

BEFORE THE MERIDIAN CITY COUNCIL

**HEARING DATE: JUNE 20, 2023
ORDER APPROVAL DATE: JULY 11, 2023**

**IN THE MATTER OF THE)
REQUEST FOR FINAL PLAT)
CONSISTING OF FIVE (5))
BUILDING LOTS ON 5.31 ACRES)
OF LAND IN THE C-G ZONING)
DISTRICT FOR PINE 43)
FAIRVIEW COMMERCIAL.)
)
**BY: J-U-B ENGINEERS)
APPLICANT)**
_____)
)
)**

CASE NO. FP-2023-0005

**ORDER OF CONDITIONAL
APPROVAL OF FINAL PLAT**

This matter coming before the City Council on June 20, 2023 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 PINE 43 FAIRVIEW COMMERCIAL SUBDIVISION, A RE-PLAT OF PORTIONS OF LOTS 2-5 OF PLEASANT VALLEY SUBDIVISION, SITUATED IN THE NORTHEAST QUARTER OF THE NORTHWEST QUARTER OF SECTION 8, TOWNSHIP 3 NORTH,

ORDER OF CONDITIONAL APPROVAL OF FINAL PLAT
FOR PINE 43 FAIRVIEW COMMERCIAL FP-2023-0005

RANGE 1 EAST, BOISE MERIDIAN, CITY OF MERIDIAN, COUNTY OF ADA, STATE OF IDAHO, 2023, HANDWRITTEN DATE: 4/25/2023, by TIMOTHY HARRIGAN, PLS, SHEET 1 OF 5,” 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 June 20, 2023, a true and correct copy of which is attached hereto marked “Exhibit A” and by this reference incorporated herein, and the response letter from Michael Wardle for Jonathan Wardle, Brighton Development, Inc., 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 _____, 2023.

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



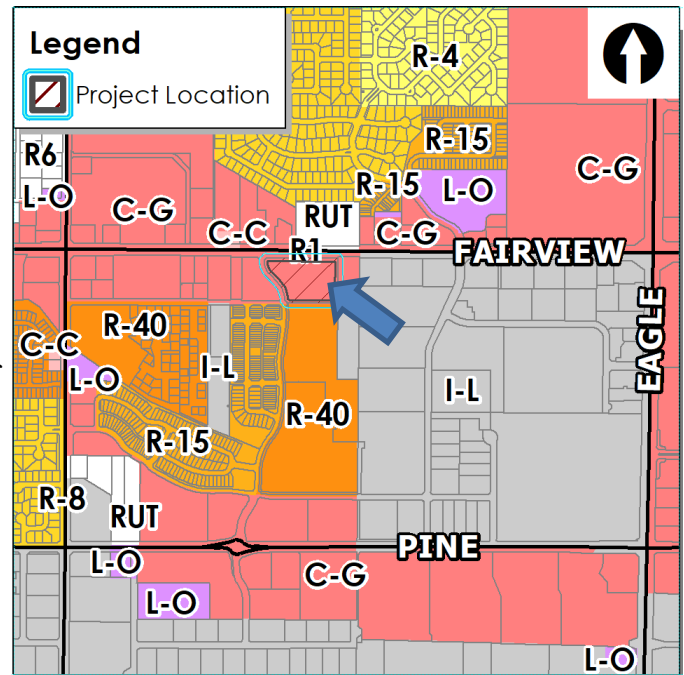
HEARING DATE: 6/20/2023

TO: Mayor & City Council

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

SUBJECT: Pine 43 Fairview Commercial - FP
[FP-2023-0005](#)

LOCATION: 2145 E. Fairview Ave., in the NW 1/4 of
Section 8, T.3N., R.1E. (Parcel
#R7104250566)



I. PROJECT DESCRIPTION

Final plat consisting of 5 building lots on 5.31 acres of land in the C-G zoning district. This is a re-subdivision of portions of Lots 2-5, Pleasant Valley Subdivision.

II. APPLICANT INFORMATION

A. Applicant:

Terry O'Brien, J-U-B Engineers – 2760 W. Excursion Ln., Ste. 400, Meridian, ID 83642

B. Owner

C & O Development, Inc. – 1157 N. Summerbrook Ave., Meridian, ID 83642

C. Applicant Representative:

Same as Applicant

III. STAFF ANALYSIS

Staff has reviewed the proposed final plat for substantial compliance with the approved preliminary plat (Pine 43 AZ, RZ, PP, MDA – H-2017-0058; DA Inst. #2018-000751) as required by UDC 11-6B-3C.2. The submitted final plat is for the same number of building lots approved with the preliminary plat; therefore, the proposed plat is in substantial compliance with the approved preliminary plat as required.

