

BEFORE THE MERIDIAN CITY COUNCIL

HEARING DATE: JULY 18, 2023
ORDER APPROVAL DATE: AUGUST 8, 2023

IN THE MATTER OF THE)
REQUEST FOR FINAL PLAT)
CONSISTING OF 1 COMMERCIAL)
LOT, 2 VERTICALLY)
INTEGRATED BUILDING LOTS)
CONTAINING 12 RESIDENTIAL)
UNITS, 33 SINGLE-FAMILY)
BUILDING LOTS, AND 10)
COMMON LOTS ON 4.77 ACRES)
OF LAND IN THE C-C AND R-40)
ZONING DISTRICTS FOR PAW)
SUBDIVISION.)

CASE NO. FP-2022-0034

ORDER OF CONDITIONAL
APPROVAL OF FINAL PLAT

BY: KENT BROWN PLANNING
SERVICES
APPLICANT

This matter coming before the City Council on July 18, 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:

ORDER OF CONDITIONAL APPROVAL OF FINAL PLAT
FOR (PAW SUBDIVISION – FILE FP-2022-0034)

IT IS HEREBY ORDERED THAT:

1. The Final Plat of “PLAT SHOWING PAW SUBDIVISION, LOCATED IN THE SE ¼ OF THE SE 1/4 OF SECTION 35, TOWNSHIP 4N., RANGE 1W., BOISE MERIDIAN, MERIDIAN, ADA COUNTY, IDAHO, 2022, HANDWRITTEN DATE: OCTOBER 3, 2022, by CLINTEN W. HANSEN, 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 July 18, 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 Kent Brown Planning Services, 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



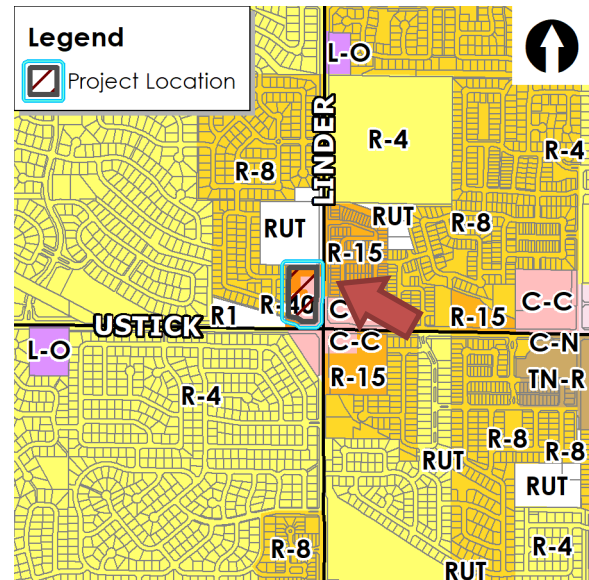
HEARING DATE: July 18, 2023

TO: Mayor & City Council

FROM: Stacy Hersh, Associate Planner
208-884-5533

SUBJECT: PAW Subdivision
FP-2022-0034

LOCATION: 1680 W. Ustick Road in the SE ¼ of the
SE ¼ of Section 25, Township 4N.,
Range 1W (Parcel #S0435449705 &
S0435449025)



I. PROJECT DESCRIPTION

The Applicant proposes a Final Plat consisting of one (1) commercial lot, two (2) vertically integrated building lots containing 12 residential units, 33 single family residential lots, and ten (10) common lots on 4.77 acres of land in the C-C and R-40 zoning districts.

II. APPLICANT INFORMATION

A. Applicant:

Kent Brown, Kent Brown Planning Services – 3161 E. Springwood Drive, Meridian, ID 83642

B. Owner:

Kevin Amar, Rama Group LLC – 1580 W. Cayuse Creek Drive, Meridian, ID 83646

C. Representative:

Same as Applicant

III. STAFF ANALYSIS

Staff has reviewed the proposed final plat for substantial compliance with the approved preliminary plat (Pavilion at Windsong Subdivision CUP, MDA, PP, RZ, PS H-2021-0102) as required by UDC 11-6B-3C.2. The submitted final plat is for the same number of building lots and common lots approved with the preliminary plat; therefore, staff deems the final plat in substantial compliance with the approved preliminary plat as required.

