

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



In the Matter of the Request for a Short plat to Create Two Buildable Lots on 0.3 Acres of Land in the R-15 Zoning District, by Russell McCrea.

Case No(s). SHP-2021-0006

For the City Council Hearing Date of: May 18, 2022 (Findings on June 7, 2022)

A. Findings of Fact

1. Hearing Facts (see attached Staff Report for the hearing date of May 18, 2022, incorporated by reference)
2. Process Facts (see attached Staff Report for the hearing date of May 18, 2022, incorporated by reference)
3. Application and Property Facts (see attached Staff Report for the hearing date of May 18, 2022, incorporated by reference)
4. Required Findings per the Unified Development Code (see attached Staff Report for the hearing date of May 18, 2022, 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 May 18, 2022, 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 a short plat is hereby approved per the conditions of approval in the Staff Report for the hearing date of May 18, 2022, 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).

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

1. **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 May 18, 2022.

By action of the City Council at its regular meeting held on the _____ day of _____, 2022.

COUNCIL PRESIDENT BRAD HOAGLUN VOTED_____

COUNCIL VICE PRESIDENT JOE BORTON VOTED_____

COUNCIL MEMBER JESSICA PERREAULT VOTED_____

COUNCIL MEMBER LUKE CAVENER VOTED_____

COUNCIL MEMBER TREG BERNT 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

EXHIBIT A

STAFF REPORT

COMMUNITY DEVELOPMENT DEPARTMENT



HEARING DATE: 5/18/2022

TO: Mayor & City Council

FROM: Alan Tiefenbach, Associate Planner
208-498-0573

SUBJECT: SHP-2021-0006
McCrea Meadow Short Plat

LOCATION: The site is located at 1028 NE 3rd St. in the S ½ of the NW ¼ of Section 7, Township 3N, Range 1E.



I. PROJECT DESCRIPTION

The Applicant proposes a Short Plat to create two buildable lots on 0.3 acres of land in the R-15 zoning district.

II. APPLICANT INFORMATION

A. Applicant / Owner / Representative:

Russell McCrea – 1027 S. Cameron St. Boise, ID 83709

III. NOTICING

	City Council Posting Date
Newspaper Notification	05/01/2022
Radius notification mailed to properties within 500 feet	04/27/2022

IV. STAFF ANALYSIS

The Applicant proposes a short plat to subdivide the subject property into a new plat consisting of 2 lots to allow an additional single-family residence.

The subject property is approximately 0.3 acres, is located at the northeast corner of E. Carlton Ave. and NE 3rd St., and is zoned R-15. It is located within the Cottage Home Addition to Meridian Subdivision, which was platted in 1897. There is an existing 1,350 sq. ft. single family residence on the property that was constructed in 1932. The applicant requests to contain the existing residence on a northern lot of approximately 7,700 sq. ft. and subdivide a second 4,950 sq. ft. southern lot for a future residence. Access to the existing residence occurs from E. Carlton Ave, a local street. Access to the new residence will occur via an existing alley at the south side of the property.

The Downtown Meridian City Core Street Cross Section Master Plan contains a template of the portion of NE 3rd Street bordering the property. There is already curb, gutter and sidewalk along E. Carlton Ave. NE 3rd St. from E. State Ave to E. Carlton Ave (the vicinity of the subject property) has yet to be reconstructed, so staff is not requiring curb and gutter at this time. The applicant will be installing a 6 ft. wide detached sidewalk, but the alignment differs from the approved road template. This is to preserve a very large existing tree on the property. The City Arborist submitted a letter supporting this deviation.

Existing and future water service for the properties is shown to occur from E. Carlton Ave. The applicant's civil plans indicate sewer for the new residence to connect to an existing main in the alley at the south. However, the City intends to install a sewer main along E Carlton Ave. within the next 5 years and sewer service will be required to connect to this main. Due to an existing carport and tree, it does not appear there is enough room on the east side of the property to run both water and sewer lines. As a condition of approval, staff is recommending the plat be revised to reflect a 10 ft wide sewer easement along the western property line (within the 20 ft. wide landscape easement) to provide sewer from E. Carlton Ave.

Alternative Compliance from UDC 11-2A-7.

