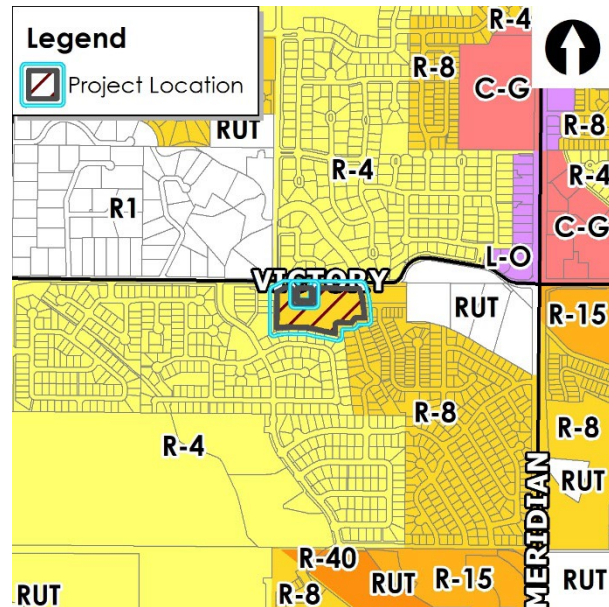




COMMUNITY DEVELOPMENT DEPARTMENT

HEARING DATE: 5/24/2022
 TO: Mayor & City Council
 FROM: Joseph Dodson, Associate Planner
 208-884-5533
 SUBJECT: H-2022-0024
 Timberline North (Timberline No. 2) PFP
 LOCATION: The site is located at 655 and 735 W. Victory Road, in the NE1/4 of Section 25, Township 3N., Range 1W.



I. PROJECT DESCRIPTION

Combined Preliminary and Final Plat for 33 single-family residential building lots and 4 common lots on 9.8 acres of land in the R-8 zoning district for the purpose of subdividing phase 2 of the Timberline Subdivision (H-2017-0140, DA# 114007668) that has since expired.

II. SUMMARY OF REPORT

A. Applicant:

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

B. Owner:

Mark Bailey, Bailey Investments – 13501 51st Avenue NE, Marysville, WA 98271

C. Representative:

Same as Applicant

III. STAFF ANALYSIS

The subject property, approximately 9.8 acres, was originally platted in 2017 under Timberline Subdivision (H-2017-0140) but was annexed in 2013 as part of a City initiated annexation from RUT to the R-8 zoning district (AZ-13-014, DA# 114007668). The approved preliminary plat was to be completed in two phases. Phase 1 consists of 24 single-family residential building lots and has been recorded and fully constructed with homes, open space, etc. Phase 2 received final plat approval for 33 single-family residential building lots and 4 common lots in March 2020 and was set to expire on May 1, 2021, two years following the City Engineer's signature of the phase 1 final plat consistent with City code. Due to unfortunate timing and circumstances, the Timberline No. 2 final plat did not receive City

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Engineer signature by the deadline and no time extension was submitted in accord with UDC standards. Therefore, the phase 2 final plat expired which subsequently made the original preliminary plat approved in 2017 expire. The Applicant is required to re-plat the phase 2 area in order record phase 2 of the final plat.

Currently phase 2 of the development is constructed per the previous approval including the open space, fencing, utilities, sidewalks, and public roads. Because the all of the subdivision improvements are constructed, the Applicant has submitted the previously approved final plat documents from the previous application and an Alternative Compliance (ALT) application to allow the existing open space approved with the original submittal to remain as is without requiring the plat to comply with the current open space and amenity standards. Due to the unique circumstances behind the expiration of the plat and the fact that the improvements are all done, staff believes additional open space and amenities are not necessary. Below is staff's analysis the ALT request.