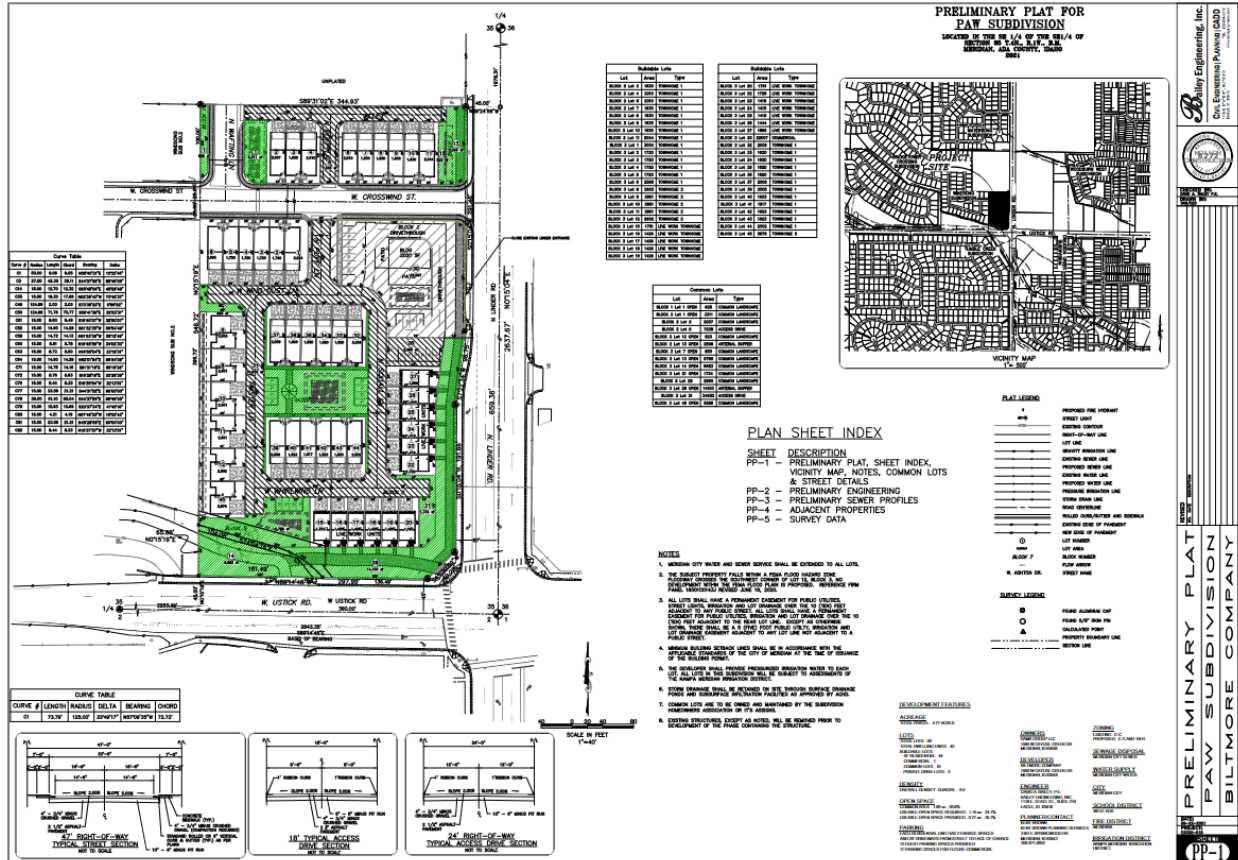
IV. DECISION

Staff:

