

STAFF REPORT
COMMUNITY DEVELOPMENT DEPARTMENT



HEARING DATE: 5/23/2023
 TO: Mayor & City Council
 FROM: Sonya Allen, Associate Planner
 208-884-5533
 SUBJECT: SHP-2023-0002
 Chimney Peak Subdivision
 LOCATION: 4853 N. Chimney Peak Ave., in the SEC of Section 26, T.4N., R.1W.



I. PROJECT DESCRIPTION

Short plat to re-subdivide Lot 18, Block 24, Fulfer Subdivision No. 6, consisting of 1.45 acres of land, into four (4) building lots and one (1) common lot in the R-8 zoning district.

II. APPLICANT INFORMATION

- A. Applicant: Tamee Bilbo, Centurion Engineers, Inc. – 5505 W. Franklin Rd., Boise, ID 83704
- B. Owner: Colton and Leo Yasinski – 4853 N. Chimney Peak Ave., Meridian, ID 83646
- C. Representative: Same as Applicant

III. NOTICING

	City Council Posting Date
Legal notice published in newspaper	5/7/2023
Radius notice mailed to property owners within 500 feet	5/5/2023
Posted to Next Door	5/5/2023

IV. STAFF ANALYSIS

The short plat proposes to re-subdivide Lot 18, Block 24, Fulfer Subdivision No. 6, consisting of 1.45 acres of land, into four (4) building lots and one (1) common lot in the R-8 zoning district. The

proposed density of 2.76 units per acre is consistent with the density desired of 3 to 8 dwelling units per acre in the Medium Density Residential Future Land Use Map designation for this site.

There is an existing home and two (2) accessory structures on the property that are proposed to remain on Lot 1. The smaller of the two structures consists of approximately 80 square feet (s.f.) and is located approximately 2-feet off the side yard property line; it's not required to comply with the setback requirements of the district as it's less 200 square feet in area. The larger structure is over 200 s.f. in area and complies with the setback standards. The existing home complies with the setback requirements of the district and is connected to City water and sewer service.

Staff has reviewed the proposed short plat for compliance with the criteria set forth in UDC [11-6B-5](#) and deems the short plat in compliance with said requirements.

Access to this property is provided via an existing paved driveway from N. Chimney Peak Ave., which will be platted as a common lot for a common driveway that will provide access to all lots in the proposed subdivision. Direct access via W. McMillan Rd. is prohibited. The Fire Department has approved the design of the proposed common driveway and turnaround. A common driveway exhibit was submitted as shown in Section VI.D that reflects compliance with the standards listed in UDC [11-6C-3D](#).

The street buffer adjacent to the southern boundary of the site along W. McMillan Rd. was constructed with the subdivision improvements for Fulfer Subdivision No. 6. There is existing landscaping (i.e. trees and lawn) along both sides of the existing driveway that complies with the standards for common driveways listed in UDC [11-6C-3D.5](#).

Because the site is below 5 acres in size, the standards for common open space and site amenities do not apply per UDC [11-3G-2](#).

There are a lot of existing trees on this site, many of which are proposed to be removed. A mitigation plan was submitted, included in Section VI.B, that depicts existing trees that are proposed to be removed vs. retained and mitigation requirements as determined by the City Arborist. Mitigation is proposed in accord with the standards listed in UDC [11-3B-10C.5](#).

Future development of the proposed lots should comply with the dimensional standards listed in UDC [Table 11-2A-6](#) for the R-8 zoning district and the common driveway exhibit in Section VI.D.