PLAT DATA:

The two phases of Timberline Subdivision totaled 57 single-family residential building lots on approximately 17.3 acres of land. The subject phase 2 area proposes 33 building lots and 4 common lots on 9.8 acres which constitutes a gross density of 3.26 du/ac for this phase, consistent with previous approvals and the comprehensive plan designation of Medium Density Residential (MDR). 33-foot wide local streets with 5-foot wide attached sidewalks are constructed throughout the development which allows for on-street parking where no driveways are present. The subject plat contains approximately 0.7 acres of qualified open space (common lots and half of the Victory Road buffer) and the overall Timberline Subdivision is approved for approximately 1.9 acres of qualified open space which amounts to approximately 11%, above the previous requirement to provide a minimum of 10% qualified open space. The amenities exist within the phase 1 area and include a child's play structure and play area and a shaded picnic area. Because the submitted plans match the previously approved phase 2 final plat, Staff has included those previous conditions of approval as the conditions of approval for this application. Public Works has no comments on the subject application as all improvements have been constructed in accord with the approved construction drawings.

Staff finds the proposed combined preliminary/final plat meets all UDC dimensional standards and is consistent with the Comprehensive Plan as previously approved.

ALTERNATIVE COMPLIANCE FINDINGS ([UDC 11-5B-5E](#)):

Applicant is requesting Alternative Compliance to the Common Open Space & Amenity standards outlined in [UDC 11-3G-3](#) which require projects within the R-8 zoning district to have a minimum of 15% qualified open space. As discussed, the proposed combined preliminary/final plat is for an area that has received previous preliminary and final plat approvals but did not receive final plat signature prior to the plat expiring despite having all open space, roadways, sidewalks, and utilities fully constructed. Because of the described circumstances, Staff recommends approval of the Alternative Compliance request because strict adherence of the requirements is not feasible as described below. Specific findings to the subject request are as follows:

1. Strict adherence or application of the requirements are not feasible; or

Staff finds strict adherence of the open space and amenity requirements is physically feasible but would be burdensome on the Applicant to comply because the development's foundation of roadways and utilities are already in place for both phase 1 and phase 2 of the project area. Requiring additional open space to meet the minimum 15% overall would require the loss of building lots to add approximately 0.7 acres of additional qualified open space. Staff does not find strict adherence to this standard necessary as the building lots within this phase of Timberline have an average lot size of approximately 8,000 square feet (minimum lot size for R-4 zoning district) which allow for larger private yards for recreation. Furthermore, the

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phase 1 area contains a large open space lot linked with adjacent open space in the Jocelyn Park Subdivision to the east where all Timberline residents would be able to enjoy and utilize open space.

2. The alternative compliance provides an equal or superior means for meeting the requirements; and

The alternative means does not exceed the minimum open space requirements of the current open space code but Staff finds the previous approvals for approximately 11% qualified open space overall to be an equal means of meeting the requirements when all development criteria are taken into account: lot sizes, pedestrian access, adjacent open space, and area of open space lots in phase 1.

3. The alternative means will not be materially detrimental to the public welfare or impair the intended uses and character of surrounding properties.

Staff finds the proposed open space will not be materially detrimental to the public welfare or impair the intended uses and character of surrounding properties.

The Director has granted approval of the subject Alternative Compliance request per the findings above.

IV. DECISION

A. Staff:

Staff recommends approval of the subject combined preliminary/final plat per the conditions of approval in Section VI and the findings in Section VII and the Director has approved the alternative compliance request per the Findings above.

B. The Meridian Planning & Zoning Commission heard these items on May 5, 2022. At the public hearing, the Commission moved to recommend approval of the subject Combined Preliminary and Final Plat request.

1. Summary of Commission public hearing:

- a. In favor: Penelope Constantikes, Applicant Representative;**
- b. In opposition: None**
- c. Commenting: Penelope Constantikes;**
- d. Written testimony: Justin Bell – Issues with rezoning any property from R-4 to R-8 (not part of application, property already zoned R-8).**
- e. Staff presenting application: Joseph Dodson, Associate Planner.**
- f. Other Staff commenting on application: None**

2. Key issue(s) of public testimony:

- a. None**

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

- a. What is the location, accessibility, and amount of open space previously approved;**

4. Commission change(s) to Staff recommendation:

- a. None**

5. Outstanding issue(s) for City Council:

- a. None**

C. The Meridian City Council heard these items on May 24, 2022. At the public hearing, the Council moved to approve the subject Combined Preliminary and Final Plat request.

