

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



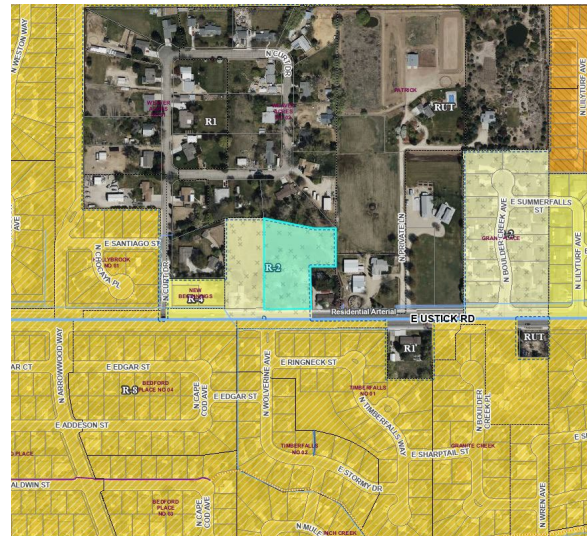
HEARING 10/18/2022  
DATE:

TO: Mayor & City Council

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

SUBJECT: SHP-2022-0010  
Idak Subdivision

LOCATION: Located at 840 E. Ustick Road, on the north side of E. Ustick Road near the 1/2 mile mark between N. Meridian Road and N. Locust Grove Road, in the SW 1/4 of the SE 1/4 of Section 31, Township 4N, Range 1E.



**I. PROJECT DESCRIPTION**

Short Plat request to subdivide an existing single-family building lot into two (2) single-family building lots on approximately 2.09 acres in the R-2 zoning district, by Sawtooth Land Surveying.

**II. APPLICANT INFORMATION**

A. Applicant:

Amy Rosa, Sawtooth Land Surveying – 2030 S Washington Ave, Emmett, ID 83617

B. Owner:

Blaine Bergin – 840 E. Ustick, Meridian, ID 83646

C. Representative:

Same as Applicant

**III. NOTICING**

|                                                         | City Council<br>Posting Date |
|---------------------------------------------------------|------------------------------|
| Legal notice published in newspaper                     | 10/2/2022                    |
| Radius notice mailed to property owners within 500 feet | 9/29/2022                    |

#### IV. STAFF ANALYSIS

The proposed short plat will split an existing residential lot into two (2) building lots for the purpose of constructing a dream home on the new lot. The existing home is proposed to remain and is located within the required landscape buffer to Ustick Road, an arterial street. The Applicant has requested Alternative Compliance (ALT) to the buffer width due to the existing landscaping and the location of the home; further analysis is below. As noted, the subject property has public road frontage along E. Ustick Road, an arterial street, that abuts the properties south boundary. Ustick Road was recently widened to its anticipated width and was reconstructed with 7-foot attached sidewalk on both sides of the roadway. Therefore, pedestrian connectivity along the arterial is code compliant.

The subject property was annexed in 2019 (H-2019-0098) for the purpose of connecting the existing home to City water & sewer. At the time of annexation, future plans for the property were not yet known so the City annexed the property with the R-2 zoning designation delineating that the property would be low density residential in the future, consistent with the future land use designation on the subject property. Further, due to the existing home remaining and the anticipation that future development would require subdivision, access to the site was noted to be analyzed with future applications in accord with UDC 11-3A-3. Therefore, Staff is analyzing access to the property with this short plat application.

Current access to the property is through a shared driveway along the southeast corner of the property that is located on the adjoining county parcel to the east, 870 E. Ustick. However, according to the submitted plat, the access easement is on the subject property with a portion of the easement encroaching on the corner of the existing home and not on the adjacent county parcel. With the subject applications, the Applicant is proposing a new access for the new building lot located where the current curb cut exists to Ustick near the midpoint of the south property line.