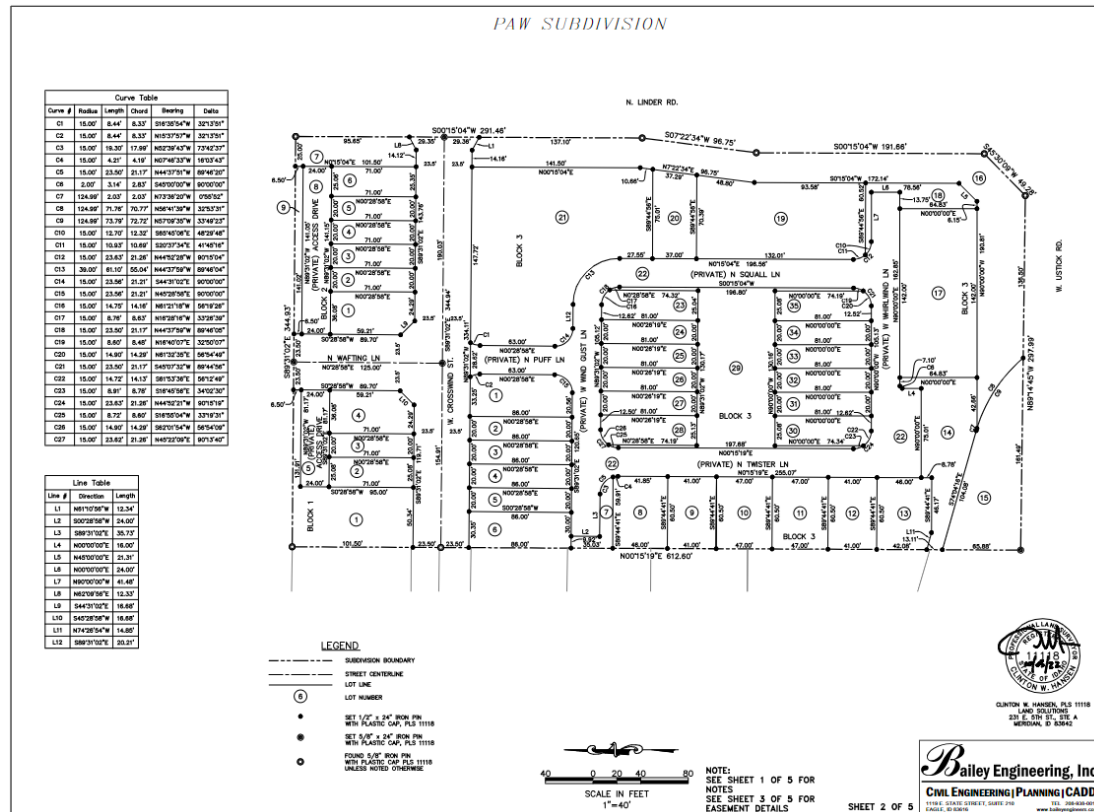
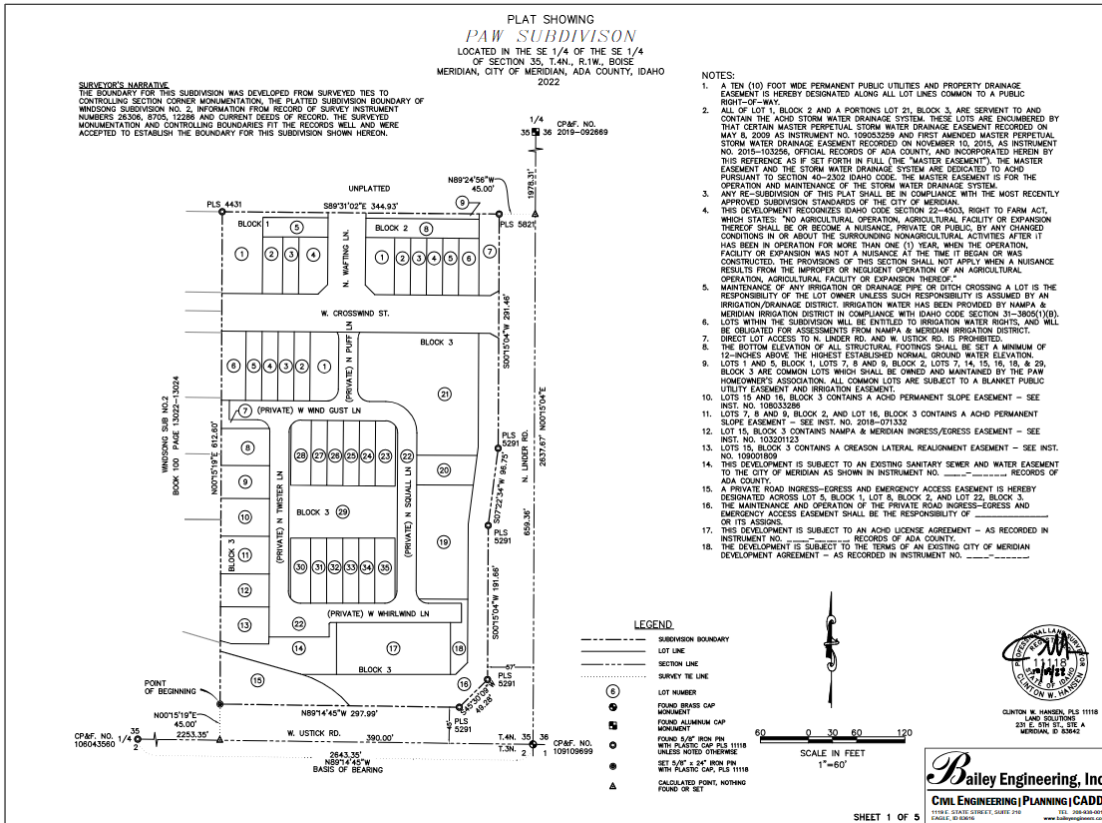
Staff recommends approval of the proposed final plat with the conditions noted in Section VI of this report.