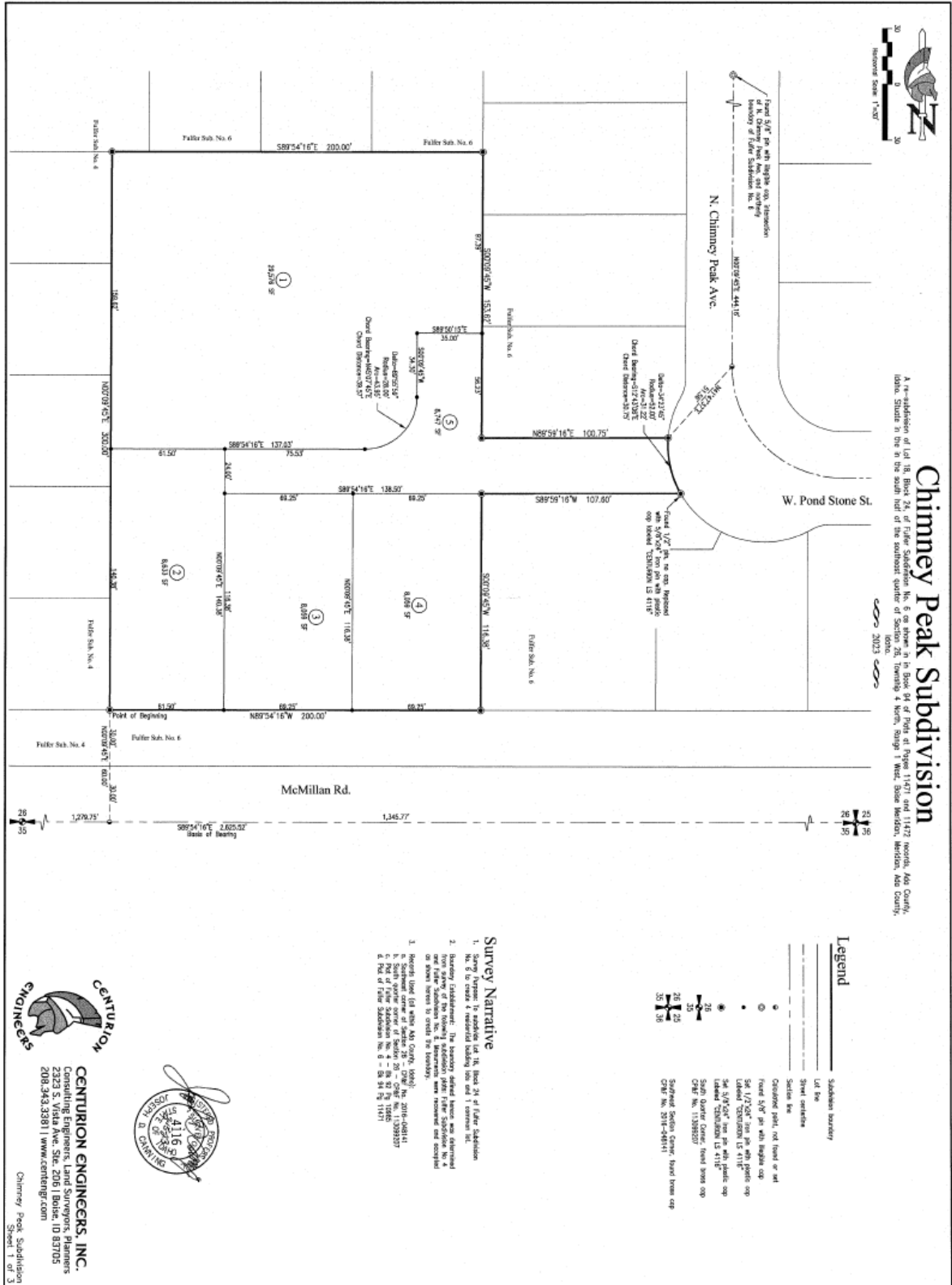
V. DECISION

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.

