

BEFORE THE MERIDIAN CITY COUNCIL

HEARING DATE: APRIL 12, 2022
ORDER APPROVAL DATE: APRIL 26, 2022

IN THE MATTER OF THE)
REQUEST FOR FINAL PLAT)
CONSISTING OF 19 BUILDING)
LOTS AND 5 COMMON LOTS ON)
1.97 ACRES OF LAND IN THE R-15)
ZONING DISTRICT FOR)
WOODCREST TOWNHOMES)
SUBDIVISION.)
)
BY: BLAINE A. WOMER CIVIL)
ENGINEERING)
APPLICANT)
)

CASE NO. FP-2022-0010

ORDER OF CONDITIONAL
APPROVAL OF FINAL PLAT

This matter coming before the City Council on April 12, 2022 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 WOODCREST SUBDIVISION, A
PARCEL OF LAND LOCATED IN THE SOUTHWEST ¼ OF THE
SOUTHEAST ¼ OF SECTION 5, TOWNSHIP 3 NORTH, RANGE 1 EAST,
BOISE MERIDIAN, CITY OF MERIDIAN, ADA COUNTY, IDAHO, 2022,

ORDER OF CONDITIONAL APPROVAL OF FINAL PLAT
FOR WOODCREST TOWNHOMES SUBDIVISION FP-2022-0010

SHEET 1 OF 4,” 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 April 12, 2022, 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 _____, 2022.

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:_____

EXHIBIT A

STAFF REPORT

COMMUNITY DEVELOPMENT DEPARTMENT



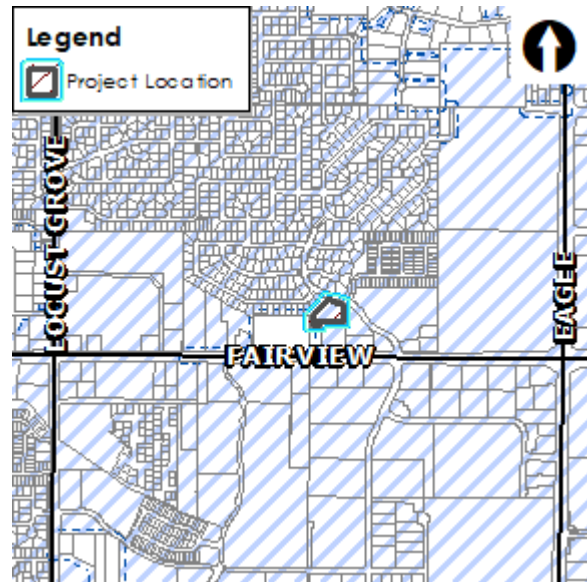
HEARING DATE: 4/12/2022

TO: Mayor & City Council

FROM: Sonya Allen, Associate Planner
208-884-5533

SUBJECT: FP-2022-0010
Woodcrest Townhomes – FP, ALT

LOCATION: 1789 N. Hickory Way, in the SE ¼ of
Section 5, Township 3N., Range 1E.



I. PROJECT DESCRIPTION

Final plat consisting of 19 building lots and 5 common lots on 1.97 acres of land in the R-15 zoning district for Woodcrest Townhome Subdivision.

II. APPLICANT INFORMATION

A. Applicant:

Andrew Newell, Blaine A. Womer Civil Engineering – 4355 W. Emerald St., Ste. 145, Boise, ID 83706

B. Owner:

Landmark Pacific Development, Inc. – PO Box 1939, Eagle, ID 83616

C. Representative:

Same as Applicant

III. STAFF ANALYSIS

Staff has reviewed the proposed final plat for substantial compliance with the preliminary plat (H-2021-0082) and associated conditions of approval as required by UDC 11-6B-3C.2. There is the same number of buildable lots and common open space depicted on the proposed final plat as shown on the approved preliminary plat. Therefore, Staff finds the proposed final plat is in substantial compliance with the approved preliminary plat as required.