UDC 11-5B-5 allows alternative compliance from landscape requirements when explicit compliance is not feasible or the alternative means is superior to what is required. The applicant has requested alternative compliance from UDC 11-3B-7-C-3b. This requirement pertains to a minimum density within landscape buffers of one tree per 35 linear feet. According to the applicant, the two additional trees cannot be provided due to existing overhead power lines and a 68 ft. high, 60-inch diameter silver maple tree with a canopy of approximately 90 ft. across.

Requests for alternative compliance are allowed only when one (1) or more of the following conditions exist:

- a. *Topography, soil, vegetation, or other site conditions are such that full compliance is impossible or impractical;*
- b. *The site involves space limitations or an unusually shaped lot;*
- c. *Safety considerations make alternative compliance desirable;*
- d. *Other regulatory agencies or departments having jurisdiction are requiring design standards that conflict with the requirements of this article;*
- e. *The proposed design includes innovative design features based on "new urbanism", "neotraditional design", or other architectural and/or site designs that promote walkable and mixed use neighborhoods;*

f. Additional environmental quality improvements would result from the alternative compliance.

As the request for alternative compliance is a result of vegetation, space limitations, and removing a mature maple tree would be an adverse environmental impact, several of the required conditions exist.

In order to grant approval for an alternative compliance application, the Director shall determine the following:

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

As mentioned, a very large existing tree with a 90 ft. wide canopy makes planting additional trees not practical.

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

The Director finds preserving the mature tree is a preferable means to meeting the intent of the landscape buffer requirements. As a condition of approval, the Director is requiring all unimproved right-of-way along the property line east of the proposed sidewalk, as well as a 20 ft. wide easement as measured from the property line, to be landscaped with lawn or other vegetative cover and maintained by the applicant or as otherwise indicated by a license agreement between the property owner and ACHD.

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

The Director finds the alternative means will be less materially detrimental to the public welfare or impair the intended uses and character of surrounding properties.

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

V. DECISION

A. Staff:

Staff recommends approval of the proposed short plat with the conditions noted in Section VII of this report. The director has approved the ALT request per the Findings above.

- B. The Meridian City Council heard these items on May 18, 2022. At the public hearing, the Council moved to approve the subject short plat request.
1. Summary of the City Council public hearing:
 - a. In favor: Russell McCrea
 - b. In opposition: None
 - c. Commenting: Russell McCrea
 - 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. Council removed Condition 1b regarding requiring the 10 ft. wide sewer line easement. Staff explained this requirement was determined unnecessary. Because it would be a private line, it would be up to the applicant to determine the best location.