VI. EXHIBITS

A. Short Plat (date: 2/15/23)



Chimney Peak Subdivision

Notes

- Irrigation water will be provided by the Settlers Irrigation District in compliance with Idaho Code Section §31-3805(1)(c). All lots within this subdivision will be entitled to irrigation rights through Settlers Irrigation District, and will be obligated for assessments from the Settlers Irrigation District.
- All references to Homeowners' Association herein are to the Chimney Peak Subdivision Homeowners' Association and the owners of the lots within said subdivision, jointly pursuant to the Master Declaration of Covenants, Conditions, and Restrictions, recorded as Instrument No. _____ or amended and as may be amended from time to time.
- Any resubdivision of this plot shall comply with the applicable zoning regulations in effect at the time of the resubdivision and may require amendment of the development agreement.
- Building setbacks and dimensional standards in this subdivision shall be in compliance with the applicable zoning regulations of the City of Meridian and conditions of the staff report for Chimney Peak Subdivision.
- Lots shall not be reduced in size without prior approval from the health authority.
- Lots 5, Block 1, is designated as common drive lot to be owned and maintained by the Homeowners' Association. Lot 5 will provide ingress/egress to all the lots within Chimney Peak Subdivision.
- No easement, shown or designated herein shall preclude the construction and maintenance of hard-surfaced driveways, landscaping (except trees), parking, or other such non-permanent improvements.
- All easements are parallel (or concentric) to the lines (or arcs) that they are dimensioned from unless otherwise noted.
- Public utility easements are hereby reserved as follows:
 *10-foot wide along public right-of-ways.
- Direct lot access to W. McMillan Rd. is prohibited unless specifically approved in writing by the Ada County Highway District and the City of Meridian.
- Maintenance of any irrigation, drainage pipe, or ditch crossing a lot is the responsibility of the lot owner unless such responsibility is assumed by an irrigation/drainage district.
- This development recognizes Idaho Code Section §22-4503, 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 non-agricultural 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."
- All of Lot 5, Block 1 is serviced to and contains the ACHD storm water drainage system. These lots are encumbered by that certain First Amended Master Perpetual Storm Water Drainage Easement, recorded on November 10, 2015 as instrument No. 2015-03226, Official Records of Ada County, and incorporated herein by this reference as if set forth in full. The ACHD (ACHD 1500001), the Master Easement and the storm water drainage system are dedicated to ACHD pursuant to Section §40-2302 Idaho Code. The Master Easement is for the operation and maintenance of the storm water drainage system.

Certificate of Owners

KNOW ALL MEN BY THESE PRESENTS that the undersigned does hereby certify that they are the owner of a certain tract of land to be known as CHIMNEY PEAK SUBDIVISION, and that they intend to include the following described land in this plot:

A re-subdivision of Lot 18, Block 24, of Fuller Subdivision No. 6 as shown in in Book 84 of Plats of Pages 11471 and 11472 records, Ada County, Idaho. Situate in the in the south half of the southeast quarter of Section 26, Township 4 North, Range 1 West, Boise Meridian, Meridian, Ada County, Idaho, being more particularly described as follows:

Commencing at the south quarter corner of said Section 26, which bears N89°54'16"W, 2,625.52 feet from the southeast section corner of said Section 26; thence S89°29'38"E, 1,278.75 feet along the southerly boundary of said Section 26; thence N00°09'45"E, 30.00 feet to the southwest corner of said Fuller Subdivision No. 6 and to the northerly right-of-way of West McMillan Road; thence continuing N00°09'45"E, 30.00 feet along the westerly boundary of said Fuller Subdivision No. 6 to the southwest corner of said Lot 18, which is the Point of Beginning;

Thence continuing N00°09'45"E, 300.00 feet along the westerly boundary of said Lot 18 to the northwest corner of said Lot 18;

Thence S89°54'16"E, 200.00 feet along the northerly boundary of said Lot 18 to the northeast corner of said Lot 18;

Thence S00°09'45"W, 153.62 feet along the easterly boundary of said Lot 18;

Thence S89°59'16"E, 100.75 feet along the north easterly boundary of said Lot 18 to the northeasterly corner of said Lot 18 and the right-of-way of North Chimney Peak Avenue;

Thence 31.22 feet along a non-tangent curve deflecting to the left having a radius of 53.00 feet, a central angle of 34°25'45", a long chord bearing of S12°43'06"E, and a long chord distance of 30.75 feet along the easterly most boundary of said Lot 18 along the right-of-way of North Chimney Peak Avenue to a corner of said Lot 18;

Thence N89°59'16"W, 107.60 feet along the southerly boundary of said Lot 18 to the easterly boundary of said Lot 18;

Thence S00°09'45"W, 116.38 feet along the easterly boundary of said Lot 18 to the southerly boundary of said Lot 18;

Thence N89°54'16"W, 200.00 feet along the southerly boundary of said Lot 18 to the Point of Beginning.

Comprising 1.45 acres, more or less.