The Applicant also requests alternative compliance to UDC 11-3F-5D, which requires the residential development to be a (new or) gated development. As an alternative to a traditional functioning gate,

a faux gate is proposed at the entry of the subdivision to signify the street is for private rather than public use. In accord with the Findings in Section VII, the Director finds the proposed faux gate to be an acceptable and equal means of meeting the intent of the code requirement.

The subject property is a lot (i.e. Lot 4, Block 1) in Mallane Subdivision. Note #10 on the subdivision plat states that all lots in the subdivision are subject to common/cross access/ingress-egress pursuant to the CC&R's recorded as Inst. No. 103165333.

IV. DECISION

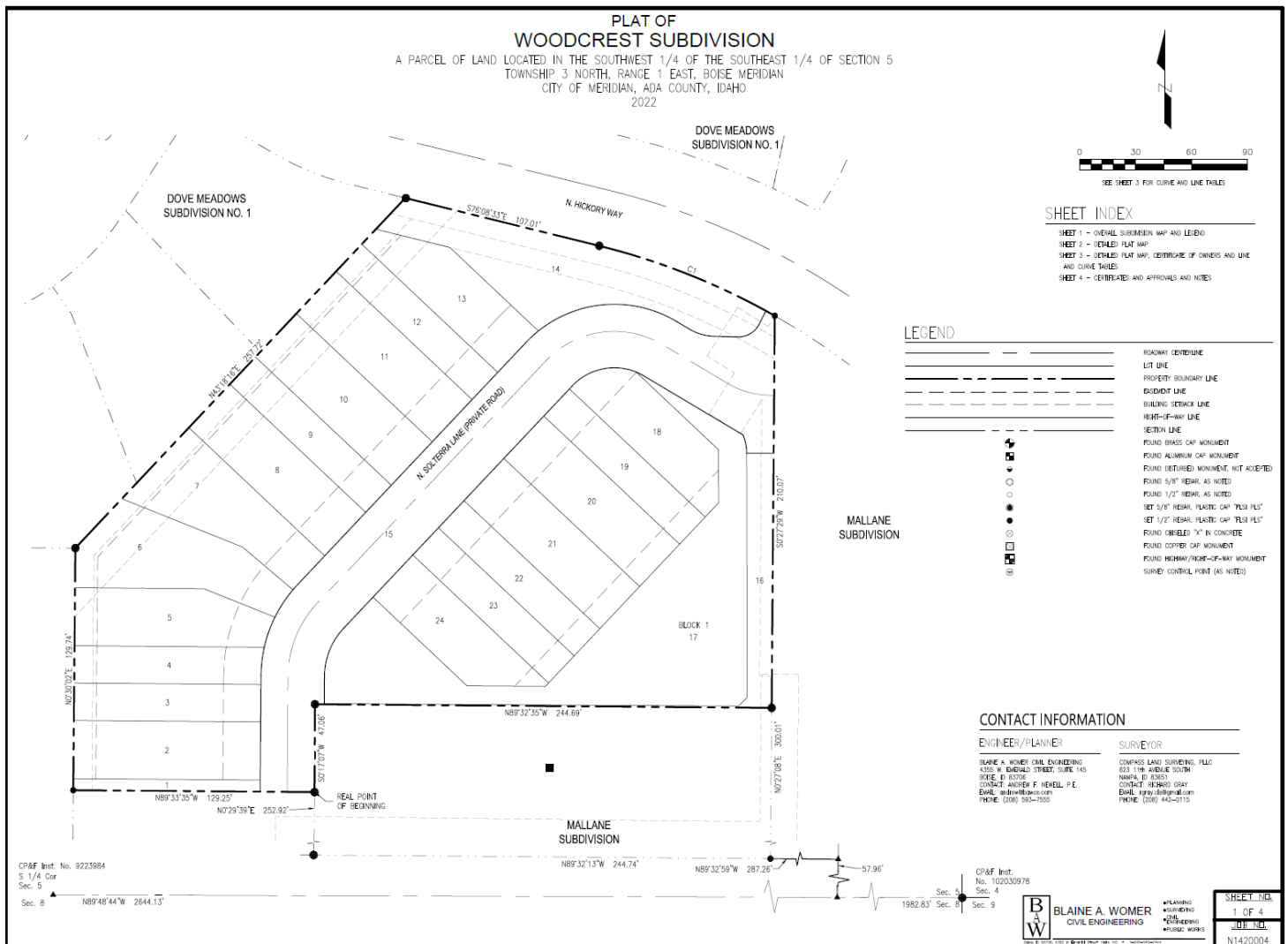
A. Staff:

