site amenity is required to be provided for this development per UDC 11-3G-3A.2 that meets the standards set forth in UDC 11-3G-3C.

Approximately 675 linear feet of pedestrian pathways are proposed; however, they do not count as a “qualified” amenity because they do not connect to an existing or planned pedestrian or bicycle route outside the development as designated on the Pathways Master Plan per UDC 11-3G-3C.3.

This development is proposed to be included in the Sky Mesa Homeowner’s Association and will be granted access to all amenities in that development consisting of (2) swimming pools and clubhouses, sports fields (i.e. ball field, basketball court), walking paths, playground structure and a swing set. The distance to these amenities range from 950-2,400 feet away from the northwest corner of this development (see exhibit in Section VII.D). Because this will essentially be another phase of Sky Mesa and amenities were provided above the minimum standards for that development, Staff is amenable to the Applicant’s request.

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

**The Grimmatt Lateral runs along the west and north boundaries of the site within a 30-foot wide irrigation easement that is proposed to remain open on the west side and be piped on the north side; along the west boundary, this easement lies approximately 17 feet off the property line resulting in a 47’+/- encroachment/building setback for affected lots. Fencing is proposed along the east side of the easement line within building lots resulting in a very large area that will be unusable for homeowner’s of these lots that they will have to pay taxes on, although it may provide an amenity of sorts with wildlife.** *Note: When East Ridge Estates Subdivision was approved on the adjacent property to the west in 2017, Council approved a waiver for the easement to be located within adjacent building lots which resulted in a 45-foot wide building setback for adjacent building lots.*

**The UDC (11-3A-6E) requires irrigation easements wider than 10 feet to 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; the Applicant requests approval of a waiver to this requirement to allow the easement to be located within adjacent building lots. If Council does *not* approve the waiver, the easement should be placed in common lots.**

**The UDC (11-3A-6B) requires all laterals to be piped unless used as a water amenity or linear open space as defined in UDC 11-1A-1; the Applicant requests Council approval of a waiver to this requirement to leave the Grimmatt Lateral open. Council may grant a waiver *if* it finds the public purpose requiring such will not be served and public safety can be preserved. If Council does *not* approve the requested waiver, the lateral should be piped.**

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

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

Fencing is depicted on the landscape plan as follows: 6’ open vision black tube steel is proposed along the canal easement at the west and north boundaries; a 6’ tall closed vision vinyl fence is proposed at the back edge of the street buffer along S. Eagle Rd. and along the rear and sides of building lots abutting common areas along local streets; a 4’ tall open vision black tube steel fence is proposed adjacent to other internal common areas.

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

Connection to City water and sewer services is proposed via existing 8-inch water and sewer mains in Sky Mesa Commons subdivision at the north boundary of this site. Street lighting is

required to be installed in accord with the City’s adopted standards, specifications and ordinances.

Pressure irrigation will be provided by the Boise Project Board of Control via the existing Sky Mesa pressure irrigation system.

**The existing home is required to hook up to City water and sewer services at the developers expense within 60 calendar days of such services becoming available in accord with MCC 9-1-4 and 9-4-8. At such time, the septic tank should be abandoned and the well solely used for irrigation purposes.**

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

R. Storm Drainage (*UDC 11-3A-18*)

An adequate storm drainage system is required to be provided in this development 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.

Storm drainage is proposed to be mitigated by detention/retention ponds and/or underground seepage bed disposal in accord with ACHD design criteria.

**A master grading and drainage plan is required to be submitted with the final plat application.**

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

Conceptual building elevations were submitted that demonstrate the architecture and building materials for single and 2-story structures proposed within the development that include a mix of materials and colors with stone veneer wainscot (see Section VII.F). Because all of the proposed units are detached, they are not subject to design review.

**VI. DECISION**

A. Staff:

Staff recommends approval of the proposed AZ and PP applications with the requirement of a Development Agreement per the comments and conditions in Section VIII and the Findings in Section IX.

B. The Meridian Planning & Zoning Commission heard these items on January 2, 2020. At the public hearing, the Commission moved to recommend approval of the subject AZ and PP requests.

1. Summary of Commission public hearing:

- a. In favor: Todd Tucker, Applicant’s Representative; Travis Hunter, Applicant
- b. In opposition: None
- c. Commenting: Sherrie Ewing
- d. Written testimony: Rick Thurber, Todd Tucker
- e. Staff presenting application: Sonya Allen
- f. Other Staff commenting on application: None

2. Key issue(s) of public testimony:

- a. Mr. Thurber requests the proposed irrigation system, which will replace the current one, has at least 60 psi to operate his sprinkler system, instead of the 52 psi proposed; and that homes constructed on lots directly north of his property be restricted to a single-story in height so as not to obstruct his views and similarly, trees that are planted be of a variety they won’t grow tall to obstruct his views.

- b. Ms. Ewing requested information on who will maintain their irrigation system; what type of landscaping will be installed along south boundary of development adjacent to her home; and how many feet from her back fence line to the road that is proposed below the hill from them.
- c. The Applicant responded to the aforementioned issues as follows:
  - 1) the purchase and sale agreements of homes adjacent to the street at the southern boundary of the development will have a scenic easement restricting the height/roofs of those homes to at least 5' below the ground elevation of Mr. Cantrell's property, which is roughly the same height as the other lots adjacent to him to the east and west, to protect views;
  - 2) landscaping in the common area along the southern boundary of the site will consist of a dry land seed mix and will contain trees in accord with UDC standards (1 per 8,000 square feet) that will be planted at the base/bottom of the slope so as not to interfere with views;
  - 3) the Developer agrees to provide an irrigation system with at least 60 psi as requested;
  - 4) the distance from the back of the homes along Lake Hazel to the street (i.e. slope) along the southern boundary of this development is approximately 60 feet, which with ROW (50') is approximately 110' to the homes.
- 3. Key issue(s) of discussion by Commission:
  - a. Implications on adjacent buildable lots if the Grimmatt Lateral is allowed to remain open (or be piped) in an easement on buildable lots vs. being placed in a common lot and improved as a water amenity (or being piped);
  - b. Future redevelopment (and access) of the lot where the existing home is proposed to remain;
  - c. Continuance of the pathway in the central common area to the street on the west end;
  - d. The Applicant's request to remove the pathway from the central common area – Commission likes the pathway and wants it to remain;
  - e. Type of fencing adjacent to the central common area/pathway on Lot 14, Block 3.
  - f. The retention of the existing access via Eagle Rd. for the existing home proposed to remain.
- 4. Commission change(s) to Staff recommendation:
  - a. In response to the Applicant's request to remove the pathway in the central common area on Lot 14, Block 3, the Commission wants the pathway to remain and at a minimum extend from the east to the cul-de-sac on S. Burgo Pl. as recommended by Staff (no change necessary to conditions);
  - b. The Commission directed the Applicant to work with Staff on the type of fencing to be constructed adjacent to the common area on Lot 14, Block 3 – Staff met with the Applicant and 4' solid fencing with 2' open vision at the top is proposed in accord with UDC standards.
  - c. The Commission directed the Applicant to work with ACHD and the Fire Dept. to resolve concerns with traffic and secondary accesses and phasing – a revised phasing plan was submitted which depicts a secondary emergency access that has been approved by the Fire Dept. (see Section VII.B) (no change to conditions).
  - d. The Commission recommends Council *not* require the Grimmatt Lateral to be piped as requested by the Applicant (condition #A.8 in Section VIII); and that the Applicant work with Staff and the Irrigation District on landscaping possibilities or potential water features there. *The Applicant contacted the Irrigation District and the only landscaping they'll allow within the easement is grass.*
  - e. Include a DA provision requiring a scenic easement for homes on Lots 15-27, Block 3 to be 5' below the ground elevation of Mr. Cantrell's and neighboring homes adjacent

to the southern boundary of the site on Lake Hazel Rd. (see DA provision #A.1e in Section VIII and Line of Site exhibit in Section VII.F);

- f. Include a new condition for trees planted within the common lot on Lot 10, Block 1 to be planted at the base of the slope (see condition #A.31 in Section VIII).
  - f. Include a DA provision requiring an irrigation system with at least 60 psi for the property owners to the south along Lake Hazel Rd. (see DA provision #A.1d in Section VIII).
5. Outstanding issue(s) for City Council:
- a. The Applicant requests a Council waiver to UDC 11-3A-6B.3, which requires the waterway along the west boundary of the site to be piped unless used as a water amenity or linear open space as defined in UDC 11-1A-1, to leave the waterway open. *Council may grant a waiver if it finds the public purpose requiring such will not be served and public safety can be preserved. The Commission recommends Council approve the Applicant's request for a waiver. (Condition #A.8 in Section VIII)*
  - b. The Applicant requests a Council waiver to UDC 11-3A-6E, which requires irrigation easements wider than 10 feet to 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; the Applicant requests approval for the easement for the Grimmitt Lateral located along the north & west boundaries of the site to be located within adjacent building lots rather than in common lots. *If Council does not approve the waiver, the easements should be placed in common lots. (Conditions #A.2g and A.3j in Section VIII)*
  - c. The Applicant requests Council approval of a waiver to UDC 11-3A-3A.3, which requires all subdivisions to provide local street access to any use that currently takes direct access from an arterial street (i.e. Eagle Rd.), to allow the driveway access via Eagle Rd. for the existing home on Lot 2928, Block 1 to remain until such time as the property redevelops. At that time access would be provided internally from within the subdivision via a common driveway.

C. The Meridian City Council heard these items on February 4 and 25, and March 10 and 24, 2020. At the public hearing on March 24<sup>th</sup>, the Council moved to approve the subject AZ and PP requests.

1. Summary of the City Council public hearing:

- a. In favor: Todd Tucker, Applicant's Representative; Travis Hunter, Applicant
- b. In opposition: None
- c. Commenting: None
- d. Written testimony: Southern Rim Coalition
- e. Staff presenting application: Sonya Allen
- f. Other Staff commenting on application: None

2. Key issue(s) of public testimony:

- a. The Southern Rim Coalition has the following comments:
  - 1) a large portion of the qualified open space is unusable slope areas – they request these areas *not* be counted toward the minimum open space standard and that green space adequate for recreational activities are provided;
  - 1) concern pertaining to the native grasses on the slope between homes on Lot 14 and who would be responsible for trimming and weed prevention – concern pertaining to fire hazard if not properly maintained and less than desirable Fire Dept. response time to the site; and,
  - 2) need for protection of the view sheds and property values of the homes on large estate size properties at the southern end of the development area;

3. Key issue(s) of discussion by City Council:
  - a. The area of the qualified open space without the slope areas;
  - b. Impact of proposed development on area schools (comments were not submitted from WASD);
  - c. The Applicant's request for the scenic easement to only apply to Mr. Cantrell's property and not adjacent properties;
  - d. The proposal to count amenities in previous phases of Sky Mesa to the north toward the requirement for this subdivision;
  - e. The nature of the existing access (i.e. 3 driveways to Eagle) for the existing home and the Applicant's request to retain the accesses;
  - f. The Applicant's request to leave the western portion of the Grimmatt Lateral open and not pipe it.
4. City Council change(s) to Commission recommendation:
  - a. The City Council approved the Applicant's requests for a waiver to UDC 11-3A-3A to allow the existing accesses via Eagle Rd. for the existing home to remain; and a waiver to UDC 11-3A-6B.3 to allow the Grimmatt lateral along the west boundary to remain open and not be piped.
  - b. The City Council did not require the street buffer and detached sidewalk along S. Eagle Rd. to be extended across the lot where the existing home is proposed to remain (delete conditions #A.2b and #A.2c in Section VIII).



VII. EXHIBITS

A. Annexation & Zoning Legal Description and Exhibit Map



J-U-B COMPANIES



THE LANGDON GROUP



GATEWAY MAPPING INC.