V. EXHIBITS

A. Preliminary Plat (date: 9/22/2021)



B. Final Plat (date: 10/3/2022)



PAW SUBDIVISION

CERTIFICATE OF OWNERS

Know all men by these presents: That Rama Group, LLC is the owners of the property described as follows:

A parcel located in the SE ¼ of the SE ¼ of Section 35, Township 4 North, Range 1 West, Boise Meridian, Ada County, Idaho, and more particularly described as follows:

Commencing at a Brass Cap monument marking the southeast corner of said SE ¼ of the SE ¼, from which a 5/8 inch rebar marking the southwest corner of the SE ¼ of said Section 35 bears N 89°14'45" W a distance of 2643.35 feet;

Thence along the southerly boundary of said SE ¼ of the SE ¼ N 89°14'45" W a distance of 390.00 feet to a point;

Thence leaving said southerly boundary N 0°15'19" E a distance of 45.00 feet to a point on the northerly right-of-way of W. Ustick Road and the POINT OF BEGINNING;

Thence continuing N 0°15'19" E along the easterly boundary and the extension thereof of Windsong Subdivision No. 2 as shown in Book 100 of Plats on Pages 13022 thru 13024, records of Ada County, Idaho, a distance of 612.60 feet to a 5/8 inch rebar marking the northeast corner of said Windsong Subdivision No. 2;

Thence leaving said easterly boundary S 89°31'02" E a distance of 344.93 feet to a point on the westerly right-of-way of N. Linder Road;

Thence along said westerly right-of-way the following described courses:

Thence S 0°15'04" W along a line being 45.00 feet westerly of and parallel to the easterly boundary of said SE ¼ of the SE ¼ a distance of 291.46 feet to a point;

Thence S 7°22'34" W a distance of 96.75 feet to a point;

Thence S 0°15'04" W along a line being 57.00 feet westerly of and parallel to the easterly boundary of said SE ¼ of the SE ¼ a distance of 191.66 feet to a point;

Thence S 45°30'09" W a distance of 49.28 feet to a point on the northerly right-of-way of W. Ustick Road;

Thence along said northerly right-of-way, being 45.00 feet northerly of and parallel to the southerly boundary of said SE ¼ of the SE ¼, N 89°14'45" W a distance of 297.99 feet to the POINT OF BEGINNING.

This parcel contains 4.77 acres and is subject to any easements existing or in use.