Staff recommends approval of the proposed final plat with the conditions of approval in Section VI of this report. The Director approved the request for Alternative Compliance to UDC 11-3F-5D per the Findings in Section VII.

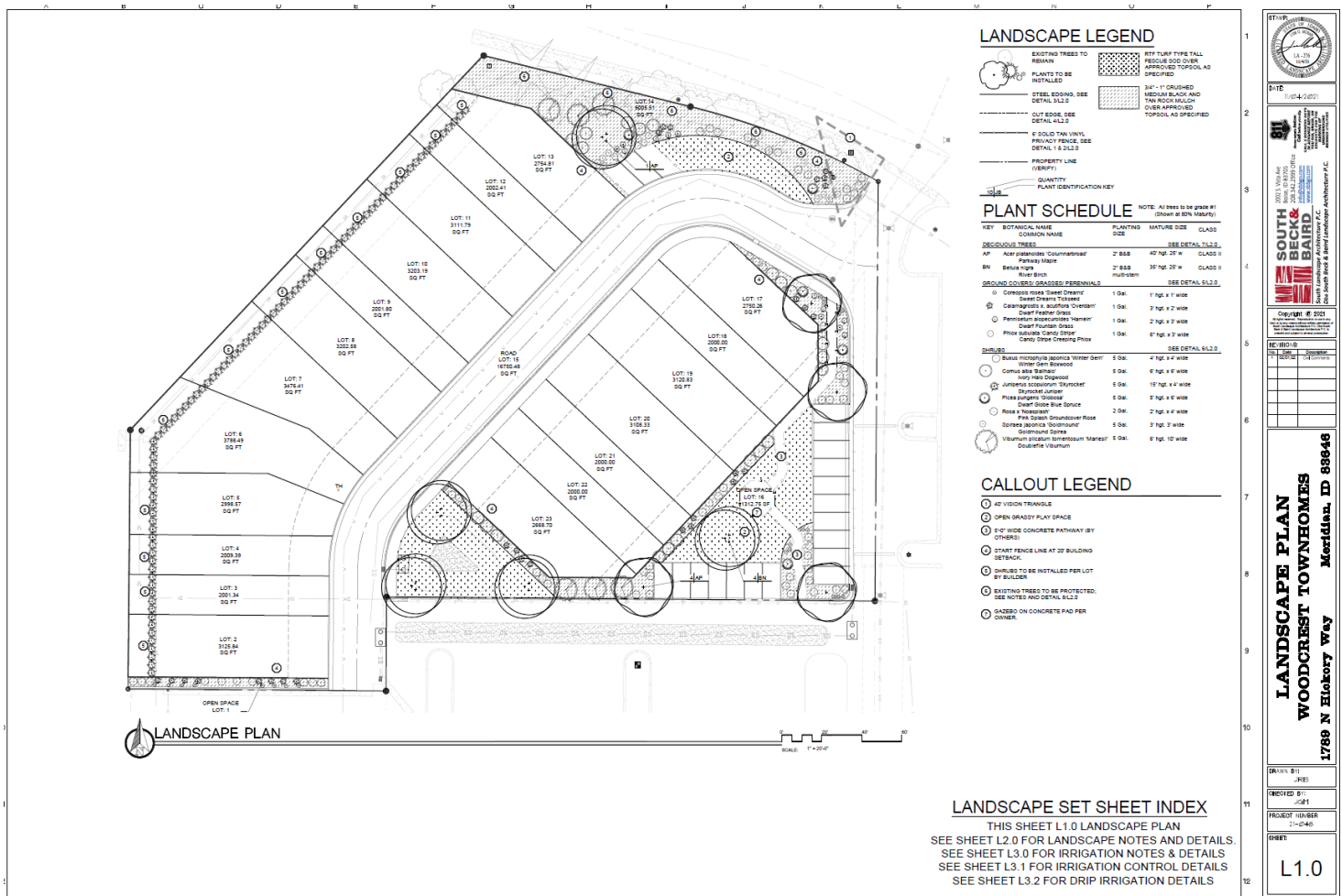
A. Preliminary Plat (date: 9/7/2021)