SKY MESA HIGHLANDS SUBDIVISION  
CITY OF MERIDIAN ANNEXATION  
LEGAL DESCRIPTION

That portion of the Southeast Quarter of the Southeast Quarter of Section 32, Township 3 North, Range 1 East, Boise Meridian, Ada County, Idaho, particularly described as follows:

**BEGINNING** at the southeast corner of said Section 32, Township 3 North, Range 1 East, Boise Meridian, from which the south quarter corner of said Section 32 bears North 89°56'45" West, 2,659.18 feet;

Thence N 89°56'45" W, 275.07 feet along the south line of said Section 32;

Thence N 00°03'15" E, 40.00 feet to the northerly right-of-way line of East Lake Hazel Road and the southerly line of Lot 1 in Block 1 of Diamond Ridge Estates Subdivision according to the official plat thereof filed in Book 71 of Plats at Pages 7308-7309, Ada County Records;

Thence along the southerly line of said Lot 1 the following twelve (12) courses:

- 1) N 00°03'15" E, 109.46 feet;
- 2) N 68°00'17" W, 288.92 feet;
- 3) N 69°22'09" W, 74.72 feet;
- 4) S 86°16'08" W, 79.22 feet;
- 5) N 63°20'09" W, 24.81 feet;
- 6) N 45°18'10" W, 20.07 feet;
- 7) N 45°23'07" W, 105.37 feet;
- 8) N 36°35'59" W, 199.55 feet;
- 9) N 75°46'48" W, 61.61 feet;
- 10) S 75°04'22" W, 88.17 feet;
- 11) S 44°58'11" W, 89.60 feet;
- 12) N 89°50'51" W, 197.33 feet to the west line of said Southeast Quarter of the Southeast Quarter;

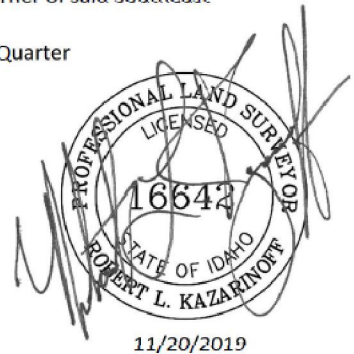
Thence N 00°13'08" E, 874.31 feet along said west line to the northwest corner of said Southeast Quarter of the Southeast Quarter;

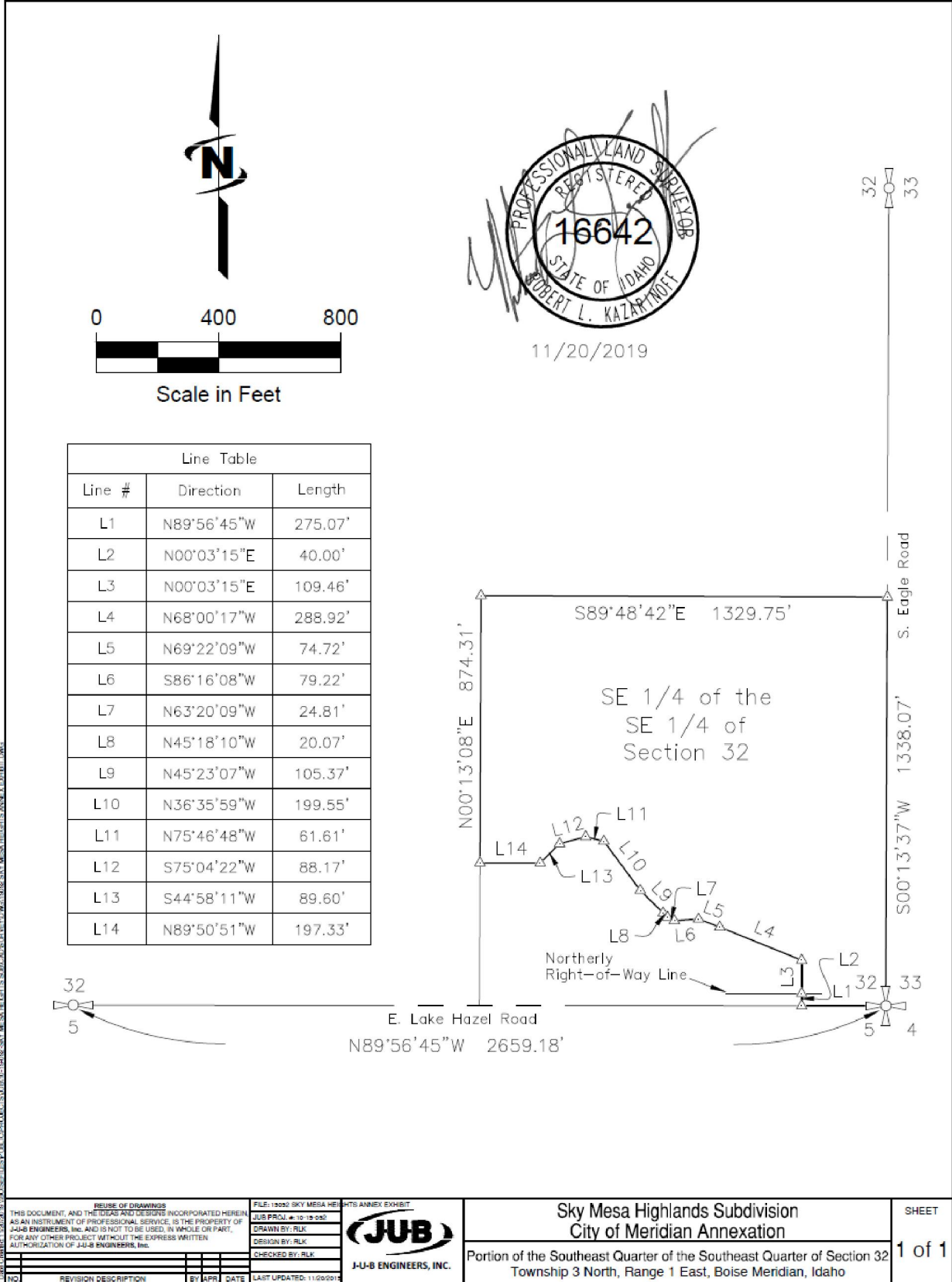
Thence S 89°48'42" E, 1,329.75 feet along the north line of said Southeast Quarter of the Southeast Quarter to the east line of said Section 32;

Thence S 00°13'37" W, 1,338.07 feet along said east line to the **POINT OF BEGINNING**, containing 31.96 acres, more or less.

END DESCRIPTION

This description was prepared by me or under my supervision. If any portion of this description is modified or removed without the written consent of Robert L. Kazarinoff, PLS, all professional liability associated with this document is hereby declared null and void.





<b>REUSE OF DRAWINGS</b> THIS DOCUMENT, AND THE TITLES AND DESIGNS INCORPORATED HEREIN, AS AN INSTRUMENT OF PROFESSIONAL SERVICE, IS THE PROPERTY OF J-U-B ENGINEERS, INC. AND IS NOT TO BE USED, IN WHOLE OR PART, FOR ANY OTHER PROJECT WITHOUT THE EXPRESS WRITTEN AUTHORIZATION OF J-U-B ENGINEERS, INC.		FILE: 19020 SKY MESA HEIGHTS ANNEX EXHIBIT JUB PROJ #: 19-15-020 DRAWN BY: RLK DESIGN BY: RLK CHECKED BY: RLK	 <b>J-U-B ENGINEERS, INC.</b>		
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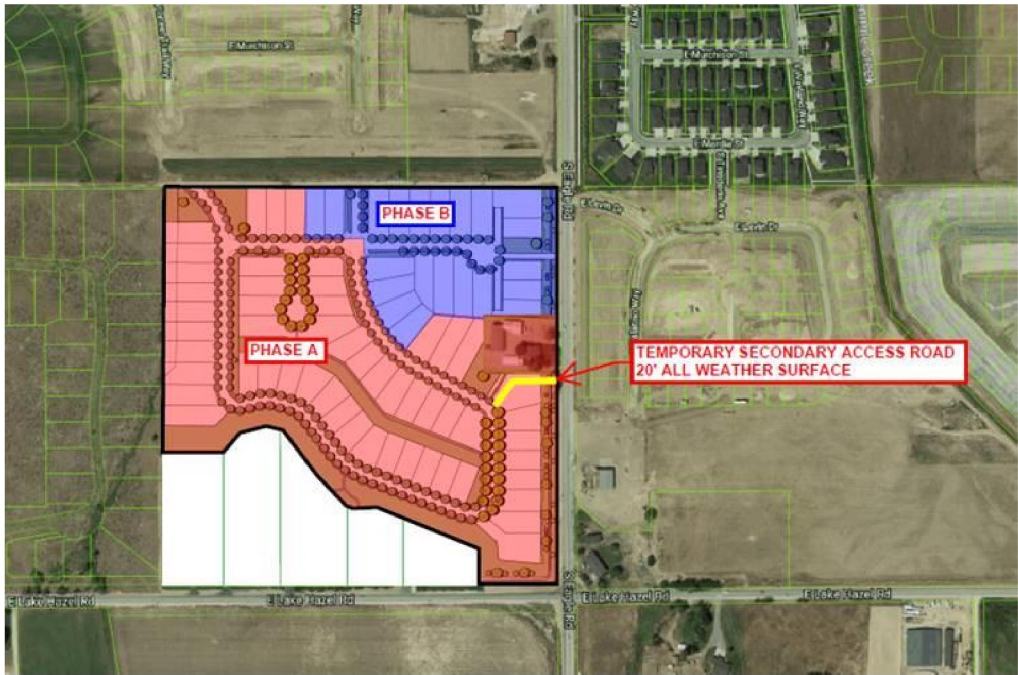
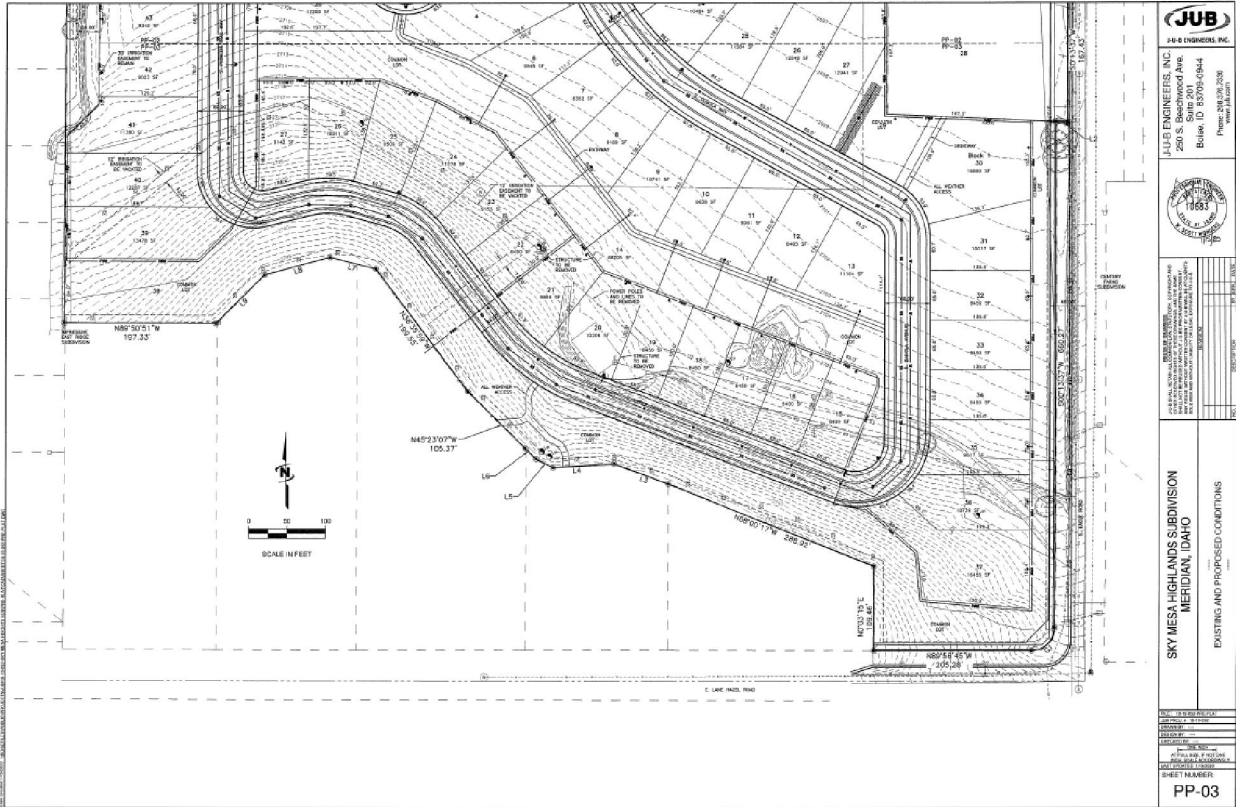
Sky Mesa Highlands Subdivision  
 City of Meridian Annexation

Portion of the Southeast Quarter of the Southeast Quarter of Section 32  
 Township 3 North, Range 1 East, Boise Meridian, Idaho