It is the intention of the undersigned to hereby include the above described property in this plat and to dedicate to the public, the public streets as shown on this plat. The easements as shown on this plat are not dedicated to the public. However, the right to use said easements is hereby perpetually reserved for public utilities and such other uses as designated within this plat, and no permanent structures are to be erected within the lines of said easements. All lots in this plat will be eligible to receive water service from an existing City of Meridian main line located adjacent to the subject subdivision, and the City of Meridian has agreed in writing to serve all the lots in this subdivision.

Rama Group, LLC.

Kevin F. Amar, Manager

ACKNOWLEDGMENT

State of Idaho)
County of Ada) s.s.

On this _____ day of _____, 20____, before me, the undersigned, a Notary Public in and for said State, personally appeared Kevin F. Amar, known or identified to me to be the manager of Rama Group LLC, an Idaho Limited Liability Company, who subscribed said Limited Liability Company's name to the foregoing instrument, and acknowledged to me that he executed the same in said Rama Group LLC's name.

In witness whereof, I have hereunto set my hand and affixed my official seal the day and year in this certificate first above written.

My commission expires _____

Notary Public for Idaho
Residing in _____, Idaho

CERTIFICATE OF SURVEYOR

I, Clinton W. Hansen, do hereby certify that I am a Professional Land Surveyor licensed by the State of Idaho, and that this plat as described in the "Certificate of Owners" was drawn from an actual survey made on the ground under my direct supervision and accurately represents the points plotted thereon, and is in conformity with the State of Idaho Code relating to plats and surveys.

Clinton W. Hansen



P.L.S. No. 11118

SHEET 4 of 5



FOXCROFT SUBDIVISION NO. 1

HEALTH CERTIFICATE

Sanitary restrictions as required by Idaho Code, Title 50, Chapter 13 have been satisfied based on a review by a Qualified Licensed Professional Engineer (QLPE) representing Meridian City Public Works and the QLPE approval of the design plans and specifications and the conditions imposed on the developer for continued satisfaction of the sanitary restrictions. Buyer is cautioned that at the time of this approval, no drinking water extensions or sewer extensions were constructed. Building construction can be allowed with appropriate building permits if drinking water extensions or sewer extensions have since been constructed or if the developer is simultaneously constructing those facilities. If the developer fails to construct facilities, then sanitary restrictions may be reimposed, in accordance with Section 50-1306, Idaho Code, by the issuance of a Certificate of Disapproval, and no construction of any building or shelter requiring drinking water or sewer/septic facilities shall be allowed.

Central Health Date

APPROVAL OF ADA COUNTY HIGHWAY DISTRICT

The foregoing plat was accepted and approved by the Board of Ada County Highway District Commissioners on the _____ day of _____, 20____.

ACHD President

APPROVAL OF CITY ENGINEER

I, the undersigned, City Engineer in and for the City of Meridian, Ada County, Idaho, hereby approve this plat.

City Engineer Date

APPROVAL OF CITY COUNCIL

I, the undersigned, City Clerk in and for the City of Meridian, Ada County, Idaho, hereby certify that at a regular meeting of the City Council held on the _____ day of _____, 20____, this plat was duly accepted and approved.

City Clerk, Meridian, Idaho

CERTIFICATE OF COUNTY SURVEYOR

I, the undersigned, Professional Land Surveyor in and for Ada County Idaho, hereby certify that I have checked this plat and that it complies with the State of Idaho Code relating to plats and surveys.

County Surveyor

CERTIFICATE OF COUNTY TREASURER

I, the undersigned, County Treasurer in and for the County of Ada, State of Idaho, per the requirements of I.C. 50-1308 do hereby certify that any and all current and/or delinquent county property taxes for the property included in this subdivision have been paid in full. This certification is valid for the next thirty (30) days only.

Date

County Treasurer

COUNTY RECORDERS CERTIFICATE

State of Idaho)
County of Ada) s.s.

I hereby certify that this instrument was filed for record at the request of _____ of _____ Minutes past _____ of _____ M. on this _____ day of _____, 20____, in Book _____ of plats at Pages _____.