1. Summary of the City Council public hearing:

- a. In favor: Penelope Constantikes, Applicant Representative**

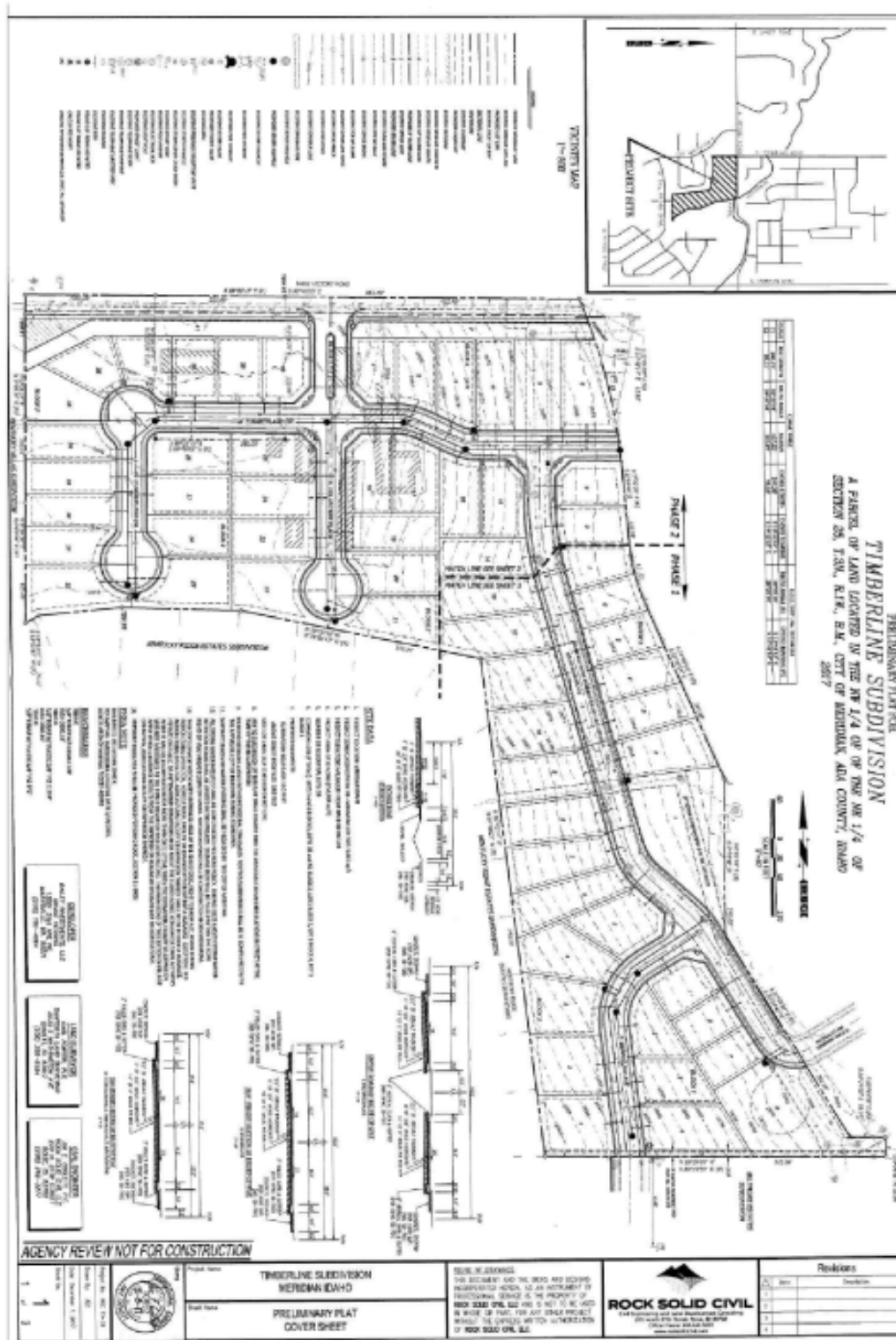
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- b. In opposition: None
- c. Commenting: Penelope Constantikes
- d. Written testimony: None since commission hearing.
- e. Staff presenting application: Joseph Dodson, Associate Planner
- f. Other Staff commenting on application: None
- 2. Key issue(s) of public testimony:
 - a. None
- 3. Key issue(s) of discussion by City Council:
 - a. Clarification on type of application before Council and its context with previous approvals;
 - b. How close are the previous approvals and submitted plat – they are identical.
- 4. City Council change(s) to Commission recommendation:
 - a. None