UDC 11-3A-3 requires properties that currently take direct access to arterial streets to take access from a local street upon development. In this case, no existing local streets are available to take access from and Staff finds requiring this property owner to create a new local street would create minimal opportunities for future extension nor provide access to a relevant number of properties. Further, the intent of UDC 11-3A-3 is to “improve safety by combining and/or limiting access points to collector and arterial streets and ensuring that motorists can safely enter all streets.” Therefore, Staff is recommending the following revisions to the proposed access consistent with UDC standards:

1. Relinquish existing rights to the shared access easement with 870 E. Ustick;
2. Add a common drive, within a common lot, along the west and north property boundaries of the proposed Lot 2, the lot containing the existing home;
3. Show existing home and proposed home to take access from new common drive instead of the shared access to the east; and,
4. Add a note to the plat stating cross-access for the proposed building lots (Lots 1 & 2) and for access to 870 E. Ustick, consistent with UDC 11-3A-3.

Staff has included a depiction of the proposed common drive location in Exhibit VI.C below for visual purposes.

In addition, it is unclear if the existing home has a garage consistent with off-street parking requirements in UDC 11-3A-6. The Applicant should verify the number of bedrooms of the existing

home and note on the plat the location of the garage. If there is no garage, the Applicant is required to construct a garage consistent with UDC standards.

The Applicant has submitted two landscape plans that together depict the proposed landscape buffer along Ustick Road. Per UDC 11-2A-4, a minimum 25-foot wide landscape street buffer is required along Ustick. As discussed above, the Applicant is requesting Alternative Compliance to this requirement for the landscape buffer along Lot 2 for the existing home to comply with UDC dimensional standards. The submitted short plat depicts the required 25-foot landscape buffer on the remaining buffer length but the submitted landscape plan depicts only 15 feet of landscaping along Ustick on Lot 1. Staff does not support a reduction of the landscape buffer along Lot 1 and this area was not included in the ALT request, so the Applicant should revise the landscape plan prior to submitting for plat signature to depict the required 25-foot street buffer width. Further, the submitted landscape plan for Lot 1 does not appear to depict adequate ground cover consistent with UDC 11-3B-7 and UDC 11-3B-5 by depicting landscape rock as the main ground cover material. Therefore, the Applicant should revise the landscape plan to depict adequate ground cover to comply with UDC standards prior to City Engineer's signature on the plat.

#### ALTERNATIVE COMPLIANCE (UDC 11-5B-5B.2):

The Applicant is requesting Alternative Compliance to the landscape street buffer dimensional standards outlined in UDC 11-2A-4 for the R-2 zoning district which requires a minimum 25-foot wide landscape street buffer to arterial streets. The alternative compliance proposal requests the City consider the location of the longstanding home and the existing landscaping along the Ustick frontage.

According to the submitted landscape plans and plat, the Applicant is depicting a 15-foot wide landscape buffer along Ustick to be contained within an easement, as allowed by UDC 11-3B-7. This buffer is shown to depict two trees, a number of columnar trees, and shrubs. Further, placing the landscape buffer within an easement allows the building setback to be measured from the back of sidewalk instead of the back of the buffer; therefore, the landscape buffer will not create a setback nonconformity for the existing home since it is approximately 17 feet from the back of sidewalk.

After taking the existing conditions of the site into account and reviewing the landscape plan, Staff finds the proposed landscaping to be a sufficient means of complying with the landscape buffer dimensional standards and the required landscaping standards outlined in UDC 11-2A-4 and UDC 11-3B-7, respectively.

The Director has approved the request for alternative compliance to Unified Development Code (UDC) 11-2A-4 for the subject property and only for the buffer depicted along Ustick on the proposed Lot 2, based on the required Findings listed in UDC 11-5B-5E, as follows:

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

*The Director finds it is not feasible to meet the UDC requirement referenced above due to the location of the existing home relative to the recent widening of the adjacent arterial street, Ustick Road.*

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

*The Director finds the Applicant's proposed alternative means of complying with the intent of the UDC, as proposed in the attached landscape plans and plat, provides an equal means of meeting the requirement.*

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 that the alternative means will not be materially detrimental to the public welfare or impair the intended use and/or character of surrounding commercial property nor the approved multi-family development.*

Staff has reviewed the proposed short plat for substantial compliance with the criteria set forth in UDC 11-6B-5A.2 and the required zoning regulations of the R-2 zoning district and deems the short plat to be in substantial compliance with said requirements, except for those outlined to receive alternative compliance above.