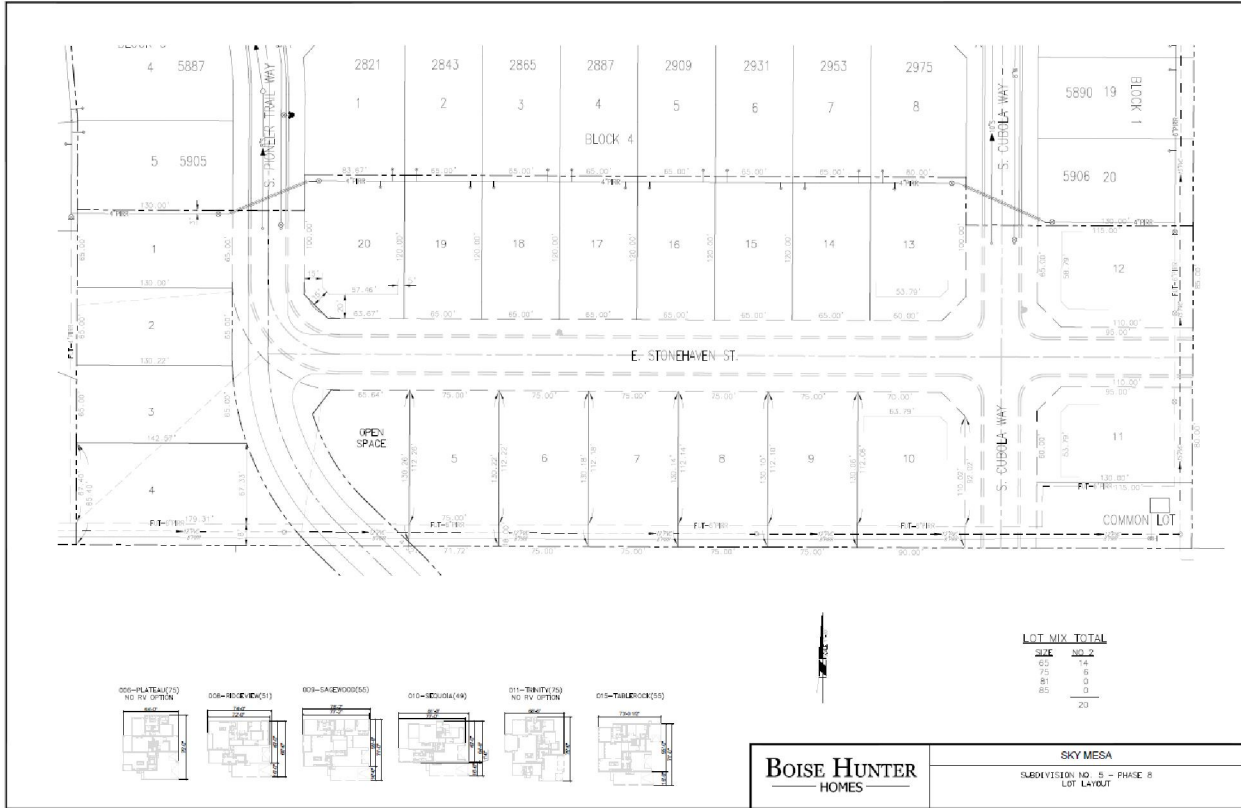
SHEET  
 1 of 1



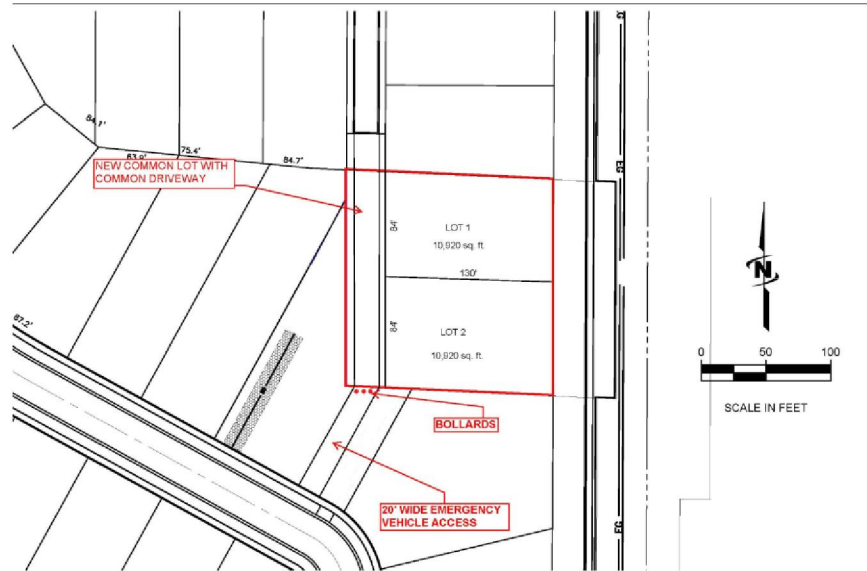
Item #9.



Revised concept plat for adjacent property to the north (Sky Mesa) showing access to the subject property



Conceptual redevelopment plan for Lot 2928, Block 1



C. Landscape Plan (date: 10/22/2019 1/30/2020) & Site Amenities in Sky Mesa Subdivision

**1 BALL AND BURLAP TREE PLANTING**  
10' x 10'

**2 SHRUB PLANTING**  
1'-10"

**3 CLOSED VISION FENCE**  
10' x 10'

**4 CLOSED VISION FENCE**  
10' x 10'

**5 CONCRETE SIDEWALKS ADJ LANDING-12"**  
10' x 10'

**LANDSCAPE OVERVIEW**

**LANDSCAPE NOTES**

1. ALL PLANTING SHALL BE INSTALLED IN ACCORDANCE WITH THE CITY OF BOISE LANDSCAPE STANDARDS AND SPECIFICATIONS.
2. ALL PLANTING SHALL BE INSTALLED IN ACCORDANCE WITH THE CITY OF BOISE LANDSCAPE STANDARDS AND SPECIFICATIONS.
3. ALL PLANTING SHALL BE INSTALLED IN ACCORDANCE WITH THE CITY OF BOISE LANDSCAPE STANDARDS AND SPECIFICATIONS.
4. ALL PLANTING SHALL BE INSTALLED IN ACCORDANCE WITH THE CITY OF BOISE LANDSCAPE STANDARDS AND SPECIFICATIONS.
5. ALL PLANTING SHALL BE INSTALLED IN ACCORDANCE WITH THE CITY OF BOISE LANDSCAPE STANDARDS AND SPECIFICATIONS.
6. ALL PLANTING SHALL BE INSTALLED IN ACCORDANCE WITH THE CITY OF BOISE LANDSCAPE STANDARDS AND SPECIFICATIONS.
7. ALL PLANTING SHALL BE INSTALLED IN ACCORDANCE WITH THE CITY OF BOISE LANDSCAPE STANDARDS AND SPECIFICATIONS.
8. ALL PLANTING SHALL BE INSTALLED IN ACCORDANCE WITH THE CITY OF BOISE LANDSCAPE STANDARDS AND SPECIFICATIONS.
9. ALL PLANTING SHALL BE INSTALLED IN ACCORDANCE WITH THE CITY OF BOISE LANDSCAPE STANDARDS AND SPECIFICATIONS.
10. ALL PLANTING SHALL BE INSTALLED IN ACCORDANCE WITH THE CITY OF BOISE LANDSCAPE STANDARDS AND SPECIFICATIONS.

**LANDSCAPE REQUIREMENTS**

REQUIREMENT	MINIMUM	MAXIMUM	MINIMUM	MINIMUM
1. PLANTING	10'	10'	10'	10'
2. PLANTING	10'	10'	10'	10'
3. PLANTING	10'	10'	10'	10'
4. PLANTING	10'	10'	10'	10'
5. PLANTING	10'	10'	10'	10'
6. PLANTING	10'	10'	10'	10'
7. PLANTING	10'	10'	10'	10'
8. PLANTING	10'	10'	10'	10'
9. PLANTING	10'	10'	10'	10'
10. PLANTING	10'	10'	10'	10'