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V. EXHIBITS

A. Approved Preliminary Plat (December 2017)



B. Combined Preliminary/Final Plat (stamp date: January 12, 2022)

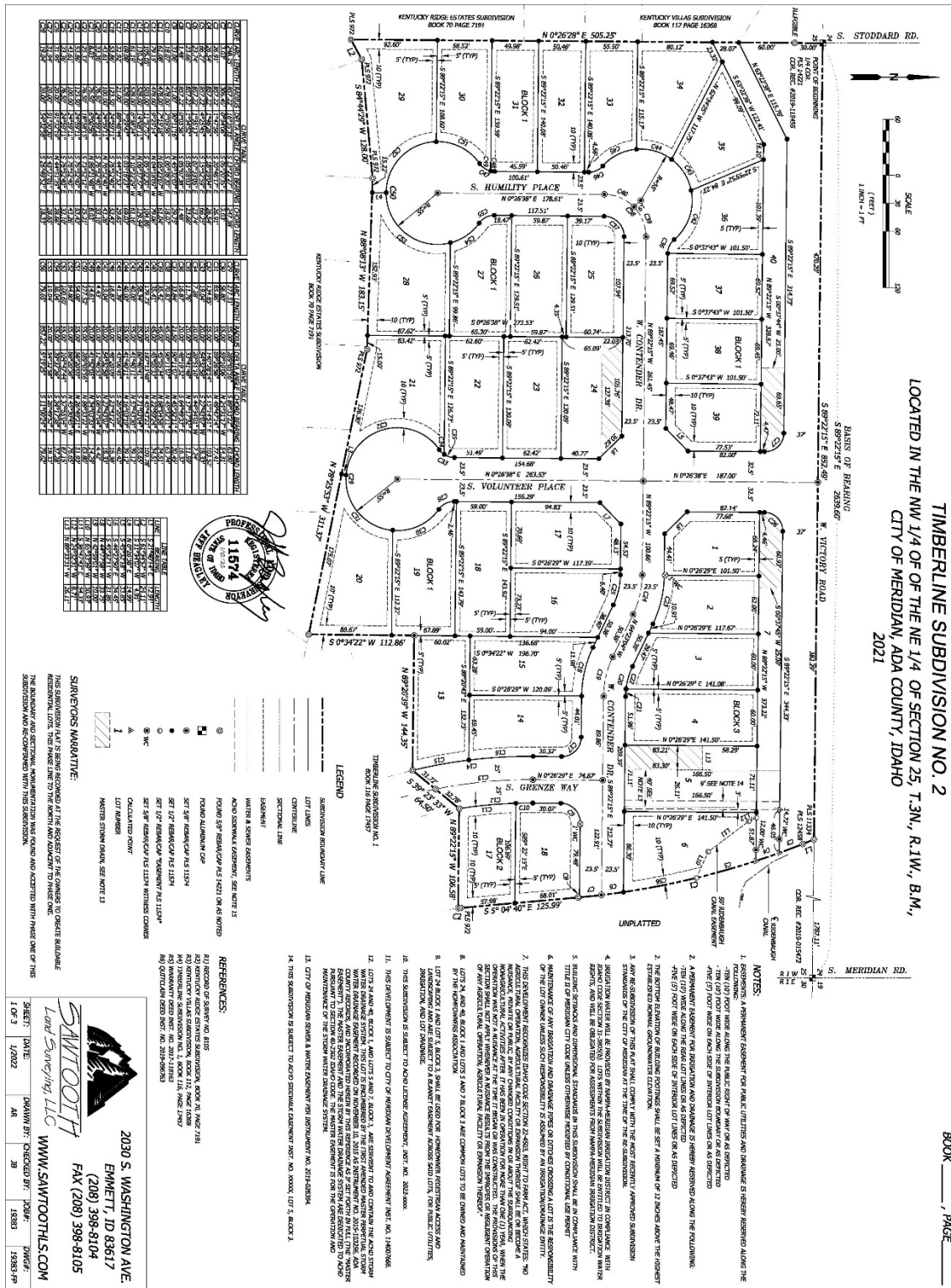
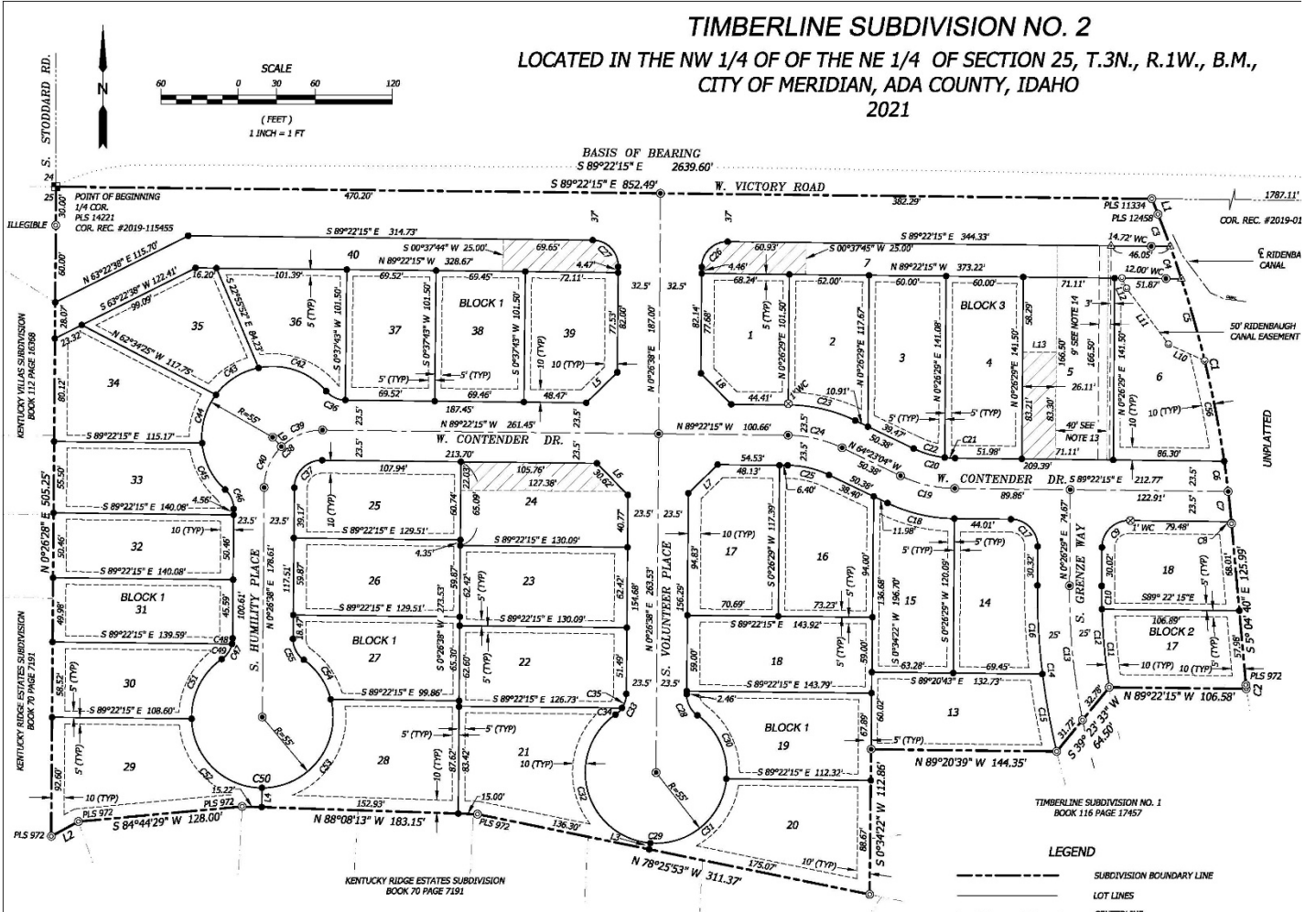