## **V. DECISION**

Staff:

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

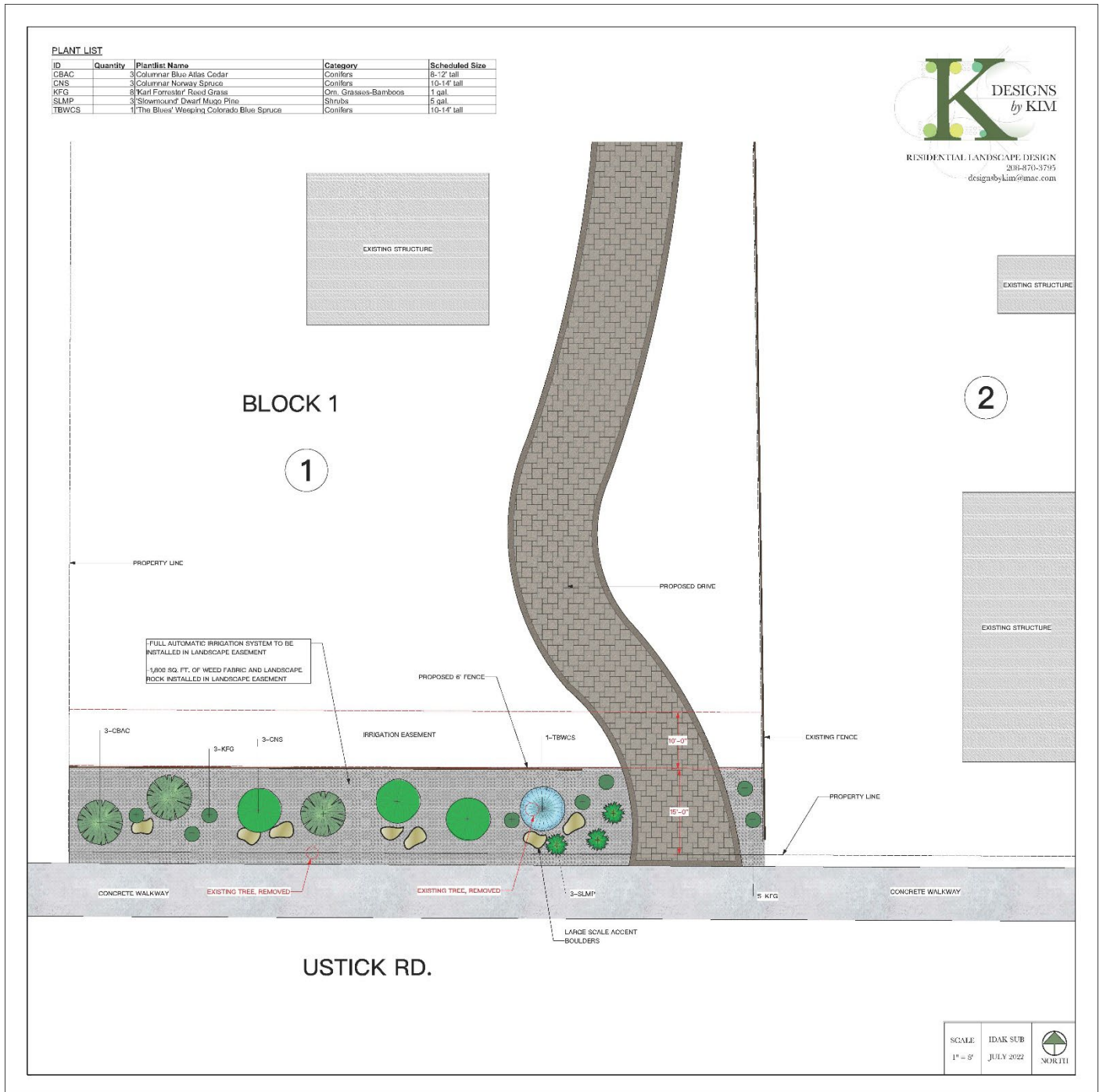
### A. Short Plat (dated: August 2022)