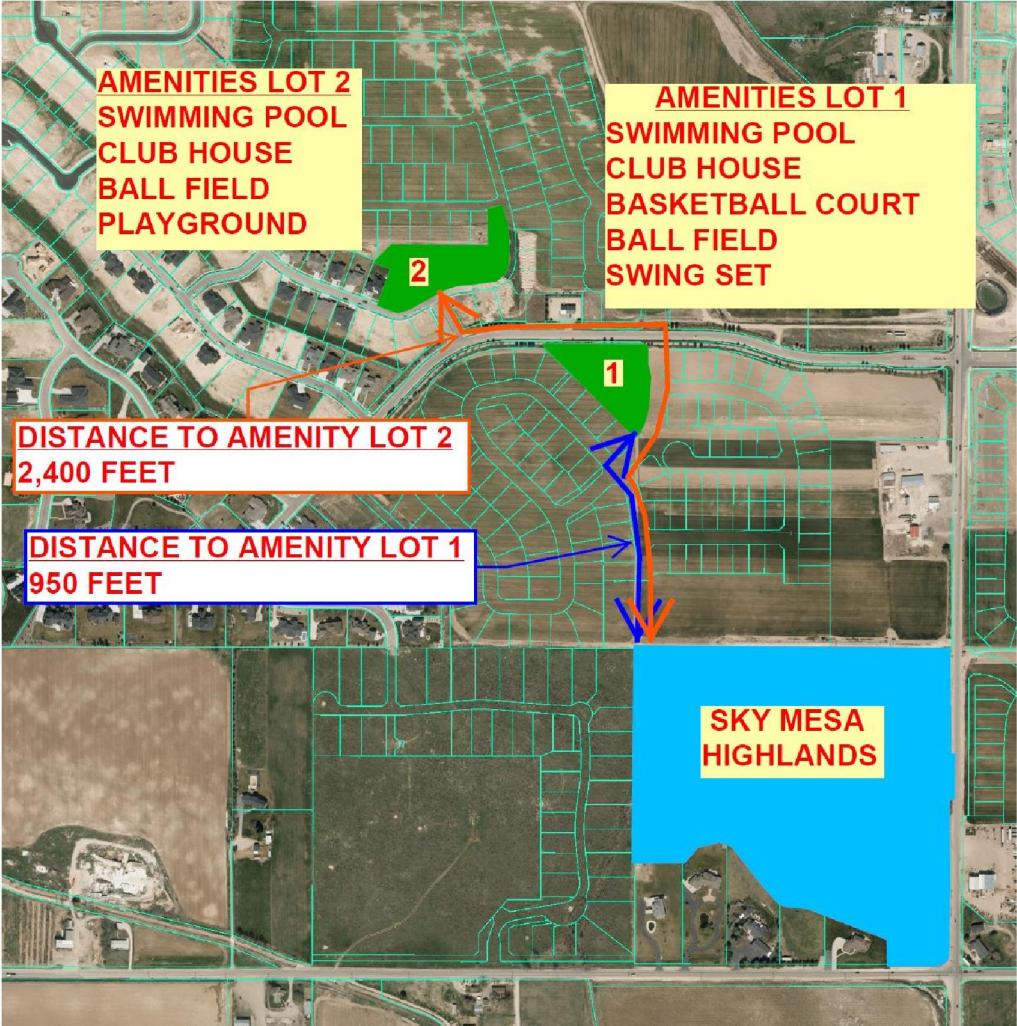
**POOL AMENITY PROXIMITY & VISUAL**

**SKY MESA HIGHLANDS BOISE HUNTER HOMES**

LANDSCAPE PLAN OVERVIEW

L100







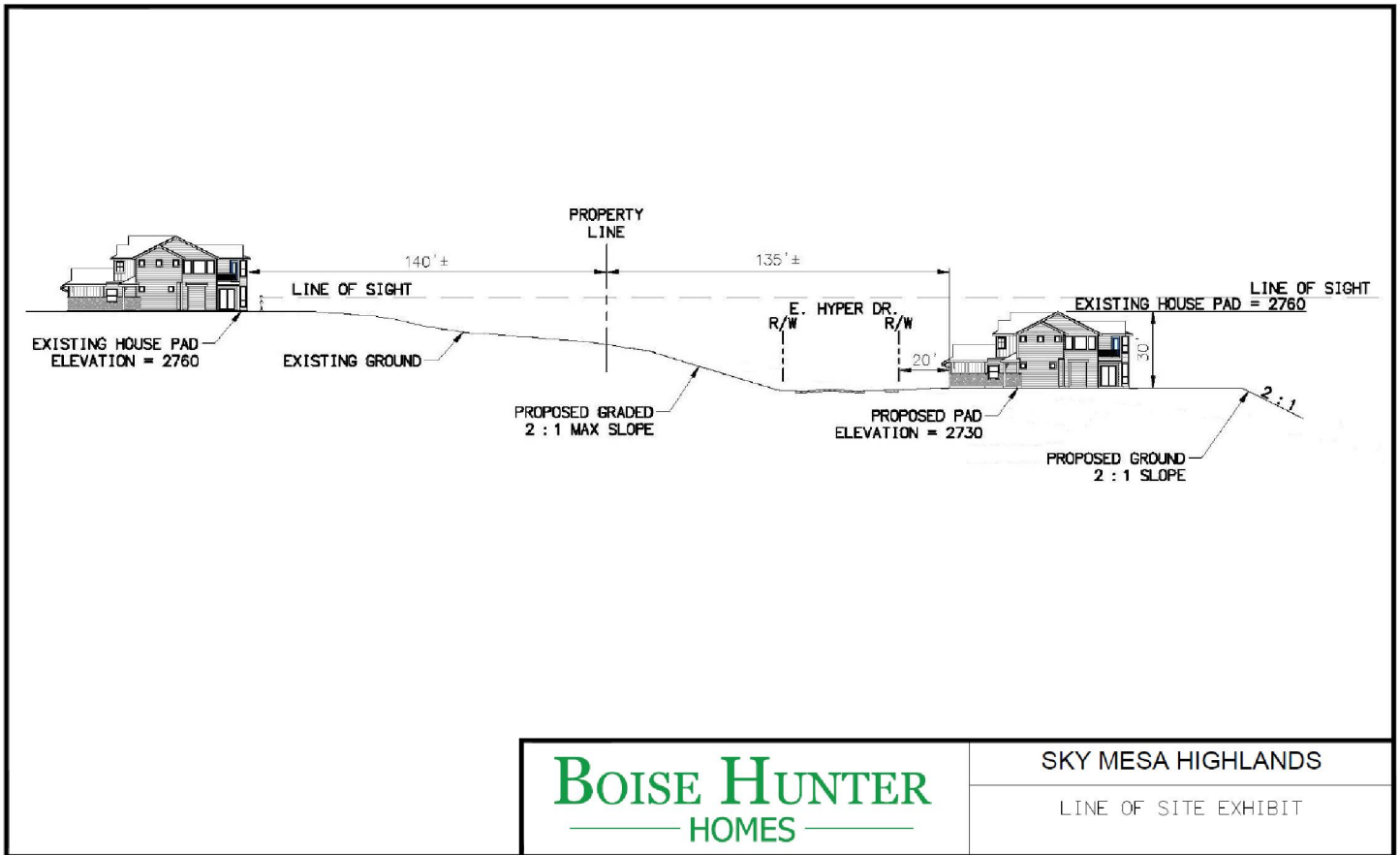
D. Qualified Open Space Exhibit (Revised)



E. Conceptual Building Elevations



F. Line of Site Exhibit for Lots 15-27, Block 3



VIII. CITY/AGENCY COMMENTS & CONDITIONS

A. PLANNING

1. A Development Agreement (DA) is required as a provision of annexation of this property. Prior to approval of the annexation ordinance, a DA shall be entered into between the City of Meridian, the property owner(s) at the time of annexation ordinance adoption, and the developer.

Currently, a fee of \$303.00 shall be paid by the Applicant to the Planning Division prior to commencement of the DA. The DA shall be signed by the property owner and returned to the Planning Division within six (6) months of the City Council granting the annexation. The DA shall, at minimum, incorporate the following provisions:

- a. Future development of this site shall be generally consistent with the preliminary plat, landscape plan, future redevelopment plan and conceptual building elevations included in Section VII and the provisions contained herein.
- b. The existing home proposed to remain on Lot 2928, Block 1 shall hook up to City water and sewer services at the developers expense within 60 calendar days of such services becoming available in accord with MCC 9-1-4 and 9-4-8.

At such time, the septic tank shall be abandoned and the well solely used for irrigation purposes.

- c. The CC&R's for Sky Mesa Subdivision shall allow for this development to use their common area and site amenities; a revised copy of the recorded CC&R's demonstrating compliance with this provision shall be submitted with the final plat application.
  - d. The irrigation system provided for the development shall have at least 60 psi to accommodate the property owners to the south along Lake Hazel Rd.
  - e. A scenic easement shall be recorded on Lots 15-27, Block 3 for homes to be five feet (5') below the ground elevation of Mr. Cantrell's (#R1835500400) and neighboring homes adjacent to the southern boundary of the site on Lake Hazel Rd. A copy of the easement shall be submitted to the Planning Division prior to signature on the first phase final plat by the City Engineer.
  - f. The City Council approved the Applicant's request for a waiver to UDC 11-3A-3A.3 to allow the existing accesses via Eagle Rd. to remain for Lot 28, Block 1 until the property redevelops in the future. Upon redevelopment, access shall be taken internally from within the subdivision via a common driveway and emergency access shall be provided as shown on the conceptual redevelopment plan included in Section VII.B.
2. The preliminary plat included in Section VII.B, dated 10/22/2019, shall be revised **prior to the City Council hearing** as follows:
- a. ~~Remove the existing driveway access via S. Eagle Rd. on Lot 2928, Block 1 where the existing home is to remain in accord with UDC 11-3A-3A.3, unless otherwise waived by City Council. If access via Eagle Rd. isn't approved, access should be provided via a common driveway as depicted on the conceptual redevelopment plan in Section VII.B. The City Council approved the Applicant's request for a waiver to UDC 11-3A-3A.3 for the existing driveway accesses to remain until redevelopment occurs.~~
  - b. ~~Extend the detached sidewalk along S. Eagle Rd. across Lot 2928, Block 1 where the existing home is to remain in accord with UDC 11-3A-17. Council did not require the sidewalk to be extended across this lot.~~
  - c. ~~Extend the minimum 25-foot wide street buffer along S. Eagle Rd. across the frontage of Lot 2928, Block 1 in a common lot as set forth in UDC Table 11-2A-5 and 11-3B-7C.2a. Council did not require the street buffer to be extended across this lot.~~
  - d. ~~Lot 29, Block 1 is required to have street frontage on a public street (30' flag or 60') or on a common driveway, which doesn't require frontage per UDC 11-2A-3B and Table 11-2A-5. The revised plat depicts access via a common driveway.~~
  - e. Include a minimum 15-foot wide common lot for a micro-path and landscaping at the end of the S. Burgo Pl. cul-de-sac connecting to Lot 14, Block 3.
  - f. The existing home and accessory structures proposed to remain on Lot 2928, Block 1 shall comply with the minimum dimensional standards listed in UDC Table 11-2A-5 for the R-4 zoning district; make any revisions to the lot configuration necessary for compliance.
  - g. **~~The irrigation easements depicted along the west and north property boundaries shall be included in common lots outside of a fenced area, unless otherwise modified~~**

~~by City Council per UDC 11-3A-6E. The revised plat depicts the irrigation easements within common lots; no waiver was requested or approved by City Council.~~

3. The landscape plan included in Section VII.C, dated 10/22/2019, shall be revised **prior to the City Council hearing** as follows:
  - a. ~~Remove the existing driveway access via S. Eagle Rd. on Lot 2928, Block 1 where the existing home is to remain in accord with UDC 11-3A-3A.3, unless otherwise waived by City Council. The City Council approved the Applicant's request for a waiver to UDC 11-3A-3A.3 for the existing driveway accesses to remain until redevelopment occurs.~~
  - b. ~~Extend the detached sidewalk along S. Eagle Rd. across Lot 2928, Block 1 where the existing home is to remain in accord with UDC 11-3A-17. Council did not require the sidewalk to be extended across this lot.~~
  - c. ~~Extend the minimum 25-foot wide street buffer along S. Eagle Rd. across the frontage of Lot 2928, Block 1 in accord with UDC Table 11-2A-5 in a common lot; depict landscaping within the buffer as set forth in UDC 11-3B-7C. Council did not require the street buffer to be extended across this lot.~~
  - d. Include the width of the street buffer proposed along S. Eagle Rd. and E. Lake Hazel Rd. in the Landscape Requirements table (minimum 25-feet wide).
  - e. Include a minimum 15-foot wide common lot with a minimum 5-foot wide micro-path and landscaping on either side per the standards listed in UDC 11-3B-12C at the end of the S. Burgo Pl. cul-de-sac connecting to Lot 14, Block 3.
  - f. Correct "Block 1 Lot 50" in the Landscape Requirements table to read "Block 1 Lot 49".
  - g. Depict landscaping along the pathways in Lot 14, Block 3 and Lot 10, Block 1 in accord with the standards listed in UDC 11-3B-12C; include calculations in the Landscape Requirements table for the linear feet of pathways proposed and the number of trees required and proposed that demonstrate compliance.
  - h. Depict landscaping within the common areas on Lot 14, Block 3 and Lot 10, Block 1 in accord with the standards listed in UDC 11-3G-3E.2 (i.e. one deciduous shade tree per 8,000 square feet and lawn, either seed or sod); also include calculations demonstrating compliance in the Landscape Requirements table.
  - i. If topography allows, extend the pathway on Lot 14, Block 3 out to the sidewalk along Pioneer Trail Way.
  - j. **The irrigation easements depicted along the west and north property boundaries shall be included in common lots outside of a fenced area, unless otherwise modified by City Council per UDC 11-3A-6E. The revised plat depicts the irrigation easements within common lots; no waiver was requested or approved by City Council.**
  - k. If the unimproved street right of way is ten feet (10') or greater from the edge of pavement to edge of sidewalk or property line, a ten foot (10') compacted shoulder meeting the construction standards of the transportation authority with the remainder landscaped with lawn or other vegetative ground cover shall be depicted as set forth in UDC 11-3B-7C.5a.
  - l. Trees planted within the common lot on Lot 10, Block 1 shall be planted at the base of the slope and depicted accordingly on the plan.
4. All common driveways shall comply with the standards listed in UDC 11-6C-3D.

5. For lots accessed by common driveways, an exhibit shall be submitted with the final plat application that depicts the setbacks, fencing, building envelope and orientation of the lots and structures as set forth in UDC 11-6C-3D. Driveways for abutting properties that aren't taking access from the common driveway(s) shall be depicted on the opposite side of the shared property line away from the common driveway. Solid fencing adjacent to common driveways is prohibited unless separated by a minimum 5-foot wide landscaped buffer.
6. A perpetual ingress/egress easement for the common driveways on Lots 8 and 16, Block 1 shall be filed with the Ada County Recorder, which shall include a requirement for maintenance of a paved surface capable of supporting fire vehicles and equipment in accord with UDC 11-6C-3D.8. **A copy of said easement shall be submitted to the Planning Division prior to signature on the final plat by the City Engineer.**
7. Provide address signage for homes accessed by the common driveways on Lots 8 and 16, Block 1 at the public street for emergency wayfinding purposes.
8. ~~The Grimmitt Lateral that lies along the west and north boundaries of the site shall be piped as set forth in UDC 11-3A-6B unless otherwise waived by City Council. The Applicant requests a waiver to this requirement to allow the lateral along the west boundary of the site to remain open; the lateral on the north side of the site is proposed to be piped. Council may grant a waiver if it finds the public purpose requiring such will not be served and public safety can be preserved. The Commission recommends Council approve the Applicant's request for a waiver. Council approved the Applicant's request for a waiver to UDC 11-3A-6B to allow the Grimmitt Lateral along the west boundary of the site to remain open and not be piped.~~
9. A master grading and drainage plan is required to be submitted with the final plat application.

## B. PUBLIC WORKS

### 1. Site Specific Conditions of Approval

- 1.1. Waterlines sizes are not shown. Conceptually modeled as 8" throughout project.
- 1.2. As currently designed, the water main in the northwest corner will not extend/connect to the northern development. As such, this design does not meet fire flow requirements and the water main must have a second connection to meet minimum fire flows.
- 1.3. As the water system is currently designed, the static pressure for the southern portion of the development does not meet the requirement of 55 psi. A portion of the property needs to be located in Zone 5 in order to achieve the required pressure. Applicant to coordinate with Engineering to ensure proper pressure and to make sure reconfiguration does not cause dead-end lines.
- 1.4. No water mainlines in common driveways. Water service lines only.
- 1.5. Fire Hydrant needed at the east end of E. Brace Street.
- 1.6 Sanitary sewer slope needs to be 5% or less.
- 1.7 The common driveway at east end of sanitary sewer mainline C needs an additional manhole to ensure sewer tie-in is not less than 90 degrees.
- 1.8 Due to the elevation differentials in this development, the applicant shall be required to submit an engineered master grading and drainage plan for approval by the Community Development Department prior to signature on the final plat by the City Engineer. This plan shall establish, at a minimum; the finish floor elevation for each building lot, the finish grade

elevations of the rear lot corners, the drainage patterns away from each building pad, the drainage patterns of the overall blocks, and any special swales or subsurface drainage features necessary to control and maintain storm water drainage. Applicant's engineer shall consult the 2012 International Residential Code when establishing the finish floor elevations and drainage patterns away from the building pads.