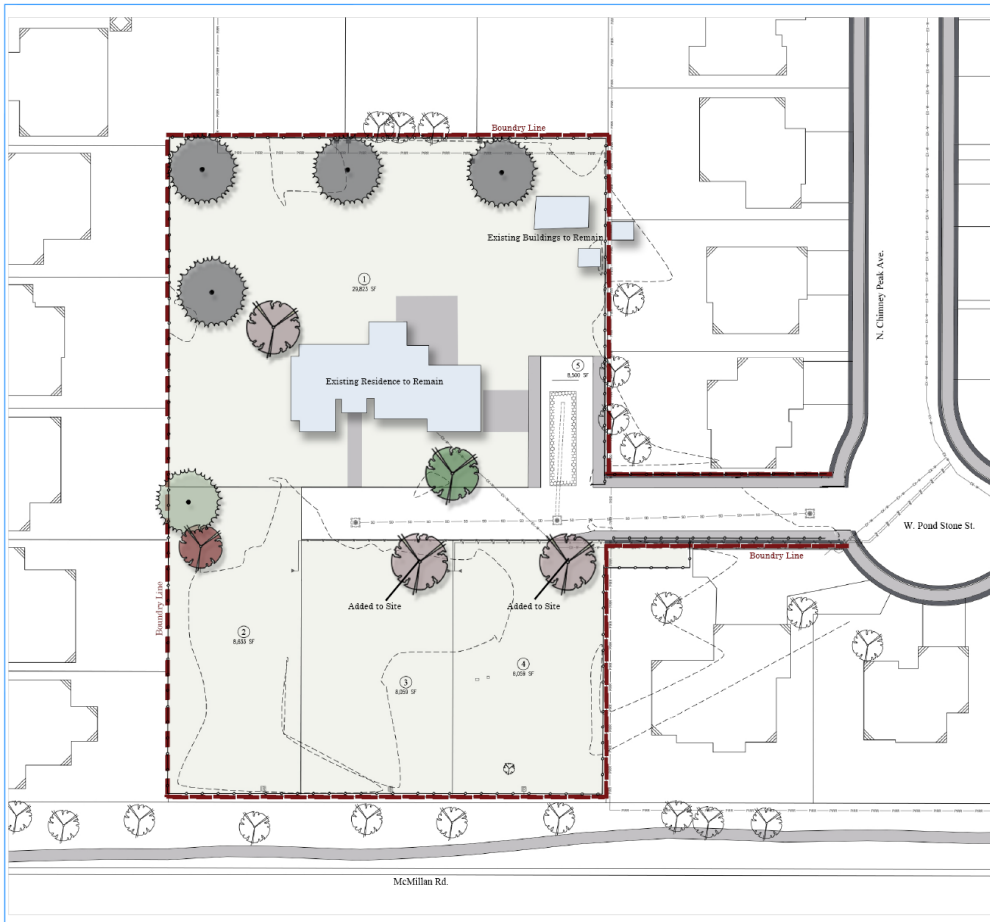
See Sheet 3 for Certificate of Owners Signature



CENTURION ENGINEERS, INC.
 Consulting Engineers, Land Surveyors, Planners
 2323 S. Vista Ave., Ste. 208 | Boise, ID 83705
 208.343.3581 | www.centengr.com

Chimney Peak Subdivision
 Sheet 2 of 3

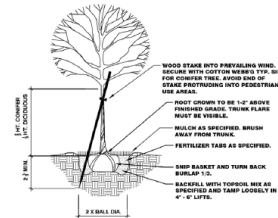
B. Landscape Plan (dated: 2/21/23) & Mitigation Plan



PLANT PALETTE

SYM	COMMON NAME	BOTANICAL NAME	QUANTITY	SIZE
EVERGREEN TREES				
(Symbol)	BLUE SPRUCE	PICEA PUNGENS	4	EXISTING
(Symbol)	PONDROSA PINE	PINUS PONDEROSA	4	EXISTING
DECIDUOUS TREES				
(Symbol)	GREEN ASH	FRAXINUS PENNSYLVANICA	2	EXISTING
(Symbol)	CHERRY	PRUNUS SP.	2	EXISTING
(Symbol)	CHOKERRY	PRUNUS VIRGINIANA	2	EXISTING
(Symbol)			2	2' MCAL BBS

NUMBER OF TREES EXISTING ON SITE: 6
 NUMBER OF TREES ADDED TO SITE: 4
 TOTAL NUMBER OF TREES: 10
 *SEE L2 FOR TREE MITIGATION PLAN.