LOCATED IN THE SW1/4 OF THE SW1/4 OF SECTION 31  
T. 4 N., R. 1 E., B.M., CITY OF MERIDIAN, ADA COUNTY, IDAH  
2022



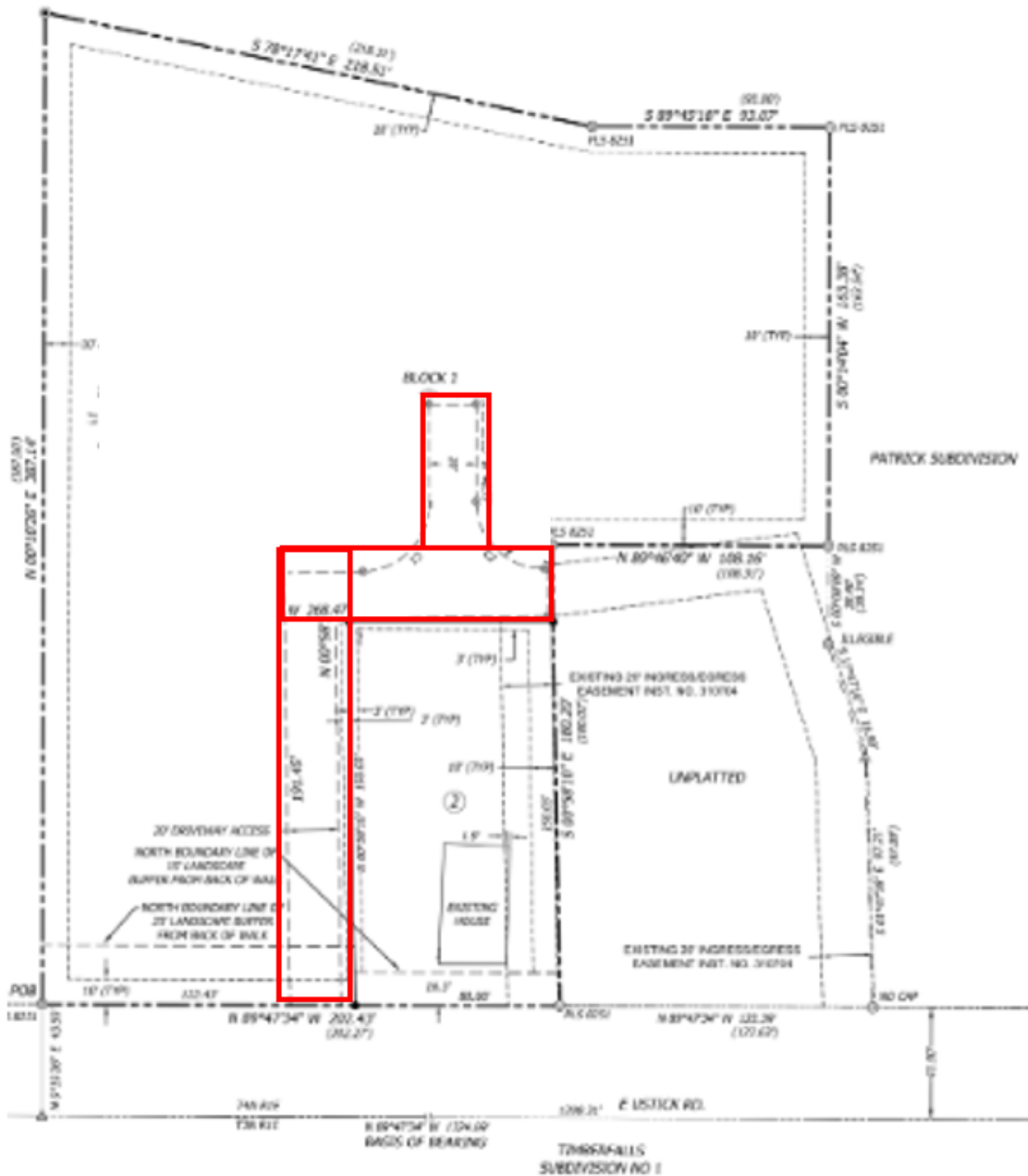
## B. Landscape Plans (dated August 2022):