Instrument No. _____

Deputy

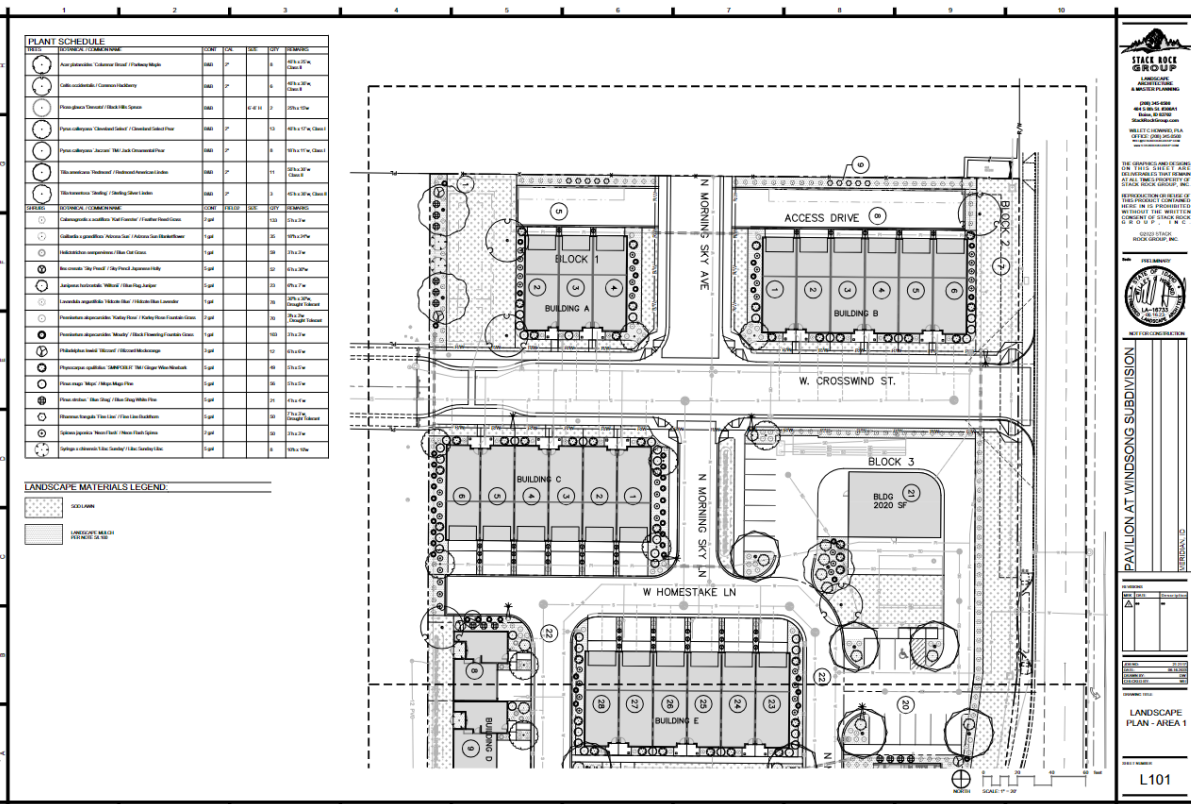
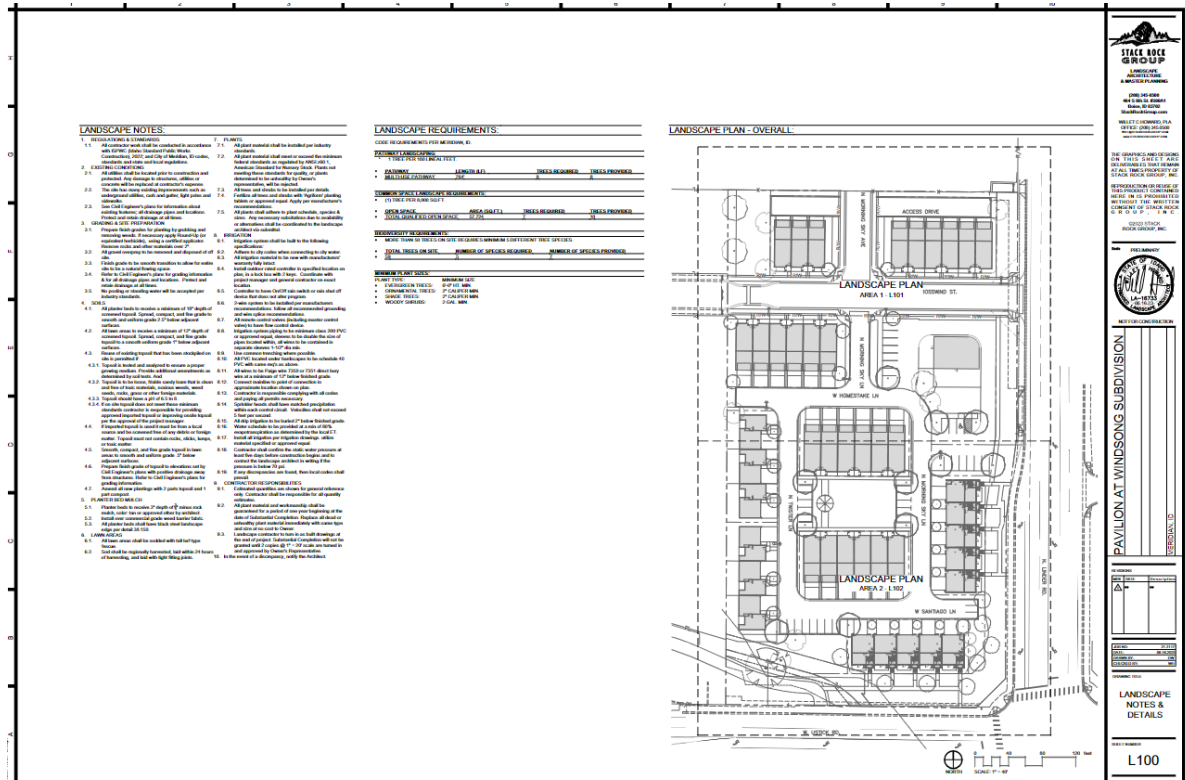
Ex Officio Recorder