There is a water and sewer easement located on this site in the area where the access easement is depicted that needs to be shown on the plat, as follows:



There are some trees in planter islands where the easement encroaches for water meters that need to be relocated outside of the easement.

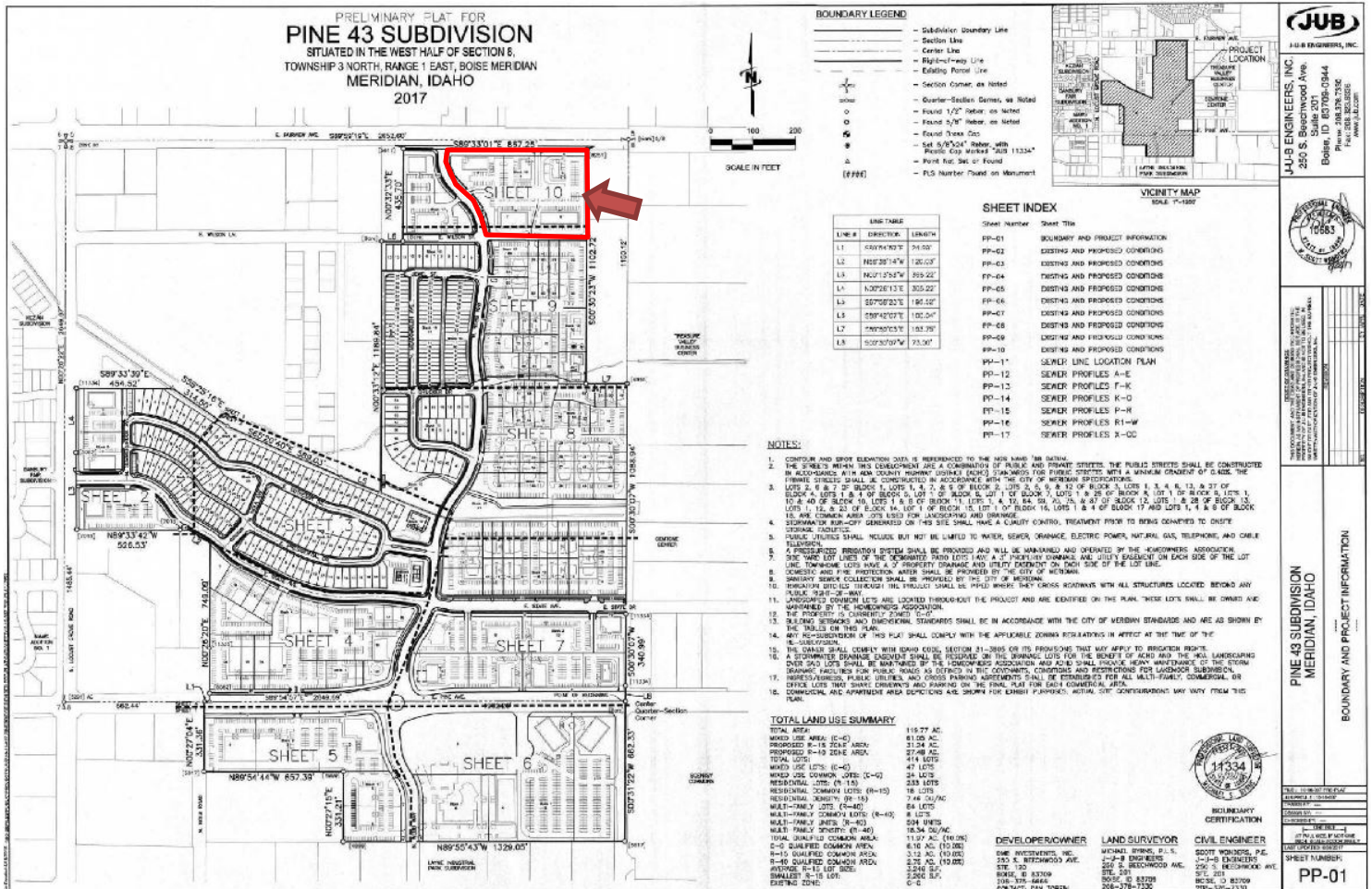
IV. DECISION

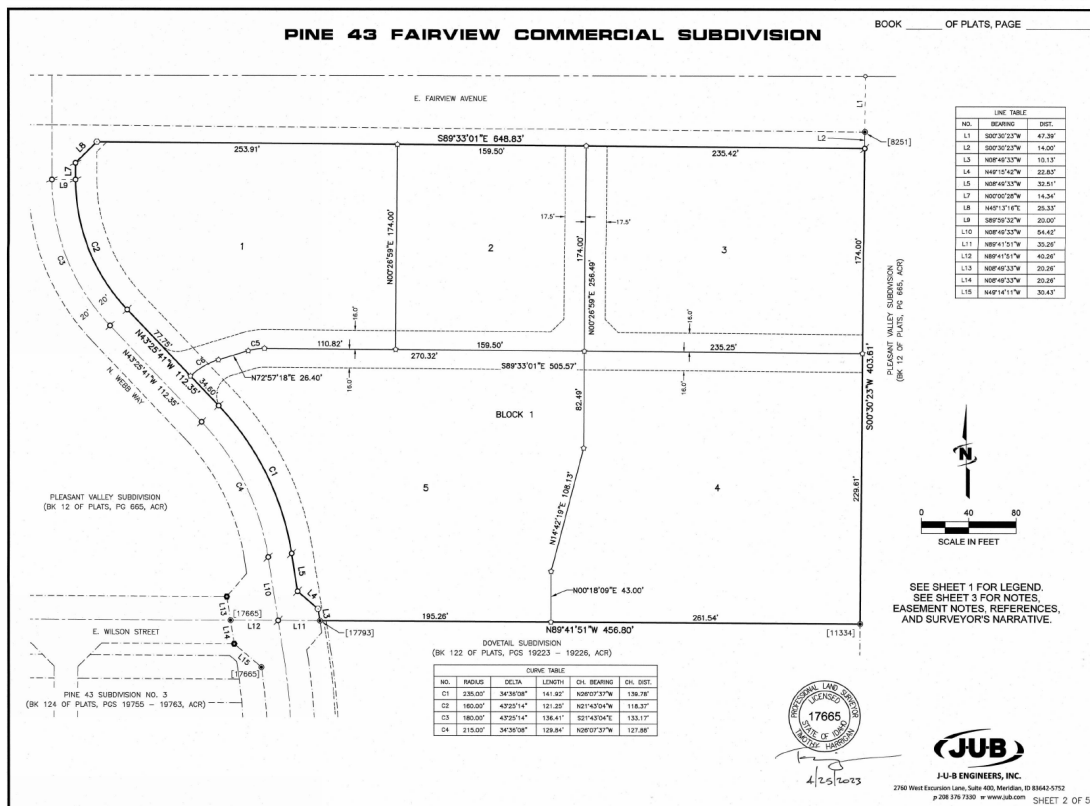
A. Staff:

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

V. EXHIBITS

A. Preliminary Plat (date: 8/28/2017)





PLAT OF
PINE 43 FAIRVIEW COMMERCIAL SUBDIVISION

BOOK _____ OF PLATS, PAGE _____

NOTES

1. ANY RE-SUBDIVISION OF THIS PLAT SHALL COMPLY WITH THE APPLICABLE ZONING AND SUBDIVISION REGULATIONS IN EFFECT AT THE TIME OF RE-SUBDIVISION.
2. MINIMUM BUILDING SETBACK LINES SHALL BE IN ACCORDANCE WITH THE CITY OF MERIDIAN'S ZONING ORDINANCE AT THE TIME OF ISSUANCE OF THE BUILDING PERMIT. ALL LOT SIZES SHALL MEET DIMENSIONAL STANDARDS AS ESTABLISHED IN THE CITY OF MERIDIAN'S ZONING ORDINANCE.
3. LOTS SHALL NOT BE REDUCED IN SIZE WITHOUT PRIOR APPROVAL FROM THE HEALTH AUTHORITY AND THE CITY OF MERIDIAN.
4. NO ADDITIONAL DOMESTIC WATER SUPPLIES SHALL BE INSTALLED BEYOND THE WATER SYSTEM APPROVED IN THE SANITARY RESTRICTION RELEASE.
5. REFERENCE IS MADE TO THE PUBLIC HEALTH LETTER ON FILE WITH ADA COUNTY RECORDER REGARDING ADDITIONAL RESTRICTIONS.
6. THIS DEVELOPMENT RECOGNIZES SECTION 22-4503 OF IDAHO CODE, RIGHT TO FARM ACT, WHICH STATES: "NO AGRICULTURAL OPERATION, AGRICULTURAL FACILITY OR EXPANSION THEREOF SHALL BE OR BECOME A NUISANCE, PRIVATE OR PUBLIC, BY ANY CHANGED CONDITIONS IN OR ABOUT THE SURROUNDING NONAGRICULTURAL ACTIVITIES AFTER IT HAS BEEN IN OPERATION FOR MORE THAN ONE (1) YEAR, WHEN THE OPERATION, FACILITY OR EXPANSION WAS NOT A NUISANCE AT THE TIME IT BEGAN OR WAS CONSTRUCTED. THE PROVISIONS OF THIS SECTION SHALL NOT APPLY WHEN A NUISANCE RESULTS FROM THE IMPROPER OR NEGLIGENT OPERATION OF AN AGRICULTURAL OPERATION, AGRICULTURAL FACILITY OR EXPANSION THEREOF."
7. MAINTENANCE OF ANY IRRIGATION PIPE, DRAINAGE PIPE, OR DITCH CROSSING A LOT IS THE RESPONSIBILITY OF THE LOT OWNER UNLESS SUCH RESPONSIBILITY IS ASSUMED BY AN IRRIGATION OR DRAINAGE ENTITY OR DISTRICT.
8. THE DEVELOPMENT OF THIS PROPERTY SHALL BE IN ACCORDANCE WITH THE CITY OF MERIDIAN'S ZONING ORDINANCE.
9. BOTTOM ELEVATION OF STRUCTURAL FOOTINGS SHALL BE SET A MINIMUM OF 12 INCHES ABOVE THE HIGHEST ESTABLISHED NORMAL GROUND WATER ELEVATION. IN MAY OF 2018, OBSERVATION WELLS WERE ADVANCED TO DEPTHS GREATER THAN 16 FEET BELOW THE SURFACE. GROUNDWATER WAS ENCOUNTERED IN MANY OBSERVATION WELLS WITH MINIMUM DEPTH NO LESS THAN 11 FEET BELOW THE SURFACE.
10. THIS DEVELOPMENT IS SUBJECT TO THE COVENANTS, CONDITIONS AND RESTRICTIONS (CC&RS), FOR PINE 43 SUBDIVISION, RECORDED AS INSTRUMENT NO. 2019-091660, ORAC AND AS MAY BE AMENDED.
11. THIS DEVELOPMENT IS SUBJECT TO THE DEVELOPMENT AGREEMENT RECORDED AS INSTRUMENT NO. 2018-000751, ORAC.

REFERENCE DOCUMENTS

SUBDIVISIONS: PLEASANT VALLEY SUBDIVISION (BK 12 OF PLATS, PG 665, ACR), DOVETAIL SUBDIVISION (BK 122 OF PLATS, PGS 19223-19226, ACR), PINE 43 SUBDIVISION NO. 3 (BK 124 OF PLATS, PGS 19755-19763, ACR).
SURVEYS: ROS NOS. 0003, 0102, 0670, AND 0794, ACR
DEEDS: 2021-030864, ORAC
EASEMENTS: 2019-037533, ORAC