1 TREE PLANTING/STAKING
 NOT TO SCALE CD-TM-01

CHIMNEY PEAK SUBDIVISION
 MERIDIAN, ID SHORT PLAT LANDSCAPE PLAN



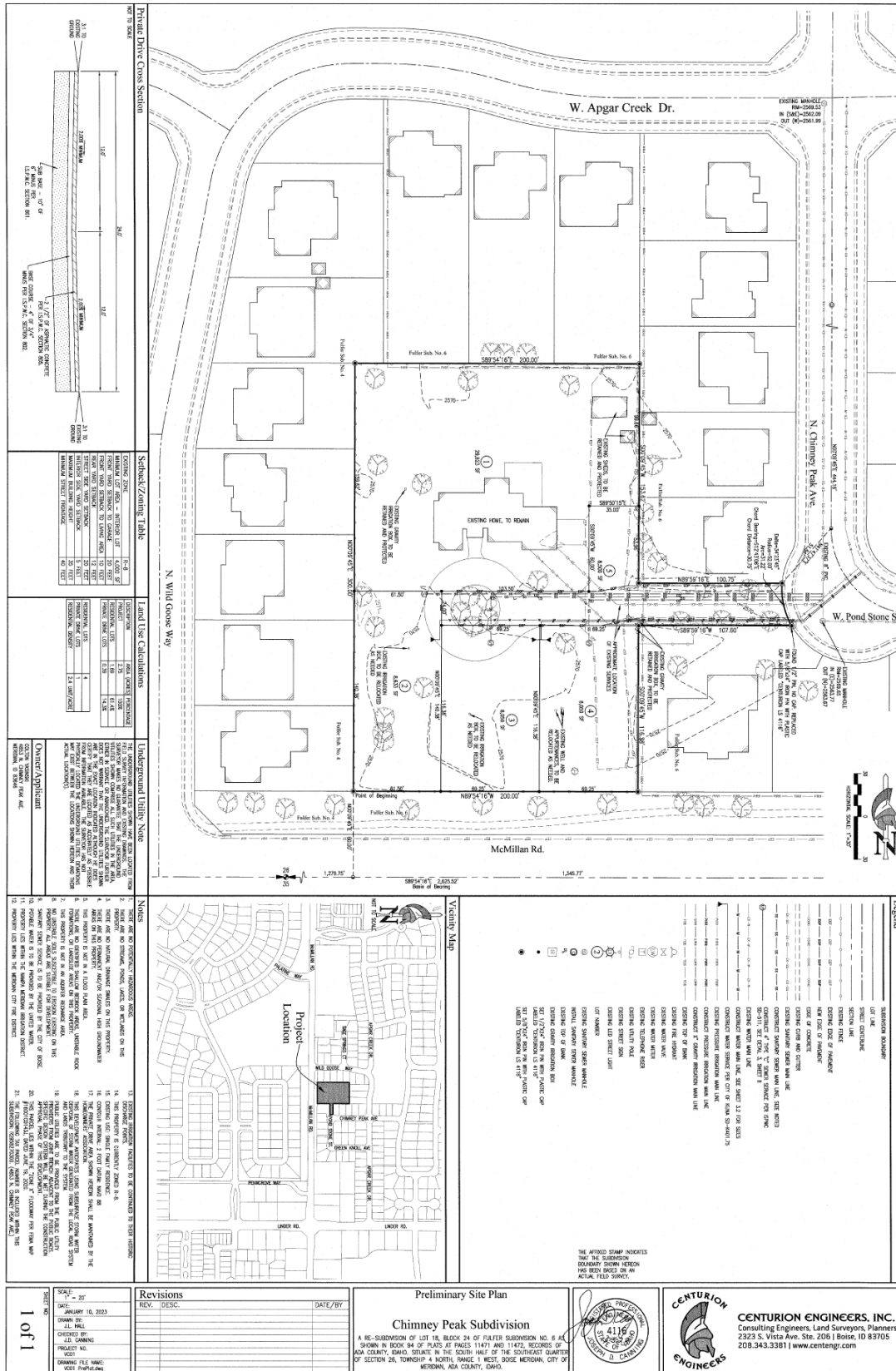
Matthew J. Pinner, P.E.
 Consulting Engineers, Land Surveyors, Planners
 2555 W. Franklin Road | Boise, ID 83705
 208-340-3351 | www.centengr.com