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TIMBERLINE SUBDIVISION NO. 2

LOCATED IN THE NW 1/4 OF OF THE NE 1/4 OF SECTION 25, T.3N., R.1W., B.M.,
CITY OF MERIDIAN, ADA COUNTY, IDAHO
2021



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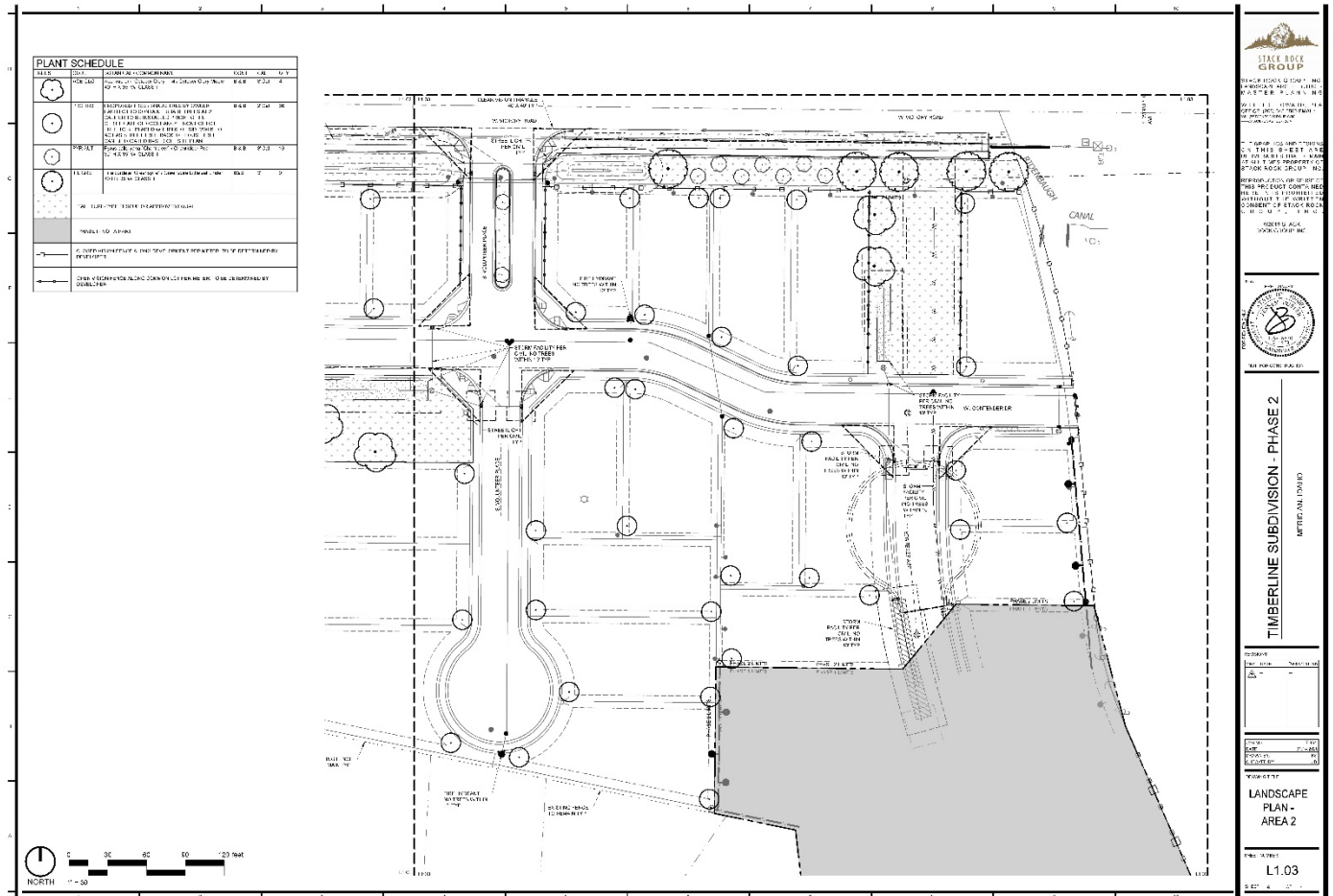