EASEMENT NOTES

1. ALL UTILITY EASEMENTS SHOWN OR DESIGNATED HEREON ARE NON-EXCLUSIVE, PERPETUAL, SHALL RUN WITH THE LAND, ARE APPURTENANT TO THE LOTS SHOWN HEREON, AND ARE HEREBY RESERVED FOR THE INSTALLATION, MAINTENANCE, OPERATION, AND USE OF PUBLIC AND PRIVATE UTILITIES, PRESSURIZED & GRAVITY IRRIGATION, IRRIGATION WASTE DITCHES, SEWER SERVICE, CABLE TELEVISION/DATA, APPURTENANCES THERETO; AND LOT DRAINAGE.
2. THE PRIVATE ROAD EASEMENT SHOWN AND DESIGNATED HEREON IS NON-EXCLUSIVE, PERPETUAL, SHALL RUN WITH THE LAND, IS APPURTENANT TO THE LOTS PLATTED HEREON, AND IS HEREBY RESERVED FOR INGRESS, EGRESS, INGRESS AND EGRESS OF EMERGENCY VEHICLES, AND THE INSTALLATION, MAINTENANCE, OPERATION, AND USE OF ROADWAYS, SIDEWALKS, DRIVEWAYS, LANDSCAPING, AND APPURTENANCES THERETO.
3. ALL SIDEWALK EASEMENTS SHOWN OR DESIGNATED HEREON ARE NON-EXCLUSIVE, PERPETUAL, SHALL RUN WITH THE LAND, ARE APPURTENANT TO THE LOTS PLATTED HEREON, AND ARE HEREBY RESERVED FOR INGRESS, EGRESS, AND THE INSTALLATION, MAINTENANCE, OPERATION, AND USE OF SIDEWALKS, AND APPURTENANCES THERETO.
4. NO UTILITY EASEMENT SHOWN OR DESIGNATED HEREON SHALL PRECLUDE THE CONSTRUCTION AND MAINTENANCE OF HARD-SURFACED DRIVEWAYS, LANDSCAPING, PARKING, OR OTHER SIMILAR HARD SURFACE FLATWORK. HOWEVER, PERMANENT STRUCTURES, TREES, BRUSH, OR PERENNIAL SHRUBS OR FLOWERS WITHIN THE AREA DESCRIBED IN THE EASEMENT SHALL BE PROHIBITED.
5. ALL EASEMENTS ARE PARALLEL WITH THE LINES, AND CONCENTRIC WITH THE CURVES THAT THEY ARE DIMENSIONED FROM UNLESS OTHERWISE NOTED.
6. SEE INSTRUMENT NO. 2019-037533, ORAC FOR EXISTING ACHD SIDEWALK EASEMENT.