Short Landscape Plan
 Chimney Peak Subdivision

DATE: 02/21/23
 REV: 01

SHEET NO: 01
 OF: 01
 PROJECT: CHIMNEY PEAK SUBDIVISION
 DRAWN BY: MJP
 CHECKED BY: MJP
 PROJECT NO: 23-001
 SHEET TITLE: LANDSCAPE PLAN

C. Site Plan (dated: 1/10/23)



Scale: 1" = 20'

DATE: JANUARY 10, 2023

PROJECT: CHIMNEY PEAK SUBDIVISION

DRAWING TITLE: PRELIMINARY SITE PLAN

SHEET NO: 1 OF 1

REV.	DATE	BY	DESCRIPTION

Preliminary Site Plan

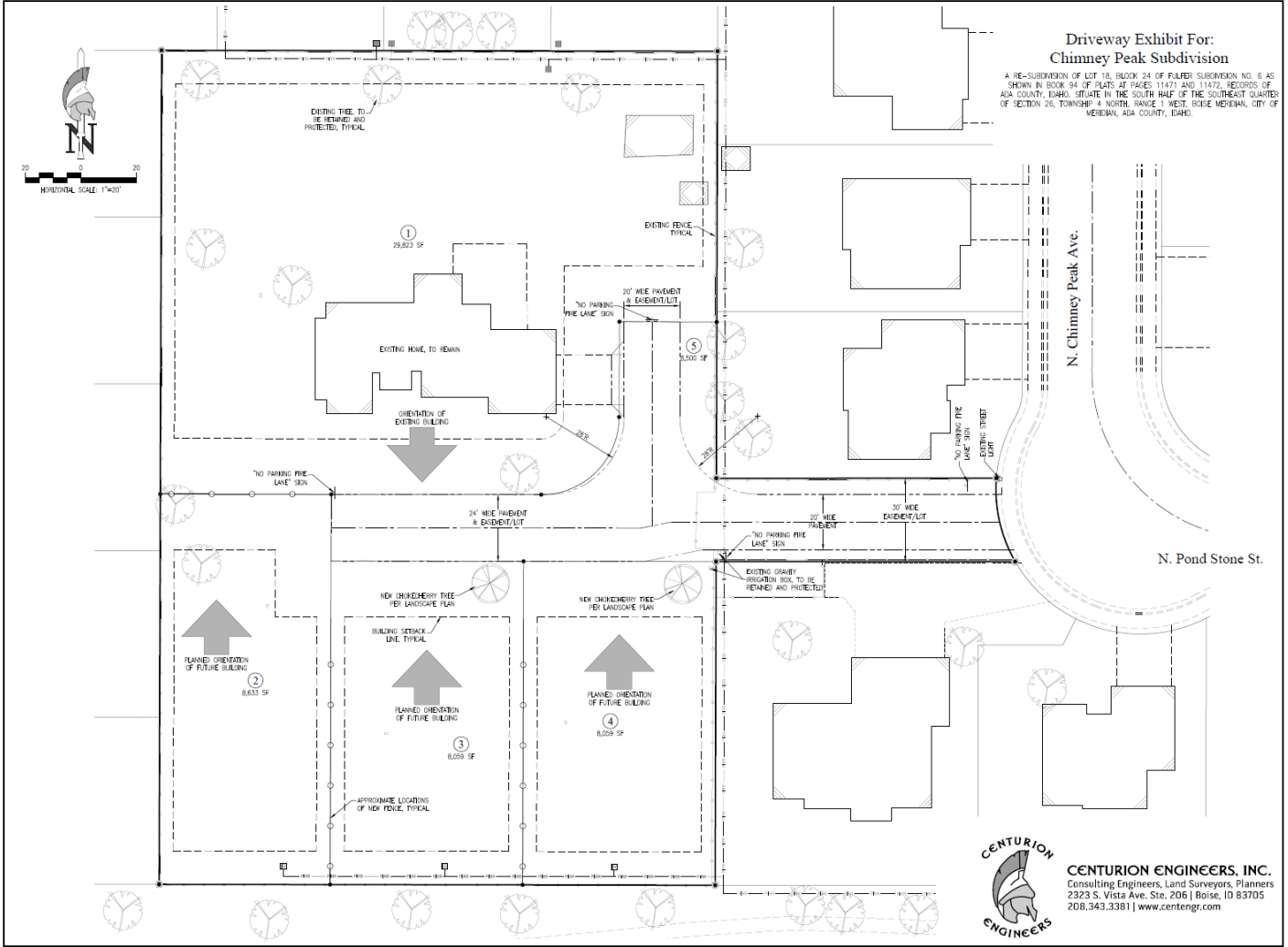
Chimney Peak Subdivision