B. Final Plat (date: 2/7/2022)



C. Landscape Plan (date: 11/4/2021) & Amenity Detail





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D. Gate Detail



NOTES:
TOP, OUTLINE, AND PLANS
SHOWN. SEE CITY OF MERIDIAN
ENGINEERING DEPT. FOR A
GRADING PERMIT THAT BEEN ISSUED.

DATE	DATE	DATE	DATE
1/1/18	1/1/18	1/1/18	1/1/18

SEAL-ENGINEER



BENCHMARK
DATE: 1/1/18
BY: [Signature]

CITY OF MERIDIAN, ID
WOODCREST SUBDIVISION
FAUX GATE EXHIBIT

SHEET NO.
1 OF 1
FILE NO.
W1420004

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-2021-0015 (DA Inst. #2022-018604; H-2021-0081)].
2. The applicant shall obtain the City Engineer's signature on the final plat within two (2) years of approval of the preliminary plat (by January 18, 2024); or, a time extension may be requested.
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 shown in Section V.B prepared by Blaine A. Womer Civil Engineering, shall be revised as follows:
 - a. Note #10: "Lots shall not be reduced in size without prior approval from the health authority and the City of Meridian."
 - b. Note #14: Include the recorded instrument number of the ACHD landscape license agreement.
 - c. Note #15: Include the recorded instrument number of the NMID license agreement.
 - d. Remove the former 25' landscape easement along the project's northwest boundary as it's no longer required with residential development.
 - e. Remove the building setback line from the face of the plat and the Legend.
 - f. The final plat shall be stamped, signed and dated by the PLS.

An electronic copy of the revised plat shall be submitted with the final plat for City Engineer signature.

5. The landscape plan shown in Section V.C, dated 11/4/21, shall be revised as follows:
 - a. Depict a pathway from the sidewalk along the private street on the west end of the site through the common area to the parking area at the southeast corner of the site as required by preliminary plat condition #3a. Also, depict landscaping along the pathway in accord with the standards listed in UDC [11-3B-12C](#).
 - b. Depict the location of the faux gate at the entrance to the subdivision off the north/south shared drive aisle from N. Hickory Way.
 - c. Remove the shrubs that are depicted along the northwest boundary of the site as a landscape buffer is not required with this development.
 - d. The location of the pedestrian pathway on Lot 17, Block 1 shall be shifted away from Lots 18 and 19 as much as possible to comply with the standard in UDC 11-3B-12C.1, which requires a minimum 5-foot wide landscape strip to be provided along each side of pathways, while not encroaching in the 2-foot wide vehicle overhang area adjacent to the row of parking along the east boundary of the site.

An electronic copy of the revised plat shall be submitted with the final plat for City Engineer signature.