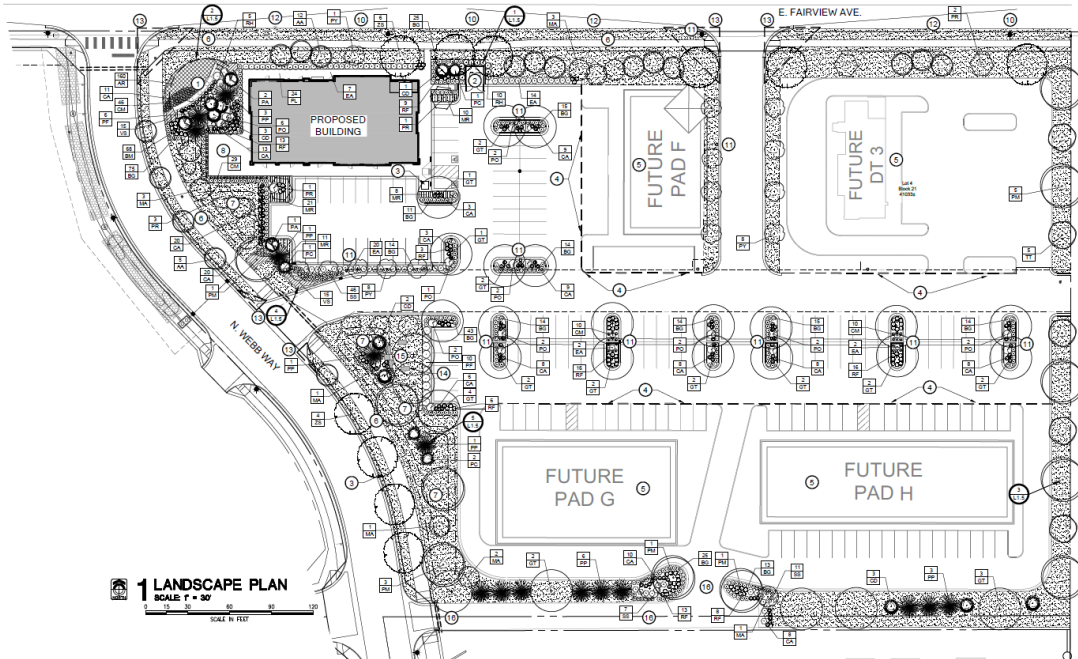
SURVEYOR'S NARRATIVE

1. THE PURPOSE OF THIS SURVEY IS TO SUBDIVIDE THE LAND SHOWN HEREON IN ACCORDANCE WITH IDAHO CODE RELATING TO PLATS AND SURVEYS.
2. THE BOUNDARY LINES SHOWN HERE WERE ESTABLISHED BY HOLDING THE MONUMENTS FOUND REPRESENTING THE GOVERNMENT CORNERS ALONG ALLOT SECTION LINES, AND BY HOLDING THE MONUMENTS FOUND REPRESENTING THE CORNERS OF ROS NO. 6162, DOVETAIL SUBDIVISION, AND PINE 43 SUBDIVISION NO. 3.



2760 West Excursion Lane, Suite 400, Meridian, ID 83642-5752
p. 208.576.7330 w. www.jub.com

SHEET 3 OF 5

[illegible]

RE+P
 LANDSCAPE ARCHITECTURE
 + URBAN DESIGN
 + LAND PLANNING
 + GRAPHIC COMMUNICATION
 + PROJECT MANAGEMENT
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SHOPS
ERIDIAN, IDAHO

PINE 43 - PA
2145 EAST FAIRVIEW
CSH6A

**CONSTRUCTION
DOCUMENTS**

PROJECT 20219.0	DATE 04-30-20
DRAWN LP	CHECKED RE
REVISED 04-30-2020 - CITY COMMENTS	

SHEET TITLE
**LANDSCAPE
PLAN**

L1.0
ORIGINAL SHEET SIZE
34" x 35"

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-2017-0058 (AZ, RZ, PP, MDA), Development Agreement Inst. #2018-000751.
2. The applicant shall obtain the City Engineer's signature on the final plat within two (2) years of the date of the City Engineer's signature on the previous phase final plat, in accord with UDC 11-6B-7, in order for the preliminary plat to remain valid; 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 J-U-B Engineers, stamped on 04/25/23 by Timothy Harrigan, shall be revised prior to signature on the final plat by the City Engineer, as follows:
 - a. Easement Note #2: Include language that grants cross-access/ingress-egress between all lots in the proposed subdivision.
 - b. Graphically depict the required 25-foot wide street buffer along E. Fairview Ave., an arterial street, and the 20-foot wide street buffer along N. Webb Ave., a collector street, in common lots or on permanent dedicated buffer easements as set forth in UDC [Table 11-2B-3](#) and [11-3B-7C.2](#). Also, include a note stating landscaping within the street buffers shall be maintained by the property owner or business owner's association, as applicable.
 - c. Graphically depict and include a note granting cross-access/ingress-egress to the parcel to the east (#R7104250004). If an easement already exists, include the recorded instrument of the easement.
 - d. Graphically depict the existing water and sewer easement with the recorded instrument number of the easement.
5. Prior to City Engineer signature on this final plat, revise the landscape plan shown in Section V.C, prepared by Rodney Evans + Partners, dated 4/30/20, as follows:
 - a. Include a calculations table that demonstrates compliance with the standards listed in UDC [11-3B-7C](#).
 - b. Shift the trees in the planter islands that are depicted within the water easement outside of the easement. *No trees, deep-rooted bushes, fences or permanent structures are allowed within water or sewer easements.*
6. Extend the existing detached sidewalk along E. Fairview Ave. to the east property boundary. *Currently, it appears to stop short approximately 20-feet from the east property boundary.*
7. 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

1. SITE SPECIFIC CONDITIONS:

- 1.1 Landscape plans show trees within water meter easement. No trees, deep-rooted bushes, fences or permanent structures are allowed within water or sewer easements.

2. GENERAL CONDITIONS:

- 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 then 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 (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.
- 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 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.
- 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 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 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.
- 2.21 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. IDAHO TRANSPORTATION DEPARTMENT (ITD)

<https://weblink.meridiancity.org/WebLink/DocView.aspx?id=297978&dbid=0&repo=MeridianCity>

D. SETTLER'S IRRIGATION DISTRICT (SID)

<https://weblink.meridiancity.org/WebLink/DocView.aspx?id=297980&dbid=0&repo=MeridianCity>

E. NAMPA & MERIDIAN IRRIGATION DISTRICT (NMID)

<https://weblink.meridiancity.org/WebLink/DocView.aspx?id=298931&dbid=0&repo=MeridianCity>