A RE-SUBDIVISION OF LOT 18, BLOCK 24 OF PALMER SUBDIVISION NO. 6 ACROSS IN BOOK 94 OF PLATS OF PLACES 11471 AND 11472, RECORDS OF ADA COUNTY, IOWA, SITUATE IN THE SOUTH-HALF OF THE SOUTHEAST QUARTER OF SECTION 26, TOWNSHIP 4 NORTH, RANGE 1 WEST, 305E MERIDIAN, CITY OF MERIDIAN, ADA COUNTY, IOWA.



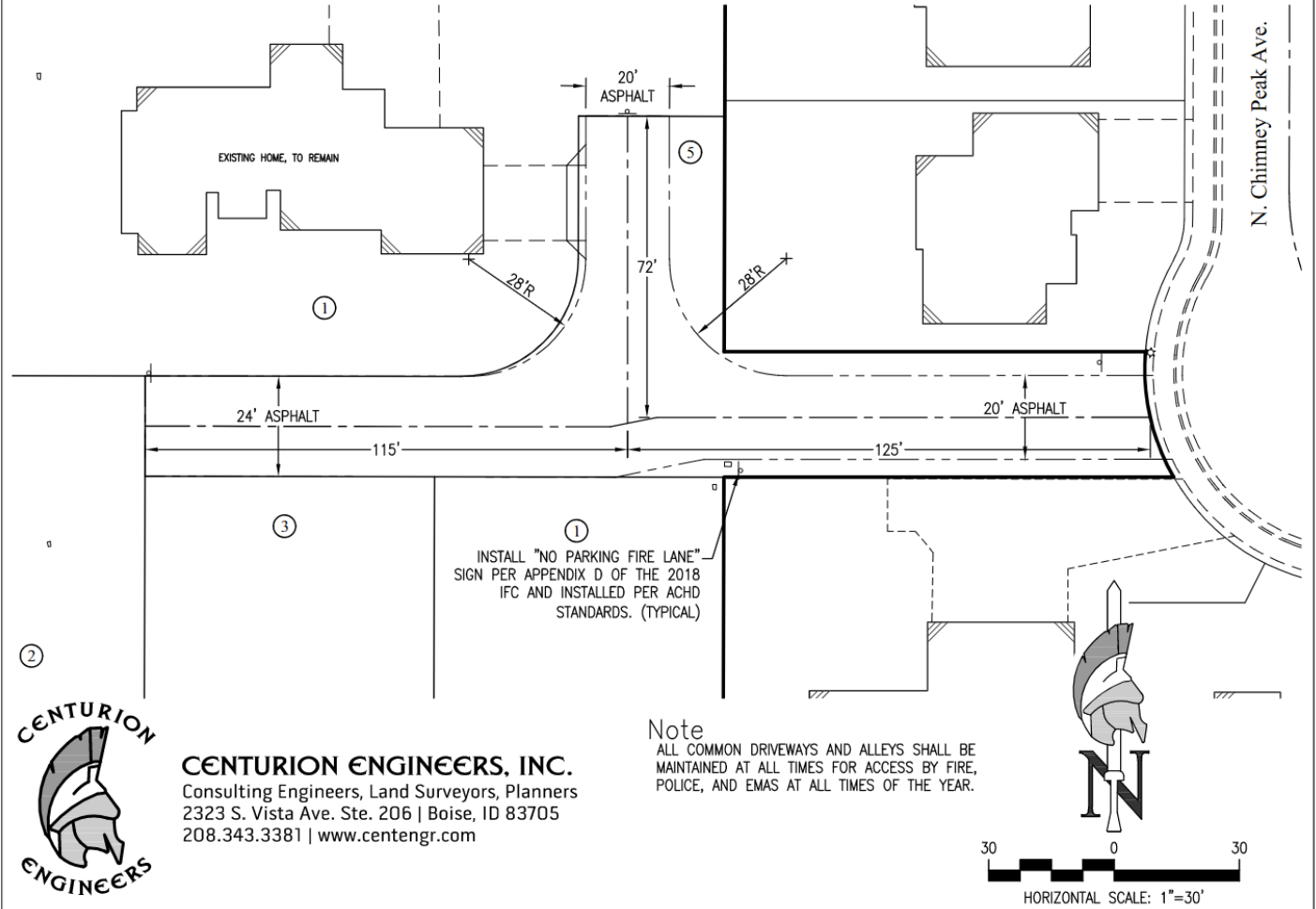
CENTURION ENGINEERS, INC.
 Consulting Engineers, Land Surveyors, Planners
 2523 S. Vista Ave. Ste. 206 | Boise, ID 83705
 208.343.3381 | www.centengr.com