SHEET 5 OF 5



C. Landscape Plan (dated: 6/16/23)





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 (CUP, MDA, PP, RZ, PS H-2021-0102, Development Agreement #2022-063228).
2. **The applicant shall obtain the City Engineer's signature on the subject final plat within two years of the City Council's approval of the preliminary plat (June 7, 2024), the preliminary 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, have the Certificate of Owners and the accompanying acknowledgement signed and notarized.
4. The final plat prepared by Clinton W. Hansen, Bailey Engineering, Inc., dated 10/3/2022, included in Section VII.B shall be revised as follows:
 - a. Note #14: Include recorded instrument number of City of Meridian water and sewer easement.
 - b. Note #16: Include responsible party or parties for repair and maintenance of the private street and submit the documentation/contract to the City.
 - c. Note #17: Include recorded instrument number of ACHD license agreement.
 - d. Note #18: Include recorded instrument number of City of Meridian development agreement.
5. The landscape plan prepared by Stack Rock Group, dated 6/16/23, shall be revised as follows:
 - a. Depict the width of the pathways along W. Ustick Road and N. Linder Road.
 - b. Depict landscaping in the buffers along N. Linder Road and W. Ustick Road per the standards listed in UDC 11-3B-7C (all required landscape buffers along streets shall be designed and planted with a variety of trees, shrubs, lawn, or other vegetative ground cover. Plant materials in conjunction with site design shall elicit design principles including rhythm, repetition, balance, and focal elements).
6. Obtain approval for the proposed street names for each private road along the north boundary serving access to the residential units.
7. Future development of this site shall be generally consistent with the conceptual site plan, landscape plan, and elevations approved with H-2021-0102 included in the Development Agreement.
8. At the time of CZC or plat, public accessibility for the central open space shall be specified in the CC&Rs, maintenance agreement or property owner's association agreement.
9. At the time of CZC or plat, an executed shared-parking agreement between the commercial lots and the vertically integrated structures shall be submitted.
10. All private streets shall meet the requirements of UDC 11-3F-4.
11. All common lots, streets and alleys shall meet the requirements of UDC 11-6C-3.
12. There should be a consistent architectural theme throughout the development. Administrative design review will be required for all new attached residential structures containing two (2) or

more dwelling units. Design review and certificate of zoning compliance will be required for any commercial buildings or vertically-integrated buildings.