6. All development shall comply with the dimensional standards for the R-15 zoning districts listed in UDC [Table 11-2A-7](#). *In the case where a wider easement exists, a greater setback may be required.*
7. Install “No Parking Fire Lane” signs along the private street per requirement of the Fire Department in accord with ACHD standards. The bottom of the sign(s) should be 7-feet above the road/sidewalk surface and shall not be in the travel way. The sign(s) shall be installed about 6-inches to 1-foot behind the curbing or edge of pavement on a Telspar post. No other signs shall be approved:
8. A private street application was tentatively approved by the Director on January 5, 2022 for the proposed private street. Compliance with the standards for such listed in UDC 11-3F-4 is required. The Applicant has one (1) year to complete the tasks listed in UDC 11-3F-3B in order to obtain final approval of the private street. Upon completion of these tasks, the Applicant shall submit documentation to the Planning Division verifying completion and the Director will issue a letter stating the private street has been approved. **No building permit shall be issued for any structure using a private street for access to a public street until the private street has been approved per UDC 11-3F-3B.5.**
9. The private street shall connect to the collector street (i.e. N. Hickory Way) for emergency wayfinding purposes; the connection requires approval from ACHD. If not possible to connect, the Applicant shall submit an application for alternative compliance to UDC 11-3F-4A.2.
10. “No Parking Fire Lane” signs are required to be installed the entire length of the private street in accord with ACHD standards; if a curb exists next to the drive aisle, it shall be painted red per UDC 11-3F-4B.2d.
11. All ditches are required to be piped in accord with UDC 11-3A-6A unless waived by City Council or used as a water amenity or linear open space.
12. The Director approved alternative compliance to UDC 11-3F-5D to allow faux gates to be constructed at each end of the private street as shown in Section V.D, rather than fully functioning gates that restrict access to the development.
13. 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.
14. A Design Review application shall be submitted for all of the structures in the development and approved prior to submittal of application(s) for building permits. The elevations submitted shall comply with the design standards in the Architectural Standards Manual and the provisions in the Development Agreement.
15. 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. A streetlight plan has not been approved. Streetlights must be installed and operational, with approved record drawings submitted, prior to occupancy of any building within the development.

2. Sewer services shall be installed perpendicularly to the water main, or discharge directly into a manhole. Block 1, Lot 2, Block 1, Lot 5, and Block 1, Lot 6 do not meet this requirement and need adjustment.
3. A geotechnical report was not provided with the Final Plat application. A geotechnical report must be provided and reviewed prior to signature of the Final Plat.

General Conditions:

4. 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.
5. 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.
6. 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.
7. 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.
8. 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.
9. 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.
10. 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.
11. 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.
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.

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.
14. Applicant shall be responsible for application and compliance with any Section 404 Permitting that may be required by the Army Corps of Engineers.
15. Developer shall coordinate mailbox locations with the Meridian Post Office.
16. All grading of the site shall be performed in conformance with MCC 11-1-4B.
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.
18. 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.
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.
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.
21. 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.
22. 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.
23. Applicant shall be responsible for application and compliance with and NPDES permitting that may be required by the Environmental Protection Agency.
24. 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.

25. 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.
26. 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.
27. 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.

VII. FINDINGS

- A. Alternative Compliance (UDC 11-5B-5): In order to grant approval of an alternative compliance application, the Director shall determine the following:
 1. Strict adherence or application of the requirements is not feasible; OR
The Director finds strict adherence to the required finding for private streets listed in UDC 11-3F-5D which requires the residential development to be a (mew or) gated development is feasible.
 2. The alternative compliance provides an equal or superior means for meeting the requirements; and
The Director finds the proposed alternative compliance of providing a faux gate at the entry of the private street provides an equal means for meeting the requirement in that it signifies a private area that is not for public access.
 3. The alternative means will not be materially detrimental to the public welfare or impair the intended uses and character of the surrounding properties.
The Director finds that the proposed alternative means of compliance will not be detrimental to the public welfare or impair the intended use/character of the surrounding properties.