D. Common Driveway Exhibit



E. Fire Department Approved Turnaround

Chimney Peak Subdivision Turnaround Sketch



VII. CITY/AGENCY COMMENTS & CONDITIONS

A. Planning Division

Site Specific Conditions:

1. The Applicant shall comply with all previous conditions of approval associated with this development: AZ-03-013 (Development Agreement Inst. #[103181095](#)), CUP-03-028, PP-03-014 (Kelley Creek Subdivision); and FP-05-036 (Fulfer Subdivision No. 6), as applicable.
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. The short plat prepared by Joseph D. Canning, Centurion Engineering on 2/15/2023, included in Section VI.A, shall be revised as follows:
 - a. Note #2: Include the recorded instrument number of the CC&R's.
 - b. Note #4: "Building setbacks and dimensional standards in this subdivision shall be in compliance with the applicable zoning regulations of the City of Meridian ~~and conditions of the staff report for Chimney Peak Subdivision.~~"
 - c. Note #5: "Lots shall not be reduced in size without prior approval from the health authority and the City of Meridian."
 - d. Note #6: " Lots 5, Block 1, is designated as a common drive lot to be owned and maintained by the Homeowners' Association. Lot 5 will provide ingress/egress to all the lots within Chimney Peak Subdivision. The common drive shall have a paved surface capable of supporting fire vehicles and equipment."
 - e. Note #9: Include side and subdivision boundary PUDI easements if applicable.
 - f. Note #10: Delete note pertaining to direct lot access via McMillan Rd. (access is prohibited).
4. Future development shall comply with the dimensional standards listed in UDC [Table 11-2A-6](#) for the R-8 zoning district and the common driveway exhibit in Section VI.D.
5. All existing structures that don't comply with the minimum dimensional standards listed in UDC [Table 11-2A-6](#) for the R-8 zoning district shall be removed prior to signature on the final plat by the City Engineer. *Note: All structures less than 200 square feet in area are not required to comply with the minimum setback standards.*
6. 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 of Approval

1. Common Driveways with 4 or more lots need to have a private sewer line that will be the responsibility of the HOA. A manhole in the common driveway located at the property boundary is required with a lid that states "Private".
2. Ensure no sewer services pass through infiltration trenches
3. Ensure no permanent structures (trees, bushes, buildings, carports, trash receptacle walls, fences, infiltration trenches, light poles, etc.) are built within the utility easement.

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. 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 (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 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.

C. Fire Department

<https://weblink.meridiancity.org/WebLink/DocView.aspx?id=295088&dbid=0&repo=MeridianCity>

D. Idaho Transportation Department (ITD)

<https://weblink.meridiancity.org/WebLink/DocView.aspx?id=295691&dbid=0&repo=MeridianCity&cr=1>

E. Ada County Highway District (ACHD)

<https://weblink.meridiancity.org/WebLink/DocView.aspx?id=297271&dbid=0&repo=MeridianCity>

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 Medium Density Residential and the current zoning district of the site is R-8. Staff finds the proposed short plat complies with the short plat standards listed in UDC 11-6B-5. Future development should comply with the dimensional standards for the R-8 zoning district listed in UDC [Table 11-2A-6](#).

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 and are adequate to serve the proposed lots.

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

Staff finds all required utilities will be provided with lot development 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 in this area.

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

Staff finds the proposed development will not be detrimental to the public health, safety or general welfare.

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 the structure on this site.