## **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**

<http://weblink.meridiancity.org/WebLink8/DocView.aspx?id=179906>

<https://weblink.meridiancity.org/WebLink/DocView.aspx?id=182684&dbid=0&repo=MeridianCity>

<https://weblink.meridiancity.org/WebLink/DocView.aspx?id=182750&dbid=0&repo=MeridianCity>

**D. POLICE DEPARTMENT**

<http://weblink.meridiancity.org/weblink8/0/doc/181049/Page1.aspx>

**E. BOISE PROJECT BOARD OF CONTROL**

<http://weblink.meridiancity.org/weblink8/browse.aspx>

**F. CENTRAL DISTRICT HEALTH DEPARTMENT**

<http://weblink.meridiancity.org/weblink8/0/doc/180514/Page1.aspx>

**G. DEPARTMENT OF ENVIRONMENTAL QUALITY**

<http://weblink.meridiancity.org/weblink8/0/doc/180404/Page1.aspx>

**H. COMMUNITY PLANNING ASSOCIATION OF SOUTHWEST IDAHO**

<http://weblink.meridiancity.org/weblink8/0/doc/180617/Page1.aspx>

**I. ADA COUNTY HIGHWAY DISTRICT**

<https://weblink.meridiancity.org/WebLink/DocView.aspx?id=184776&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 City Council finds the Applicant is proposing to annex and develop the subject property with 75 single-family residential units in the R-4 zoning district at a gross density of 2.45 units/acre consistent with the LDR FLUM designation. (See section V above for more*

information.)

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

*The City Council finds the proposed map amendment and development complies with the purpose statement of the residential districts in that it will contribute toward the range of housing opportunities available within the City consistent with the Comprehensive Plan.*

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

*The City Council finds the proposed map amendment should not be detrimental to the public health, safety and welfare as the proposed low density residential uses should be compatible with adjacent existing and future residential development.*

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

*The City Council finds City services are available to be provided to this development. The School District has not submitted comments on this application.*

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

*The City Council finds the proposed annexation is in the best interest of the City if the Applicant complies with the conditions in Section VIII.*

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

1. The plat is in conformance with the comprehensive plan and is consistent with this unified development code; (Ord. 08-1372, 7-8-2008, eff. 7-8-2008)

*The City Council finds the proposed plat is generally in conformance with the UDC if the Applicant complies with the conditions of approval in Section VIII.*

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

*The City Council finds public services can be made available to the subject property and will be adequate to accommodate the proposed development.*

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

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

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

*The City Council finds there is public financial capability of supporting services for the proposed development.*

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

*The City Council finds the proposed development will not be detrimental to the public health, safety or general welfare.*

6. The development preserves significant natural, scenic or historic features. (Ord. 05-1170, 8-30-2005, eff. 9-15-2005)

*The City Council is unaware of any significant natural, scenic or historic features that need to be preserved with this development.*

AGREEMENT NO. \_\_\_\_\_

**AGREEMENT FOR USE OF  
SHERIFF'S COMMUNITY SERVICE PARTICIPANTS**

This **AGREEMENT FOR USE OF SHERIFF'S COMMUNITY SERVICE PARTICIPANTS** is entered into by and between the Ada County, a duly formed and existing county pursuant to the laws and constitution of the State of Idaho ("County"), the Ada County Sheriff's Office ("ACSO") and City of Meridian ("Agency").

**WHEREAS**, the ACSO operates the Sheriff's Community Service ("SCS") program in which participants perform community service for non-profit organizations within the boundaries of Ada and Canyon Counties ("Participants");

**WHEREAS**, the Agency desires to utilize SCS Participants to accomplish certain community service activities, as more thoroughly described below;

**WHEREAS**, both parties agree that utilization of SCS Participants is a constructive means of working towards the betterment, welfare and beautification of the community while maximizing tax dollars.

**NOW, THEREFORE**, for and in consideration of the mutual covenants and promises contained herein, the parties agree as follows:

**1. General Agency Information:**

Agency Name: City of Meridian

Agency Address: 33 East Broadway Ave Suite 206

Agency Email Address: MBARTON@MeridianCity.ORG / PHARRIS@MeridianCity.ORG

Agency Telephone No.: 208 888-3579

Agency Point of Contact: MIKE BARTON / PHIL HARRIS

Point of Contact Cell: 208 440-8743

Agency Emergency Contact Person (if different from POC):  
\_\_\_\_\_

Emergency Contact Person Cell Number: 208 409-4666

## 2. Term and Termination:

- a. The term of this Agreement shall begin on the date of execution and shall extend through September 30, 2021. The Agreement shall be subject to annual renewals upon the written mutual consent of the parties, with each renewal period to begin on October 1 and continue through September 30 of the following calendar year.
- b. Each party has a right to terminate the Agreement upon no fewer than thirty (30) days' written notice.

## 3. Agency Responsibilities: During the term of this Agreement, the Agency shall be responsible for the following:

- a. Coordinating the use of SCS Participants with the ACSO Alternative Sentencing staff.
- b. Providing the ACSO with an inclusion and exclusion list along with a scope of services and the current capacity of the program.
- c. Maintaining communication with the designated SCS Staff liaison on a regular basis.
- d. Providing all training on safety rules, participation regulations and equipment usage to all SCS Participants as necessary, and upon request by the ACSO, providing reasonable documentation that such training has been completed. At a minimum, Agency or the work site must provide the following safety equipment (if applicable to the type of work performed): eye protection, ear protection, face protection, gloves, and all other items reasonably necessary to maintain and comply with safety guidelines. SCS Participants are not to perform any work tasks involving the direct use of heavy machinery including, but not limited to:
  - Forklifts;
  - Wood chippers;
  - Trash compactors; or
  - Construction equipment.

All SCS work is to be performed on the ground. SCS Participants are not permitted to complete any work above ground level through the use of a ladder, scissor lift or lift basket.

- e. Immediately contacting the designated SCS Staff liaison if any SCS Participant causes disruption, fails to cooperate, or leaves the work site without permission.
- f. Immediately reporting all injuries to the SCS Staff liaison, both verbally and in writing, in a form to be provided to the SCS Participant and the Agency by the ACSO.
- g. All SCS Participants are to remain on location at the Agency at all times during their scheduled shift, unless given the express prior consent of the ACSO to do otherwise.
- h. Attending regularly scheduled safety briefings hosted by the ACSO and/or Ada County Risk Management, and an annual Prison Rape Elimination Act (PREA) training hosted by the ACSO.

- i. Accurately recording and tracking the SCS hours served by the SCS Participant on the ACSO-issued timesheet. The Agency shall ensure that the SCS Participant is signed in and out by a designated employee each time they report to serve SCS hours.
  - j. Providing updated signature cards to the designated SCS Staff liaison prior to a new SCS supervisor signing off on SCS Participants' timesheets.
  - k. Providing a safe work environment in accordance with applicable laws that is free from harassment, criminal activity, discrimination, etc.
  - l. Creating and maintaining a formal, written complaint process for SCS Participants. Agency shall submit any such written complaints to designated SCS Staff liaison immediately.
  - m. Ensuring that Agency personnel have no personal relationships with SCS Participants. In the event any Agency becomes aware that Agency personnel has a personal relationship with a SCS Participant, in any capacity other than as a SCS Participant, Agency shall immediately notify the designated SCS Staff liaison of the nature of the relationship, so that the appropriate steps can be taken.
- 4. County Responsibilities:** During the term of this Agreement, the County shall be responsible for the following:
- a. As available, providing SCS Participants to Agency on an as needed basis. SCS Participants assigned to the Agency will be screened accordingly to the Agency's inclusion and exclusion criteria and capable of performing basic manual labor activities.
  - b. Providing supervisory, policy and security information to the Agency personnel who work with the SCS Participants, as requested.
  - c. Providing workers' compensation insurance for each SCS Participant.
  - d. Responding "on-site" as requested by the Agency to address SCS Participant issues, handle uncooperative SCS Participants or otherwise assist the Agency with controlling and managing SCS Participants.
- 5. Other Terms and Conditions:**
- a. Workers' compensation premiums are based on experience ratings. In an effort to minimize expense related to workers' compensation claims, the Agency and County shall conduct a quarterly review of workers' compensation claims received the County that are directly related to the Agency's use of SCS Participants. If the incurred claims cost attributable to SCS Participants assigned to the Agency exceed the annual premium of the County (as determined by Ada County Risk Management), the County will advise the Agency of such increase and the Agency will be offered the option to:
    - i. cease use of SCS Participants immediately; or
    - ii. pay a fee set by the County to reimburse the County of the increased workers' compensation premiums.

- b. In an effort to proactively address safety issues, the County and the Agency will conduct, at a minimum, annual reviews for the type of work to be performed by SCS Participants while working for the Agency. This review is designed to assess risk, safety concerns, and to review the Agency's lost prevention efforts. Loss prevention efforts will include, but are not limited to, a review of the following: job site visits, review/inspection of tools and safety gear utilized by SCS Participants, review of all safety training and instruction provided by the Agency, claims experience for the Agency, accident reviews for the Agency and review of all documentation of all loss prevention efforts undertaken or extended by the Agency.
- c. **Indemnification (County).** To the extent permitted by applicable law, County shall indemnify and hold Agency, its officers, agents, and employees harmless for injuries to persons or property resulting from the wrongful acts of County, its officers, agents or employees in performing the duties described in this Agreement. Such indemnification and defense shall be limited to only those claims, and only to the extent that, County itself could be liable under state and federal statutes, regulations, common law, and other law. County's indemnification and defense of Agency herein is further limited by all defenses, burdens of proof, immunities, and limitations on damages to which County would be entitled if the claims were asserted against County.
- d. **Indemnification (Agency).** To the extent permitted by applicable law, including Idaho Code § 59-1015, Agency shall indemnify and hold the County, its officers, agents, and employees harmless for all claims, losses, actions, damages, judgments, costs, expenses, and/or injuries to persons or property arising out of or in connection with any activities, acts, or omissions of Agency, its officers, agents or employees. In the event County is alleged to be liable on account of any activities, acts, or omissions of Agency, its officers, agents or employees, then Agency shall reimburse the County for defending such allegations through counsel chosen by County and Agency shall bear all costs, fees, and expenses of such defense, including, but not limited to, all attorney fees and expenses, court costs, and expert witness fees and expenses. Such indemnification and defense reimbursement shall be limited to only those claims, and only to the extent that, Agency itself could be liable under state and federal statutes, regulations, common law, and other law.
- e. **Insurance.** Both parties shall maintain insurance coverages sufficient to pay liability claims arising under this Agreement. Self-Insurance is permitted, to the extent allowed by law.
- f. **Independent Contractor.** Agency is, and shall perform this Agreement as, an independent contractor and, as such, shall have and maintain complete control over all its employees and operations, except as otherwise provided herein. Neither Agency, nor anyone employed by it, shall represent, act, purport to act, or be deemed to be the agent, representative, employee, or servant of County. As an independent contractor, Agency shall be solely responsible for payment of wages, all federal and state withholding taxes, liability insurance, and such

compensation insurance and such other obligations as are the legal responsibility of an employer.

- g. **Modification.** Except as may otherwise be provided herein, provisions of this Agreement may be modified, amended or waived only by a written document specifically identifying this Agreement and signed by an authorized representative of each party.
- h. **Waiver.** The failure of either party at any time to require performance by the other of any provision and any waiver by any party of any breach of any provision of this Agreement shall not be construed as a waiver of any continuing or succeeding breach, a waiver of the provision itself, or a waiver of any right under this Agreement.
- i. **Costs and Fees.** If either party brings any action for any relief against the other, declaratory or otherwise, arising out of this Agreement, use of the Premises, or enforcement of the terms hereof, the prevailing party shall be entitled to recover any and all reasonable court costs and attorney's fees.
- j. **Survival.** All covenants, conditions, indemnifications and other elements in this Agreement which may involve performance subsequent to any termination or expiration of this Agreement or which cannot be reasonably ascertained or fully-performed until after termination or expiration of this Agreement shall survive.
- k. **Notices.** All notices required to be given hereunder shall be in writing and shall be deemed delivered immediately if hand-delivered and 48 hours after depositing the same in the U.S. mail, certified or registered, postage prepaid, addressed to the respective addresses set forth below, or at such other addresses as the parties may from time to time notify the other in writing.

ACSO:  
 Lt. Justin Ryan  
 7180 Barrister Drive  
 Boise, ID 83704

Agency: \_\_\_\_\_  
 c/o: \_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_

County:  
 Board of Ada County Commissioners  
 200 W. Front St  
 Boise, ID 83702

- l. **Governing Law.** This Agreement shall be construed in accordance with and governed by the laws of the State of Idaho.
- m. **Entire Agreement.** This Agreement constitutes the entire agreement of the parties and all other agreements, whether oral or written, relative to SCS Participants/services only which are not contained herein are hereby superseded and of no force and effect.