C. Common Drive Visual – Staff Recommendation



## **VII. CITY/AGENCY COMMENTS & CONDITIONS**

### **A. Planning Division**

#### **Site Specific Conditions:**

1. Applicant shall comply with all previous conditions of approval associated with this development: H-2019-0098.
2. 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.
3. Prior to submittal for the City Engineer's signature, obtain the signatures from the Ada County Highway District and Central District Health Department.
4. The short plat prepared by Sawtooth Land Surveying in August, 2022 by Fritz Brownell, included in Section VI.A, shall be revised as follows:
  - a. Add a common drive, within a common lot, along the west and north property boundaries of the proposed Lot 2, the lot containing the existing home, substantially consistent with the exhibit in VI.C above.
  - b. Show existing home and proposed home to take access from new common drive.
  - c. Add a plat note granting cross-access for the proposed building lots (Lots 1 & 2) of this subdivision and 870 E. Ustick to utilize the new common drive.
  - d. Direct lot access to Ustick Rd is prohibited in accord with UDC 11-3A-3.
5. Per UDC 11-5B-5B.2, the Director (at the applicant's request) approved alternative compliance regarding the landscape buffer width on Lot 2 (UDC 11-2A-4). See "Alternative Compliance" section above for staff analysis.
6. Prior to submittal for the City Engineer's signature on the plat, revise the landscape plans to depict the required 25-foot wide buffer along Ustick Road on Lot 1 per UDC Table 11-2A-4 and vegetated in accord with UDC 11-3B-5 & 11-3B-7 standards.
7. The existing home on Lot 2 and any future home on Lot 1 shall adhere to the off-street parking standards outlined in UDC 11-3C-6 based on the number of bedrooms per household.
8. The common drive shall be constructed and maintained in accord with UDC 11-6C-3D standards.
9. An exhibit shall be submitted with the Final Plat Signature application for the common driveway that depicts the setbacks, fencing, building envelope and orientation of the lots and structures in accord with UDC 11-6C-3D. Solid fencing adjacent to common driveways is prohibited unless separated by a minimum 5-foot wide landscaped buffer.
10. Prior to obtaining City Engineer's signature on the plat, the Applicant shall provide written verification that their interest in the shared access easement (Inst. #310704) between 870 & 840 E. Ustick has been relinquished (i.e. a new recorded document releasing all interest in said easement).
11. Staff's failure to cite specific ordinance provisions or conditions from the previous approvals noted above does not relieve the Applicant of responsibility for compliance.

### **B. Public Works**

#### **Site Specific Conditions:**

1. Single 1 inch service should be installed for new home because of long private-side service length.
2. Ensure no sewer services pass through infiltration trenches.
3. A streetlight plan will be required for the development of this property.

**General Conditions:**

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 then alternate materials shall be used in conformance of City of Meridian Public Works Departments Standard Specifications.
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.
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. 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.
4. The City of Meridian requires that pressurized irrigation systems be supplied by a year-round source of water (UDC 11-3B-6). 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.
5. Any structures that are allowed to remain shall be subject to evaluation and possible reassignment of street addressing to be in compliance with MCC.
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.
7. 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.
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.
9. All improvements related to public life, safety and health shall be completed prior to occupancy of the structures.
10. Applicant shall be required to pay Public Works development plan review, and construction inspection fees, as determined during the plan review process, prior to the issuance of a plan approval letter.
11. It shall be the responsibility of the applicant to ensure that all development features comply with the Americans with Disabilities Act and the Fair Housing Act.

12. Applicant shall be responsible for application and compliance with any Section 404 Permitting that may be required by the Army Corps of Engineers.
13. Developer shall coordinate mailbox locations with the Meridian Post Office.
14. 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 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.
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. 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).
19. 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.

## **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 Low Density Residential and the current zoning district of the site is R-2. Staff finds the proposed short plat complies with the Comprehensive Plan and is being developed in accord with UDC standards for the existing zoning district and previous approvals.

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

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

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

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

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

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

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

Staff finds the proposed short plat to create a new residential building lot will not be detrimental to the public health, safety or general welfare, if all conditions of approval are met.

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

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