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VI. CONDITIONS

A. Planning Division Conditions

1. The applicant shall comply with all applicable conditions of approval associated with this site (AZ-13-014 and recorded development agreement instrument #114007668).
2. The preliminary/final plat approval shall be null and void if the Applicant fails to either: 1) Obtain City Engineer's signature on the plat within two years from the day City Council grants approval of the Findings of Fact, Conclusions of Law for this project, Timberline North (Timberline No. 2); or, obtain approval for a time extension in accord with UDC 11-6B-7.
3. The final plat prepared by Sawtooth Land Surveying, LLC, with a stamped date of ~~January 12, 2022~~ May 2, 2022, is approved as submitted. ~~shall be revised as follows at the time of Final Plat Signature submittal:~~
 - a. ~~Note #5 shall be corrected to show read "...Title 11 of Meridian City Code..." instead of "Title II..."~~
 - b. ~~Note #14 add applicable instrument number.~~
 - c. ~~Add ACHD R/W Instrument number on final plat where ultimate right of way is shown.~~
4. The submitted landscape plan prepared by Stack Rock Group, with a stamped date of May 2, 2022, is approved as submitted. ~~dated 01/14/2020 shall be revised as follows at the time of Final Plat Signature submittal:~~
 - a. ~~With submittal of the final plat Mylar application, the applicant shall provide a revised landscape plan per UDC requirements and standards set forth in 11-3B-7C.5a: "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. (Ord. 16-1672, 2-16-2016)." This condition shall be applied to the Northwest corner of the property abutting W. Victory Road.~~
5. Four (4) type 1 streetlights are required along W. Victory Road. Davit poles may be used if there are conflicts with overhead power lines.
6. 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, at (208) 887-1620 for more information.
7. Staff's failure to cite specific ordinance provisions or conditions from previous approvals does not relieve the applicant of responsibility for compliance.
8. The applicant shall construct single family detached dwellings in accord with the recorded development agreement.
9. The rear and/or sides of homes abutting all arterial and collector roadways 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 that are visible from the subject public street. Single-story structures are exempt from this requirement.
10. Future development shall be consistent with the minimum dimensional standards listed in UDC Table 11-2A-6 for the R-8 zoning district.
11. Prior to release of Certificate of Occupancy by the Planning Division, the plat shall be recorded.

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12. The Director approved alternative compliance in accord with UDC 11-5B-5 regarding the common open space and amenity standards outlined in UDC 11-3G-3 & 11-3G-4.

B. Ada County Highway District (ACHD)

<https://weblink.meridiancity.org/WebLink/DocView.aspx?id=260030&dbid=0&repo=MeridianCity&cr=1>

C. Nampa & Meridian Irrigation District (NMID)

<https://weblink.meridiancity.org/WebLink/DocView.aspx?id=259180&dbid=0&repo=MeridianCity>

D. Boise Project Board of Control (BPBC)

<https://weblink.meridiancity.org/WebLink/DocView.aspx?id=258882&dbid=0&repo=MeridianCity>

E. Department of Environmental Quality (DEQ)

<https://weblink.meridiancity.org/WebLink/DocView.aspx?id=259062&dbid=0&repo=MeridianCity>

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VII. REQUIRED FINDINGS

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

1. **The plat is in conformance with the comprehensive plan and is consistent with this Unified Development Code;**

Council finds the proposed combined preliminary and final plat is consistent with the comprehensive plan and the UDC as outlined in Section IV of this report.

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

Council finds public services are already in place and activated for this development; therefore, public services are adequate to accommodate the development.

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

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

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

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

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

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.**

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