**FIRST ADDENDUM FOR AN ADDITIONAL TERM OF YEARS  
TO  
INTERAGENCY GOVERNMENTAL AGREEMENT  
FOR WAIVER OF COSTS AND FEES**

This FIRST ADDENDUM TO THE INTERAGENCY GOVERNMENTAL AGREEMENT FOR WAIVER OF COSTS AND FEES (“**First Addendum**”) is made and entered into this \_\_\_\_\_ day of \_\_\_\_\_ 2020, with an **effective date retroactive to June 10, 2020**, by and between the CITY OF MERIDIAN, a municipal corporation of the State of Idaho (“**City**”); and the ADA COUNTY HIGHWAY DISTRICT, a body politic and corporate of the State of Idaho (“**ACHD**”). City and ACHD may be referred to collectively herein as the “**Parties.**”

**RECITALS**

- A. On June 9, 2010, the Parties entered into an Interagency Governmental Agreement for Waiver of Costs and Fees (the “**Agreement**”), a copy of which is attached hereto and incorporated herein.
- B. The Agreement was for a ten year term, expiring on June 9, 2020.
- C. The Parties enter into this First Addendum to extend the term of the Agreement for an additional ten year term.

**AGREEMENT**

NOW THEREFORE, for good and valuable consideration, the receipt and sufficiency of which are hereby acknowledged and agreed, the Parties hereto agree as follows:

- 1. RECITALS. The recitals above are incorporated into this First Addendum to the Agreement.
- 2. ADDITIONAL TERM. The parties agree to extend the term of the Agreement for an additional ten (10) year term.
- 3. EFFECTIVE DATE. The parties agree that the **Effective Date** of this First Addendum shall be retroactive to June 10, 2020 to provide a continuous uninterrupted term of years.
- 4. RESTATEMENT OF AGREEMENT. Except as expressly modified by this First Addendum, all terms and conditions of the Agreement remain unmodified and in full force and effect and are hereby incorporated into this First Addendum as if fully set forth herein.

*[end of text; signatures and Attachment A follow]*

IN WITNESS WHEREOF, the parties have executed this First Addendum, effective as of the Effective Date.

CITY:  
CITY OF MERIDIAN, a municipal corporation of the State of Idaho

---

By: Robert E. Simison  
Its: Mayor

ACHD:  
ADA COUNTY HIGHWAY DISTRICT, a highway district created under the laws of the state of Idaho

---

By:  
Its:

**INTERAGENCY GOVERNMENTAL AGREEMENT  
FOR WAIVER OF COSTS AND FEES**

THIS INTERAGENCY GOVERNMENTAL AGREEMENT FOR WAIVER OF COSTS AND FEES (“Agreement”) is made and entered into this 9<sup>th</sup> day of June, 2010, by and between the Ada County Highway District, a body politic and corporate of the State of Idaho (“ACHD”) and the City of Meridian, an Idaho municipal corporation (“City”).

**RECITALS**

A. ACHD is a single county-wide highway district, a public entity, organized and existing pursuant to Idaho Code Title 40, Chapter 14, as amended and supplemented, with the exclusive jurisdiction, and authority to maintain, improve, regulate, and operate public rights-of-way in Ada County.

B. City is a public entity organized and operating pursuant to Idaho Code Title 50, as amended and supplemented. City is a municipal corporation with jurisdiction, authority and police power to regulate and control municipal activities within the City.

C. Idaho Code § 67-2332 provides that one or more public agencies may contract with any one or more other public agencies to perform any governmental service, activity, or undertaking which each public agency entering into the contract is authorized by law to perform, provided that such contract is authorized by the governing body of each party and that such contract shall set forth fully the purposes, powers, rights, objectives and responsibilities of the contracting parties.

D. ACHD and City are both “taxing districts,” as defined by Idaho Code § 63-201.

E. Pursuant to Idaho Code § 67-8203(7) of the Idaho Development Impact Fee Act, a taxing district must pay an impact fee for a development that is for an activity within the taxing district’s public responsibility if ACHD’s impact fee ordinance expressly includes taxing districts as being subject to paying development impact fees.

F. ACHD’s Impact Fee Ordinance No. 208, as amended from time to time (the “Ordinance”) Section 7304.2 expressly states that taxing districts are obligated to pay development impact fees, unless ACHD and the taxing district enter into a written agreement that provides otherwise.

G. The parties have determined that it is against public policy for two taxing districts comprised of some or all of the same taxpayers to tax one another. The parties have further determined it to be in the public’s best interest to provide that neither party shall charge the other any fees or other amounts that would otherwise be funded by taxpayer funds.

H. In consideration of the above, the purpose of this Agreement is to set forth in writing the parties' agreement that neither party shall be obligated to provide any fees or charges to the other during the term of this Agreement as further set forth below.

## **AGREEMENT**

NOW, THEREFORE, in consideration of the mutual covenants and agreements herein contained, the parties do mutually undertake, promise, and agree as follows:

### **SECTION 1.** **PURPOSES AND POWERS/INCORPORATION OF RECITALS**

In accordance with Idaho Code § 67-2332, the purposes, powers, rights, and objectives of each of the parties are as set forth in the Recitals above. Each of the Recitals above is incorporated into the body of this Agreement.

### **SECTION 2.** **NO PAYMENT OF FEES**

During the Term (defined below) of this Agreement, neither party shall be obligated to pay to the other any fees, impact fees, charges, or any other types of expenditures (each of the foregoing defined herein as a "Fee") for any services, activities, unimproved rights-of-way, other unimproved real property, regardless of the provision and/or transfer to the other of such services, activities, rights-of-way, or other real property, except as otherwise agreed in writing and signed by both parties.

### **SECTION 3.** **EFFECTIVE DATE/TERM AND TERMINATION**

3.1 Effective Date. This Agreement shall become effective upon the date upon which both parties' governing boards have authorized it (the "Effective Date") pursuant to Idaho Code § 67-2332.

3.2 Term and Termination. The term of this Agreement shall be ten (10) years (the "Term") after the Effective Date unless it is terminated earlier as follows: Either party may terminate this Agreement upon sixty (60) days' written notice to the other, provided, however, that any Fees that would have been due and payable by the terminating party eighteen (18) months prior to the date of termination that were not owed due to the existence of this Agreement shall become immediately due and payable and paid on the date of termination of this Agreement. Subject to the foregoing, upon termination of this Agreement, neither party shall have further recourse hereunder except with respect to the payment of Fees as set forth in this Section 3.2

**SECTION 4.**  
**GENERAL PROVISIONS**

4.1 Constitutional Debt Limitation. Nothing in this Agreement shall be construed to be an indebtedness or liability in violation of Article VIII, Section 3 of the Idaho Constitution.

4.2 Attorney Fees. In the event of any controversy, claim, suit, proceeding or action being filed or instituted between the parties to enforce the terms and conditions of this Agreement, or arising from the breach of any provision hereof, the prevailing party will be entitled to receive from the other Party all costs, damages, and expenses, including reasonable attorneys' fees including fees on appeal, incurred by the prevailing party. The prevailing party will be that party who was awarded judgment as a result of trial or arbitration.

4.3 Choice of Law. The validity, meaning, and effect of this Agreement shall be determined in accordance with the laws of the State of Idaho.

4.4 Entire Agreement. This Agreement and the exhibits hereto constitute the full and entire understanding and agreement between the parties with regard to the transaction contemplated herein, and no party shall be liable or bound to the other in any manner by any representations, warranties, covenants and agreements except as specifically set forth herein.

4.5 Binding Agreement. The promises, covenants, conditions, and agreements herein contained shall be binding on each of the parties hereto and on all parties and all persons claiming under them or any of them; and the rights and obligations hereof shall inure to the benefit of each of the parties hereto and their respective successors and assigns.

4.6 Severability. If any part of this Agreement is held to be illegal or unenforceable by a court of competent jurisdiction, the remainder of this Agreement shall be given effect to the fullest extent reasonably possible.

4.7 Waiver, Acknowledgments and Modifications. The failure of a party to insist on the strict performance of any provision of this Agreement or to exercise any right or remedy upon a breach hereof shall not constitute a waiver of any provision of this Agreement or limit such party's right to enforce any provision or exercise any right. No acknowledgments required hereunder, and no modification or waiver of any provision of this Agreement or consent to departure therefrom, shall be effective unless in writing and signed by ACHD and City.

4.8 Headings. The headings used in this Agreement are used for convenience only and are not to be considered in construing or interpreting this Agreement.


4.9 Counterparts. This Agreement may be executed in two or more counterparts, each of which shall be deemed an original, but both of which together shall constitute one and the same.

4.10 Limitations on Liability. The parties hereto agree that nothing herein contained shall be construed to create a joint venture, partnership, or other similar relationship which might subject any party to liability for the debts and/or obligations of the others, except as otherwise expressly agreed in this Agreement.

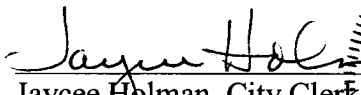
4.11 Time is of the Essence. Time shall be of the essence for all events and obligations to be performed under this Agreement.

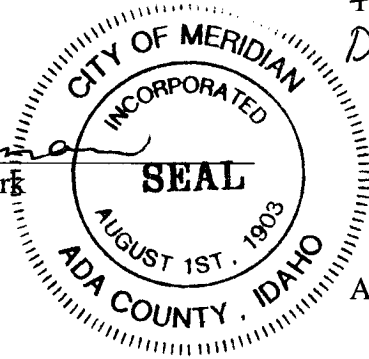
IN WITNESS WHEREOF, the parties hereto have executed this Agreement the day and year first above written.

CITY OF MERIDIAN

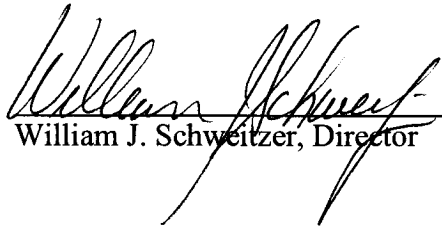
  
Fanny de Weerd, Mayor  
David Zarembka  
Acting Mayor

ATTEST:

  
Jaycee Holman, City Clerk



ADA COUNTY HIGHWAY DISTRICT

  
William J. Schweitzer, Director

ATTEST:

  
Susan Slaughter, Secretary

## Invoices Selected for Payment - Invoices for Payment - Eunice

Fund Code	Fund Title	Vendor Name	Invoice/Credit Description	Invoice Amount
01	General Fund	AMAZING ATHLETES	instructor fee - Amazing Athletes 6/10-7/8/20 - qty 12	614.40
01	General Fund	AXON ENTERPRISE INC	Camera Mounts for PD	751.20
01	General Fund	BADGER DAYLIGHTING CORP	Discovery Park drain cleanout	2,378.25
01	General Fund	BRICON, INC	concrete repair around one tree near Kleiner Park splash pad	1,900.00
01	General Fund	BRIGHT ENTERPRISES	sand for Discovery park sand/water play area - qty 15.5 tons	579.00
01	General Fund	BUILDERS FIRSTSOURCE	220/Credit for returned lumber, Inv# 44523804	(571.27)
01	General Fund	BUILDERS FIRSTSOURCE	Bear Creek dugout asphalt roof underlayment parts - qty 12	182.23
01	General Fund	BUILDERS FIRSTSOURCE	cash refund on#44734510, Chk#00551742 CR20-700	48.00
01	General Fund	BUILDERS FIRSTSOURCE	concrete mix for Lanark Parks Shop - qty 42	341.04
01	General Fund	BUILDING BLOCKS IDAHO	instructor fee - Lego Engineering 7/6-7/10/20 - qty 12	616.00
01	General Fund	CINTAS	medical cabinet supplies - qty 58	434.09
01	General Fund	DANIEL BORUP STUDIO LLC	20-0151 pay #3 for Fire Station #6 sculpture (final payment)	11,668.00
01	General Fund	ERS, EMERGENCY RESPONDER SERVICES, INC.	Disassemble & Remove Equip for Auction	780.00
01	General Fund	GEM STATE PAPER & SUPPLY CO	morning mist disinfectant cleaner - qty 11 cases	385.36
01	General Fund	HUSTLE 43	instructor fee - HOST Basketball Camp 7/6-7/10/20 - qty 10	472.00
01	General Fund	IDAHO PRESS-TRIBUNE	1625 E Bentley, Pura Vida Ridge Ranch, Rock & Armor Fitness	118.92
01	General Fund	IDAHO PRESS-TRIBUNE	Parks and Recreation Fall Fee Schedule 2020	314.67
01	General Fund	IDAHO STATE POLICE PD	IDAPP0553748 C.B.Blackburn Bkgrnd Chk for MSU Permit	33.25
01	General Fund	IDAHO STATE POLICE PD	IDAPP0553865 A.Anzalone Bkgrnd Chk for MSU Permit	33.25
01	General Fund	IDAHO STATE POLICE PD	IDAPP0553866 W.D.Killipack Bkgrnd Chk for MSU Permit	33.25
01	General Fund	IDAHO STATE POLICE PD	IDAPP0553867 T.L.Parke Bkgrnd Chk for MSU Permit	33.25
01	General Fund	IDAHO STATE POLICE PD	IDAPP05539 A.Ramos Bkgrnd Chk for MSU Permit	33.25
01	General Fund	IDAHO STATE POLICE PD	IDAPP0553917 W.S.Fletcher Bkgrnd Chk for MSU Permit	33.25
01	General Fund	K-9 DISTRIBUTING	Dog Food for K-9 Gus Qty.3	105.00
01	General Fund	LASASCO INC.	bases & channel for UV light stands - qty 15	723.00
01	General Fund	LAWN EQUIPMENT COMPANY	credit on Fuller Park Hustler mower belt - qty 1	(90.88)
01	General Fund	LAWN EQUIPMENT COMPANY	Hustler mower belt for Fuller Park - qty 1	72.76
01	General Fund	LUCKY J EXCAVATION	Weed Abatement for 1265 E. Drucker	450.00
01	General Fund	MURIE DESIGN GROUP	20-0069 220/ Shirts (138), Sweats(13) and Shorts(36)	2,442.14
01	General Fund	ODYSSEY LEARNING ADVENTURES	6/29/20 magic show for summer camp	300.00
01	General Fund	OWYHEE GROUP COMPANIES	220/Wipe-able trauma bags-COVID	639.90