VI. EXHIBITS

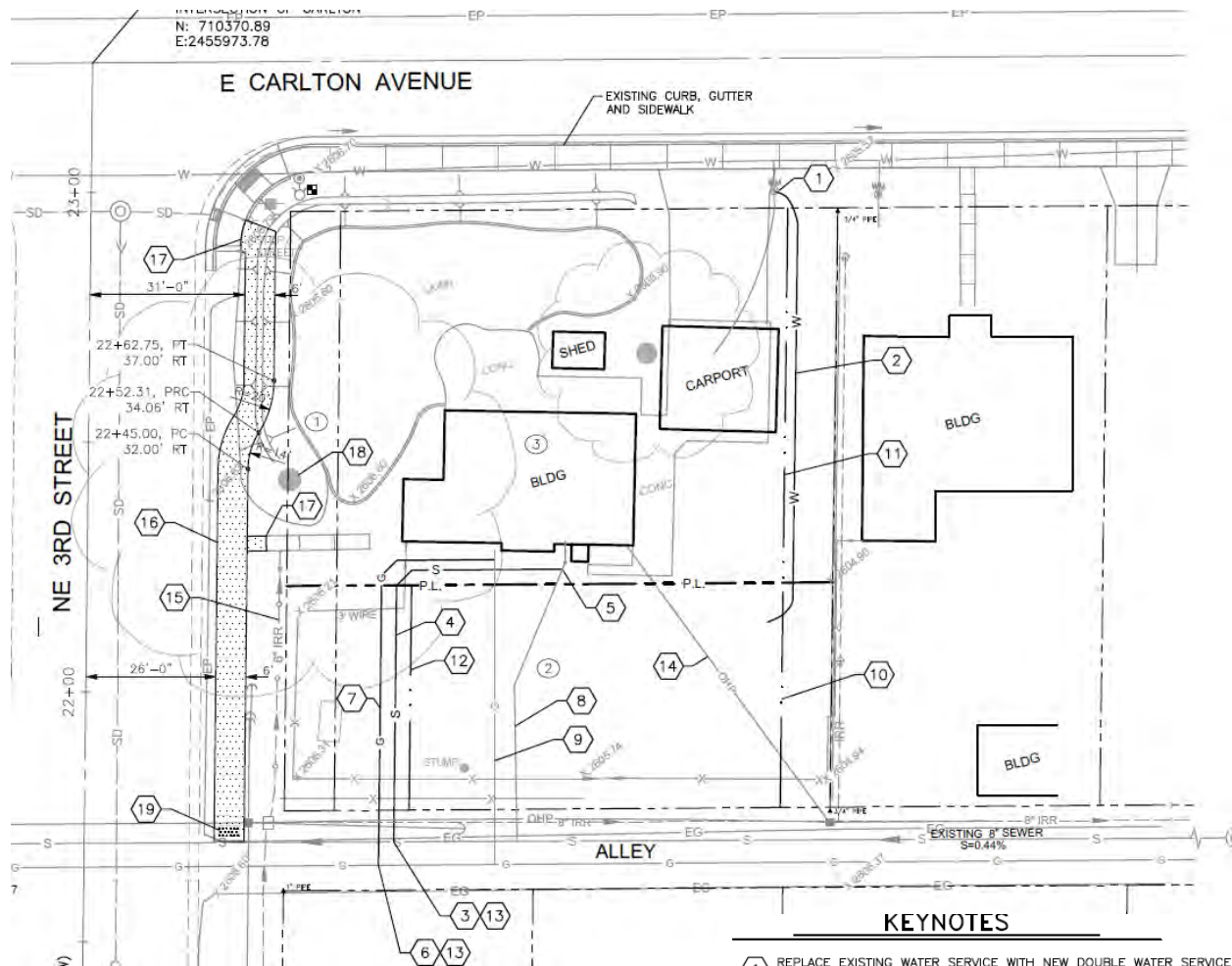
- A. Proposed Short Plat (date: 2/1/22)

BEING A REPLAT OF LOTS 7 AND 8 AND A PART OF LOT 9 OF BLOCK 6 OF COTTAGE HOME
ADDITION TO MERIDIAN, LOCATED IN THE S 1/2 OF THE NW 1/4 OF SECTION 7, TOWNSHIP 3
NORTH, RANGE 1 EAST, BOISE MERIDIAN, CITY OF MERIDIAN, ADA COUNTY, IDAHO

2022



B. Proposed Site Plan (date: 1/31/2022)



KEYNOTES

- 1 REPLACE EXISTING WATER SERVICE WITH NEW DOUBLE WATER SERVICE PER CITY STANDARDS. RECONNECT EX. SERVICE LINE TO LOT 1
- 2 1"Ø WATER SERVICE LINE TO SERVE LOT 2
- 3 NEW SEWER SERVICE TAP TO SERVE LOT 1
INV. 8"Ø=2596.69
INV. 4"Ø TAP=2597.49
- 4 85 LF 4"Ø SEWER SERVICE LINE
SLOPE=2.0%
- 5 CONNECT TO EXISTING SEWER SERVICE LINE
INV. 4"Ø=2599.20±
CONTRACTOR TO VERIFY HORIZ. & VERT. LOCATION AND OBTAIN ALL NECESSARY PERMITS PRIOR TO CONSTRUCTION.
- 6 NEW GAS SERVICE TAP TO SERVE LOT 1
- 7 NEW GAS SERVICE LINE TO SERVE LOT 1
- 8 RETAIN EXISTING SEWER SERVICE FROM LOT 1 TO SERVE LOT 2
- 9 RETAIN EXISTING GAS SERVICE FROM LOT 1 TO SERVE LOT 2 (BY GAS CO.)
- 10 10' WIDE EASEMENT FOR UTILITY SERVICES TO LOT 1
- 11 10' WIDE EASEMENT FOR UTILITY SERVICES TO LOT 2
- 12 15' WIDE EASEMENT FOR UTILITY SERVICES TO LOT 1
- 13 TYPE 'C' SURFACE RESTORATION (GRAVEL ROADWAY) PER ISPMC SD-303
- 14 RELOCATE OHP TO BURIED LINE TO SERVICE LOTS 1& 2 (BY ID. POWER)
- 15 RETAIN AND PROTECT EXISTING GRAVITY IRRIGATION PIPE AND ORCHARD VAVLES FOR GRAVITY IRRIGATION DELIVERY TO LOTS 1 AND 2
- 16 6' WIDE CONCRETE SIDEWALK PER SD-709 (ACHD SUPP. TO ISPMC)
- 17 MATCH TO EXISTING SIDEWALK
- 18 RETAIN AND PROTECT EXISTING TREE AND TREE ROOTS
- 19 INSTALL TACTILE WARNING SURFACE (TWS) FOR PEDESTRIAN ACCESS PER SD-712 (ACHD SUPP. TO ISPMC)