13. The developer shall comply with the specific use standards for vertically-integrated projects as listed in UDC 11-4-3-41.
14. A conditional use permit shall be required for the drive through establishment shown on the commercial lot.
15. Direct access to N. Linder Rd. and W. Ustick Rd. is prohibited. All existing curb cuts shall be replaced with curb, gutter and sidewalk.
16. Construct all off-street parking areas consistent with the standards as set forth in UDC 11-3C-1.
17. Protect any existing trees on the subject property that are greater than four-inch caliper and/or mitigate for the loss of such trees as set forth in UDC 11-3B-10.
18. 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. Sewer and water running in parallel require 30ft easement.
2. Ensure no permanent structures (trees, bushes, buildings, carports, trash receptacle walls, fences, infiltration trenches, light poles, etc.) are built within the utility easement.
3. Ensure no sewer services pass through infiltration trenches.
4. Water lines, fire hydrants and services up to the meter require 20' easements. Easement to extend 10' beyond fire hydrant, water meters or termination of the main.
5. Ensure no permanent structures (trees, bushes, buildings, carports, trash receptacle walls, fences, infiltration trenches, light poles, etc.) are built within the utility easement.
6. Streetlights must be activated and record drawings approved prior to any form of occupancy.

General Conditions:

7. 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 then alternate materials shall be used in conformance of City of Meridian Public Works Departments Standard Specifications.
8. 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.
9. 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.
10. 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.

11. 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.
12. 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.
13. 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.
14. 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.
15. 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.
16. 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.
17. Applicant shall be responsible for application and compliance with any Section 404 Permitting that may be required by the Army Corps of Engineers.
18. Developer shall coordinate mailbox locations with the Meridian Post Office.
19. All grading of the site shall be performed in conformance with MCC 11-1-4B.
20. 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.
21. 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.
22. 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.
23. 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.
24. 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.

25. 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.
26. Applicant shall be responsible for application and compliance with and NPDES permitting that may be required by the Environmental Protection Agency.
27. Any existing domestic well system within this project shall be removed from domestic service per City Ordinance Section 9-1-4 and 9 4 8 contact the City of Meridian Water Department at (208)888-5242 for inspections of disconnection of services. Wells may be used for non-domestic purposes such as landscape irrigation if approved by Idaho Department of Water Resources.
28. 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.
29. 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.
30. 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.

EXHIBIT B

From: [kent brown](#)
To: [Stacy Hersh](#)
Cc: [Bill Parsons](#); [Bill Nary](#); [Kurt Starman](#); [Chris Johnson](#); [Joy Hall](#); [Charlene Way](#); jeremy@biltmoreco.com
Subject: Re: PAW Subdivision FP-2022-0034 Final Plat
Date: Tuesday, July 11, 2023 5:06:09 PM

External Sender - Please use caution with links or attachments.

Stacy my clients have reviewed the conditions of approval and are in agreement with those conditions.

Kent Brown

On Tue, Jul 11, 2023 at 1:42 PM Stacy Hersh <shersh@meridiancity.org> wrote:

Good Afternoon,

Attached is the staff report for the final plat for PAW (Pavilion at Windsong) Subdivision. This item is scheduled to be on the consent agenda at the City Council work session on July 18, 2023. The meeting will be held at City Hall, 33 E. Broadway Avenue, beginning at 4:30 pm. Please call or e-mail with any questions.

If you are *not* in agreement with the provisions in the staff report, please submit a written response to the staff report to the City Clerk's office (comment@meridiancity.org) and me as soon as possible and the item will be placed on the regular meeting agenda at a subsequent meeting for discussion.

Best regards,

Stacy Hersh | Associate Planner

City of Meridian | Community Development Department

33 E. Broadway Ave., Meridian, Idaho 83642

Phone: (208)-489-0576, Fax: (208)-887-1297



Built for Business, Designed for Living

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Kent Brown

Kent Brown Planning Services

3161 E. Springwood Drive

Meridian, ID 83642

P: 208-871-6842