## Invoices Selected for Payment - Invoices for Payment - Eunice

Fund Code	Fund Title	Vendor Name	Invoice/Credit Description	Invoice Amount
01	General Fund	PLATT ELECTRIC SUPPLY	heat shrink for Covid-19 UV boxes - qty 1	1.67
01	General Fund	PROFORCE LAW ENFORCEMENT	Traffic Wands	202.98
01	General Fund	RANDY S LATTIMER	instructor fee-Country Dance, Interm. 2-Step 6/9-7/7/20 x 17	680.00
01	General Fund	SILVER CREEK SUPPLY	bluetooth operated sprinkler controllers for Kleiner garden	297.66
01	General Fund	SILVER CREEK SUPPLY	solenoid for Kleiner Park community garden - qty 1	28.88
01	General Fund	STACY REDMAN	Reimb S. Redman Mileage Personal Vehicle for Covid Remote Wo	63.25
01	General Fund	TANAGER TREE SERVICE	20-0307 Kleiner Park tree pruning	11,500.00
01	General Fund	TATES RENTS (GENERAL OFFICE)	propane for Lanark Parks Shop forklift	18.50
01	General Fund	UNIFORMS 2 GEAR	Holders for Crowd Control Belts	38.64
01	General Fund	UNIFORMS 2 GEAR	Velcro for Uniforms for Crowd Control Uniforms	160.00
01	General Fund	USSSOA	20-0048 volleyball officials for games 6/15-6/26/20 - qty 75	843.41
01	General Fund	VICTORY GREENS	black & tan rock for Discovery Park - qty 2 yds	95.90
01	General Fund	VICTORY GREENS	black & tan rock for Discovery Park - qty 3 yds	719.25
01	General Fund	WESTERN STATES EQUIPMENT CO	skip loader rental for Tully Park canal bank cleanup 7/6-7/7	440.00
Total 01	General Fund			40,943.45
20	Grant Fund governmental	LAVONA ANDREW LLC	Interpreting Services: 07/08/20 Unity Through Inclusion Meet	115.00
Total 20	Grant Fund governmental			115.00
60	Enterprise Fund	4345 LINDER ROAD LLC	Refund: Warranty Surety Deposit Decatur Estates Sub. No.3	11,219.02
60	Enterprise Fund	AARON DARBY	Reimb, A. Darby ID Water Treatment Class 1 Exam/Fees	125.00
60	Enterprise Fund	B. A. FISCHER SALES CO INC	8 inch blind flange gasket (6 qty)	47.69
60	Enterprise Fund	BOE - Boise Office Equipment	2TX070119 b/w (412 qty) & color (387 qty) images	24.42
60	Enterprise Fund	CAMERON AMBROZ	Reimb. C. Ambroz, Written Test for Commercial Drivers Lic.	48.00
60	Enterprise Fund	CAREER UNIFORMS	Embroidery City Logos on Uniforms, Qty 7	55.65



## Invoices Selected for Payment - Invoices for Payment - Eunice

Fund Code	Fund Title	Vendor Name	Invoice/Credit Description	Invoice Amount
60	Enterprise Fund	CARRIER CORP	Service maintenance agreement for Admin bldg - Jun 2020	132.50
60	Enterprise Fund	CH2M HILL ENGINEERS, INC	19-0101 Certrifuge Capacity Study Svc to 6/26/20	34,694.32
60	Enterprise Fund	CH2M HILL ENGINEERS, INC	20-0194 WRRF Post Aeration Improvements Services to 6/26/20	4,450.41
60	Enterprise Fund	CH2M HILL ENGINEERS, INC	20-0249 Pilot SCADA server City Hall (5.75 hrs)	1,170.02
60	Enterprise Fund	CITY OF BOISE	20-0183 IPDES testing (86 tests) for 5/5-27/2020	3,250.50
60	Enterprise Fund	CONTAINER & PACKAGING SUPPLY	Bottles & lids (1,000 qty)	108.69
60	Enterprise Fund	CORE & MAIN LP	Seat Ring Upper/Lower Valve Plate Assy, O-Ring, Hydrant Rpr	793.90
60	Enterprise Fund	D & B SUPPLY	Annual safety boots replaced for M. Jones	188.99
60	Enterprise Fund	ENVIRONMENTAL EXPRESS, INC.	TSS filters (26 pkg)	1,226.75
60	Enterprise Fund	ENVIRONMENTAL EXPRESS, INC.	TSS filters (9 pkgs)	819.43
60	Enterprise Fund	EUROFINS EATON ANALYTICAL LLC	PO#20-0007, Compliance Sampling @ Well 11,20b,16b	540.00
60	Enterprise Fund	EUROFINS EATON ANALYTICAL LLC	PO#20-0007, Compliance Sampling @ Well 32, WO#292262	1,395.00
60	Enterprise Fund	EUROFINS EATON ANALYTICAL LLC	PO#20-0017, Lead & Copper Sampling	1,280.00
60	Enterprise Fund	EUROFINS EATON ANALYTICAL LLC	PO#20-0019, OCCT Pilot Study @ Well 19	260.00
60	Enterprise Fund	FISHER SCIENTIFIC	Phenol (1 qty)	51.08
60	Enterprise Fund	GRAINGER	1 inch camlok coupler (4 qty)	64.80
60	Enterprise Fund	GRAINGER	Pipe lube for shop & pump for mix liquor samples (2 qty)	83.75
60	Enterprise Fund	INSTRUMART	Pressure transducers for RAS/WAS station 2 (3 qty)	3,025.00
60	Enterprise Fund	McCALL INDUSTRIAL	SS cross, bushing, coupling, bell reducer, elbow, & nipple	275.00
60	Enterprise Fund	McGUIRE BEARING CO	Rubber seal for Headworks screen modification (2 qty)	52.70

## Invoices Selected for Payment - Invoices for Payment - Eunice

Fund Code	Fund Title	Vendor Name	Invoice/Credit Description	Invoice Amount
60	Enterprise Fund	MSC INDUSTRIAL SUPPLY CO.	2 inch fe x m thread polypropylene camlock (15 qty)	35.22
60	Enterprise Fund	MSC INDUSTRIAL SUPPLY CO.	55 gal drum lifting clamp (1 qty)	194.40
60	Enterprise Fund	MSC INDUSTRIAL SUPPLY CO.	Bolts for stock (325 qty)	120.65
60	Enterprise Fund	MSC INDUSTRIAL SUPPLY CO.	Polyprop camgrove coupler (4 pk)	53.88
60	Enterprise Fund	PARAMOUNT SUPPLY CO.	ASCO lone star blower coil (1 qty)	150.37
60	Enterprise Fund	PLATT ELECTRIC SUPPLY	8ft LED ballast for wash bay shop (1 qty)	25.90
60	Enterprise Fund	PLATT ELECTRIC SUPPLY	8ft LED ballasts for wash bay shop (24 qty)	608.50
60	Enterprise Fund	PLATT ELECTRIC SUPPLY	In use covers to install in aeration basin blower bldg 2 (4	69.72
60	Enterprise Fund	PLATT ELECTRIC SUPPLY	Tape refill cartridge, adjustable thermostat enclosure (5 qt	223.23
60	Enterprise Fund	SPECIALTY PLASTICS & FAB, INC	6 inch PVC pipe for TWAS pipe repair (20 ft)	153.20
60	Enterprise Fund	THE UPS STORE	Biosolids sample shipping (1 qty)	178.77
60	Enterprise Fund	THE UPS STORE	IPDES sample shipping (2 qty)	781.34
60	Enterprise Fund	ULINE, INC.	Magnetic tape roll (2 rls)	125.59
60	Enterprise Fund	ULINE, INC.	Returned magnetic tape-ordered wrong size (2 rl)	(152.00)
60	Enterprise Fund	UNITED OIL	Oil for 500hr gearbox oil change (20 qty)	727.60
60	Enterprise Fund	VWR INTERNATIONAL LLC.	Composit sampler air filters (3 pk)	416.48
60	Enterprise Fund	VWR INTERNATIONAL LLC.	Temperature logger (1 qty)	337.73
60	Enterprise Fund	WASTECORP PUMPS LLC	cash Refund for Credit on Acct Inv CN200094 Chk#12337	950.00
60	Enterprise Fund	WASTECORP PUMPS LLC	Credit for sending wrong bearing & price difference (1 qty)	(950.00)

Item #12.

City of Meridian

Invoices Selected for Payment - Invoices for Payment - Eunice

<u>Fund Code</u>	<u>Fund Title</u>	<u>Vendor Name</u>	<u>Invoice/Credit Description</u>	<u>Invoice Amount</u>
Total 60	Enterprise Fund			69,433.20
Report Total				110,491.65

ASSIGNMENT OF LEASE  
FOR THE PROVISION OF GOLF COURSE OPERATIONS AT  
CITY OF MERIDIAN'S LAKEVIEW MUNICIPAL GOLF COURSE

This ASSIGNMENT OF LEASE entered into by the City of Meridian, an Idaho municipal corporation, ("City") as Lessor and the Western Ada Recreation District, a Recreation District created and organized under Title 31, Chapter 43 of the Idaho Code ("District") as "Lessee".

WITNESSETH, that for and in consideration of the mutual promises, covenants and agreements contained herein, the parties hereby agree as follows:

1. CONSENT TO ASSIGNMENT OF LEASE – CONTINGENT ON SALE OF ASSETS

- A. Provided that transaction contemplated in the Asset Purchase Agreement between Lakeview Meridian Investors LLC and District has closed and District has become the rightful owner of the Assets transferred by said Asset Purchase Agreement, City does provide its contingent consent to the assignment of that certain lease agreement dated May 17, 2005 between City and Lakeview Meridian Investors, LLC, (the Assignor) to Lessee, subject to the amended terms and conditions contained herein.
- B. Any waiver by District of the Seller's Covenants, Representations, Warranties, and agreement to pay Closing Date Indebtedness made in the Asset Purchase Agreement must be approved by City in order for the City's assignment of the Lease to become effective.

2. GRANT OF AUTHORITY; LEASED PREMISES

- A. The City accepts the Lessee as lessee of the Lease at the Lakeview Golf Course and understands that Lessee has all of the rights and obligation of the original lease, except as modified herein.
- B. Lessee acknowledges personal inspection of the golf premises and the surrounding area and evaluation of the extent to which the physical condition thereof will affect the operation of the golf course. Lessee accepts the demised premises in its present condition and agrees to make no demands upon the City for any improvements or alteration thereof.
- C. Ownership of all existing structures, and of all structures, buildings and/or improvements currently located upon the leased premises, and all alterations, additions or betterments thereto (the items included in the Description of Assets in the Asset Purchase Agreement), shall immediately vest and be vested in City after the term hereof, without compensation being paid therefore. Such structures, buildings and/or improvements shall be surrendered to City with the remainder of

the leased premises upon termination of the Lease Agreement. As a condition of this Assignment of Lease, District shall execute all appropriate Bills of Sale and other documentation to effectively transfer title of all WARD Leasehold Assets to City upon termination of the Lease Agreement.