C. Site Pictures



VII. CITY/AGENCY COMMENTS & CONDITIONS

A. Planning Division

Site Specific Conditions:

1. The short plat prepared by Kyle Koomler of Civil Survey Consultants, Inc included in Section VI.B shall be revised as follows:
 - a) A 20 ft. landscape easement as measured from the property line shall be indicated along the western property line. Landscape easement shall be vegetated in accord with UDC 11-3B-7 unless alternative compliance has been approved by the Director.
 - b) ~~A 10 ft. wide sewer easement connecting to E. Carlton Ave. shall be reflected within the landscape easement along the western property line.~~**
2. All unimproved right-of-way along the property east of the proposed sidewalk, as well as the 20 ft. wide landscape easement shall be landscaped with lawn or other vegetative cover and maintained by the applicant or as otherwise indicated by a license agreement between the property owner and ACHD.
3. If the City Engineer's signature has not been obtained within two (2) years of the City Council's approval of the short plat, the short plat shall become null and void unless a time extension is obtained, per UDC 11-6B-7.
4. The applicant shall provide underground, pressurized irrigation water as required by UDC 11-3A-15 or shall submit a waiver request to the City Engineer to retain the existing flood irrigation system prior to signature on the short plat.
5. Per UDC 11-5B-5B2, the Director (at the applicant's request) approved alternative compliance regarding UDC 11-2A-7 to not require additional trees to be planted within the landscape buffer along NE 3rd St.
6. Existing and future development shall comply with the dimensional standards of the R-15 zoning district.
7. Future development shall be consistent with the East 3Rd Street Section of the Downtown Meridian City Core Street Cross Section Master Plan.
8. Staff's failure to cite specific ordinance provisions or conditions from the previous approvals as noted in condition 3. above, does not relieve the Applicant of responsibility for compliance.

B. Public Works

Site Specific Conditions:

1. The sewer line in the alley way will be abandoned and a new sewer main will be constructed in Carlton Ave in the next few years. Due to this, the applicant must install dry sewer main lines for both properties to Carlton for easy connection to the future sewer main.
2. If the dry sewer service is brought along the east side of the property, a 15-foot-wide easement will be required for water and sewer services running parallel. Locate water and sewer services at least 4 feet from the edge of the easement and provide a minimum of 6 feet of separation between services. Alternatively, a sewer service could be run along the west side of the property. In this case, only a 10-foot-wide easement would be needed.

3. Ensure no permanent structures including but not limited to buildings, carports, infiltration trenches, fences, trees, shrubs, etc. are within any City utility easement.
4. A streetlight plan is required to be provided for this project.

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

VIII. REQUIRED FINDINGS FROM THE UNIFIED DEVELOPMENT CODE

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

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

The Comprehensive Plan designates the future land use of this property as Old Town. The current zoning district of the site is R-15. The proposed short plat complies with the Comprehensive Plan and is developed in accord with UDC standards.

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

Council finds that public services are adequate to serve the site.

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

Council finds that the development will not require the expenditure of capital improvement funds. All required utilities are being provided with the development of the property at the developer's expense.

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

Council finds that the development will not require major expenditures for providing supporting services. The developer and/or future lot owner(s) will finance improvements for sewer, water, utilities and pressurized irrigation to serve the project.

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

Council finds the proposed short plat will not be detrimental to the public health, safety or general welfare.

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

Council is not aware of any significant natural, scenic or historic features associated with the development of this site.