3. TERM

- A. As additional consideration for City’s granting of this Assignment of Lease, the term of the assigned Lease agreement shall be from the effective date of the assignment until September 30, 2023 unless earlier terminated at the option of District.
- B. The Lessee DOES NOT have the option of renewing the Lease agreement beyond the term ending September 30, 2023.

4. PAYMENT OF RENT

In consideration of Lessee’s purchase of the golf course leasehold assets and the benefit provided to the public, which consists largely of the same taxpayer base as the City, Lessee shall not be required to pay any periodic rent payments to City.

5. INCORPORATION OF TERMS

All terms and conditions of the May 17, 2005 Lease agreement and any addenda thereto that are not inconsistent with the terms of this Assignment of Lease shall remain in effect and are incorporated herein by this reference.

**IN WITNESS WHEREOF**, the parties hereto have subscribed their names this \_\_\_\_ day of August 2020.

**WESTERN ADA RECREATION DISTRICT:**

By: \_\_\_\_\_  
Shaun Wardle, Board President

**CITY OF MERIDIAN**

By: \_\_\_\_\_  
Robert E. Simison, Mayor

Attest:

\_\_\_\_\_  
Chris Johnson, City Clerk

**LICENSE AND MANAGEMENT AGREEMENT  
BETWEEN  
WESTERN ADA RECREATION DISTRICT  
AND  
THE CITY OF MERIDIAN  
FOR MAINTENANCE AND OPERATION OF  
LAKEVIEW GOLF COURSE**

**THIS AGREEMENT** (the “Agreement”) made and entered into this \_\_\_\_\_ day of \_\_\_\_\_, 2020, by and between the Western Ada Recreation District, a Recreation District created and organized under Title 31, Chapter 43 of the Idaho Code (“District”), and the City of Meridian, an Idaho municipal corporation (“City”).

**WHEREAS**, City owns real property located at 4200 W Talamore Boulevard in Meridian, which is currently developed as an 18 hole public golf course, driving range, pro shop, restaurant and related facilities known as the Lakeview Golf Course (the “Facility”).

**WHEREAS**, the Facility is currently under lease by the City to Lakeview Meridian Investors, LLC, (the “Leasehold Owners”).

**WHEREAS**, the Leasehold Owners’ use of the Facility is pursuant to a certain Agreement of Lease between the City of Meridian and Cherry Lane Recreation, Inc. dated August 13, 1999, which was assigned to the Leasehold Owners in an Assignment of Lease and Amended Lease Agreement between Leasehold Owners, as Lessee, and the City of Meridian, as Lessor, dated May 17, 2005 (all collectively referred to as the “Lease”).

**WHEREAS**, District is currently under contract or will be under contract to purchase the assets of the Leasehold Owners, including their interest in the Lease, the leasehold improvements, and certain assets, properties and contractual rights used in connection with the operation of the golf course.

**WHEREAS**, City intends to agree to an assignment of the Lease to District at such time that the purchase of the assets of the Leasehold Owners is completed.

**WHEREAS**, City has proven experience at successfully and efficiently operating, maintaining, and programming public recreation facilities across the City.

**WHEREAS**, District is interested in entering into a partnership with City to support the efficient operation of Lakeview into the future.

**WHEREAS**, District is willing, upon certain terms and conditions, to license the Facility to City for the purposes stated herein for a period of time defined within this Agreement.

**NOW, THEREFORE, the parties hereto agree as follows:**

**A. GRANT OF LICENSE**

For and in consideration of promises contained herein, and other good and valuable consideration, District hereby gives and grants to City the non-exclusive right, privilege and license to maintain and operate the Facility.

**B. TERM OF AGREEMENT**

The term of this Agreement commences on October 9, 2020 and ends on September 30, 2023 unless the parties mutually agree on an extension or early termination of this Agreement. City's agreement to continue its obligations under this Agreement shall be contingent on the City Council's appropriation of the funds necessary to operate and maintain the Facility.

**C. MASTER PLAN FOR OPERATIONS, IRRIGATION AUDIT, AND WATER RIGHTS RESEARCH**

City and District will endeavor to retain the services of a consultant or consultants to prepare (1) a Master Plan for the Operation of the Facility, (2) an Audit of the state of the Irrigation System including recommendations for extent and timing of any required repair or replacement of the irrigation system, and (3) Water Rights Research and filing of paperwork with the Idaho Department of Water Resources as necessary to assure that the water rights associated with the facility are fully secured. District agrees to contract directly with the mutually selected consultant(s) and District agrees to pay up to a combined total of \$65,000 for such consulting services and deliverables. Subject to mutual agreement, the parties may negotiate for additional funds based on actual quotes for the work.

**D. USE OF LICENSED PREMISES**

City or its assignee(s) shall be licensed to operate and maintain the Facility in a manner consistent with other municipal golf course facilities.

**E. MAINTENANCE AND OPERATION OF THE FACILITY**

City's maintenance and operation of the Facility during the term of this Agreement shall be consistent with the terms of the Lease agreement dated May 17, 2005 referred to in the premises (the "whereas clauses") and incorporated herein by this reference. Specifically, City's (or City's assignee(s)) obligations shall include but are not limited to the following Service Obligations:

1. Golf Services.

City is hereby authorized to grant tee times to the general public on a fair and equitable basis, sell, rent, store and/or repair golf equipment; sell golf related clothing and supplies; provide instructional services in the playing of golf; rent power-driven golf cars and manually operated golf carts.

2. Junior Golf Program.

City shall participate in the promotion of a Junior Golf Program. The City will coordinate with schools for instructional use, team practice, matches and tournaments.

3. Food and Beverage Services.

City or its assignee is hereby authorized to sell food and beverages, including alcoholic beverages, within the restaurant. City or its assignee must obtain and maintain all City, State and Federal licenses and certificates necessary to operate the food and beverage services in accordance with business and health standards. All employees must be able to meet such associated standards as well. City or its assignee may operate the restaurant facility so as to maintain hours of service in conjunction with all regular golf course activities, including regularly or specially scheduled tournaments. The restaurant may be operated at additional times, so long as it complies with all laws and regulations applicable thereto. City or its assignee may install and maintain, at their own expense, all equipment necessary to operate a food and beverage service. City or its assignee shall provide and maintain the necessary inventory of food and beverage products required to satisfy the public demand thereof.

4. Liquor License.

The Idaho State Retail by the Drink License to be included in the sale of golf course assets to District shall be retained in the ownership of the District during the term of this Agreement unless otherwise agreed by the Parties. District shall cooperate with City or City's assignee to utilize the License in connection with the food and beverage services at the Facility.

5. Building and Equipment Maintenance Services.

City shall, at his expense, keep and maintain the premises and all buildings, structures, improvements, fixtures, trade fixtures, golf course maintenance equipment and use equipment, including power-driven golf cars and manually operated golf carts, office equipment, and utility systems which may now or hereinafter exist thereon, in good, operable, usable and sanitary order and repair and in a good, safe condition, ordinary wear and tear excepted, throughout the term of this Agreement. City's obligation to maintain equipment shall apply whether the equipment is owned by City or District, including equipment subject to lease agreements held by District. At such time that equipment owned by District has reached the end of its useful life, City shall cooperate with District to declare such items as surplus equipment or otherwise lawfully dispose of such depleted equipment. City, at its sole expense, shall be responsible for replacing any depleted equipment and City shall be responsible for procuring any additional equipment that City deems necessary to meet its maintenance and operations requirements under this Agreement.

6. Grounds Maintenance Requirements.

City is hereby required to provide grounds maintenance services, including, but not limited to, the obligation to mow, edge, trim, overseed, fertilize, aerate, irrigate, sod, change cups, service tees, topdress, raise divots, rake traps, spray, mop, spot irrigate, syringe, and renovate turf and shrub areas designated hereunder; as well as to provide weed, disease and pest control, tree maintenance, maintenance of irrigation system



including mainlines, pumps, boosters and controllers, keep swales in good repair and to provide the necessary maintenance of any appurtenant structures and equipment, and other duties as deemed necessary by City.

7. Irrigation System.

City shall use its best efforts to maintain and operate the golf course irrigation system in its current state. Upon receipt of the Irrigation System Audit, City and District shall confer and agree upon the best course of action for the long term maintenance and repair of the irrigation system. Neither City nor District have any obligation for the long term maintenance and repair of the irrigation until agreed to in writing.

8. Staff and Employment Practices.

During the term of this Agreement, City intends to maintain an adequate and proper staff to support its maintenance and operations obligations under this Agreement. City may hire staff directly as City employees, or City may manage staff employed by an independent staffing agency, or some combination thereof.

9. Utilities and Irrigation Assessments.

At the commencement of the term of this Agreement, the City shall provide for the transfer of all applicable utility and telephone accounts to City accounts, and thereafter shall provide and pay for any necessary utilities, telephone service, and irrigation assessments at the golf premises.

**F. PAYMENT OF RENT**

In consideration for the obligations agreed to by City under this Agreement, and the benefit provided to the public, City shall not owe any monetary rent to District as rent during the term of this Agreement. City shall be entitled to retain any net profits from golf course operations, and City shall have the obligation to incur any net losses from golf course operations.

**G. INDEMNIFICATION AND INSURANCE**

City hereby agrees to indemnify and hold District harmless from any loss, liability, claim or action from damages or injuries to persons or property in any way arising out of or resulting from the maintenance, use, and/or occupancy of the Facility by City, its agents, assignees, employees, guests, or business invitees. If any claim, suit or action is filed against District for any loss or claim described in this paragraph, to the extent allowed by law City shall defend District and assume all costs, including attorney's fees, associated with the defense or resolution thereof, however District shall not be relieved hereby from liability for its own negligent or willful acts or omissions or that of its employees.

In addition, City shall maintain, and specifically agrees to maintain throughout the term of this Agreement, liability insurance in the minimum amount as specified in the Idaho Tort Claims Act set forth in Title 6, Chapter 9 of the Idaho Code, and such amount shall be deemed to be the limit of City's covenant to indemnify and save and hold harmless District.

In the event the insurance minimums of the Idaho Tort Claims Act are changed, City shall immediately submit Proof of Compliance with the changed limits.

**H. TERMINATION**

**TERMINATION UPON DEFAULT:** If either party is in breach or default of any terms, covenants, or conditions of this Agreement and fails or refuses to cure such breach or default within 180 days of written notice thereof, this Agreement, and all rights conferred by this Agreement, at the non-breaching party’s option, may be deemed terminated and forfeited without further notice or demand. Termination action by the non-breaching party shall be tolled as long as the party in breach is actively pursuing reasonable efforts to cure the breach.

**TERMINATION UPON MUTUAL AGREEMENT:** The parties may mutually agree to terminate this agreement in writing at any time.

**I. ASSIGNMENT OR TRANSFER**

City shall not assign, sublet or transfer the City’s interest in the licensed premises pursuant to this agreement, or any portion thereof, or cause or suffer any alterations thereto, other than as specified in this Agreement, without the express written consent of District, which consent shall not be unreasonably withheld.

**J. NOTICES**

- 1. All notices or other communications required or permitted under this Agreement shall be in writing and may be given by depositing the same in the United States mail, addressed to the party to be notified, postage prepaid and registered or certified with return receipt requested, by overnight courier, or by delivering the same in person to such party, addressed as follows:

**To District:**                    **Western Ada Recreation District**  
**By Mail at: P.O. Box 566**  
**Meridian, ID 83680**  
**By Delivery at: 30 E. Franklin Rd**  
**Meridian, ID 83642**

**To City:**                        **City of Meridian**  
**Attn: City Clerk**  
**33 E. Broadway Avenue**  
**Meridian ID 83642**

- 2. Notice shall be deemed given and effective the day personally delivered, the day sent by overnight courier, subject to signature verification, and the day of deposit in the U.S.

mail, certified, return receipt requested, of a writing addressed and sent as provided above. Any party may change the address for notice by notifying the other parties of such change in accordance with this Section.

**K. APPROVAL BY GOVERNING BOARDS REQUIRED**

This Agreement shall not be effective for any purpose whatsoever until it is approved by the parties' respective governing boards.

**IN WITNESS WHEREOF**, the parties hereto have subscribed their names the day and year first above written.

**WESTERN ADA RECREATION DISTRICT**

By: \_\_\_\_\_  
Shaun Wardle, Board President

**CITY OF MERIDIAN**

By: \_\_\_\_\_  
Robert E. Simison, Mayor

Attest:

\_\_\_\_\_  
Chris Johnson, City Clerk