

EXHIBIT A

STAFF REPORT

COMMUNITY DEVELOPMENT DEPARTMENT



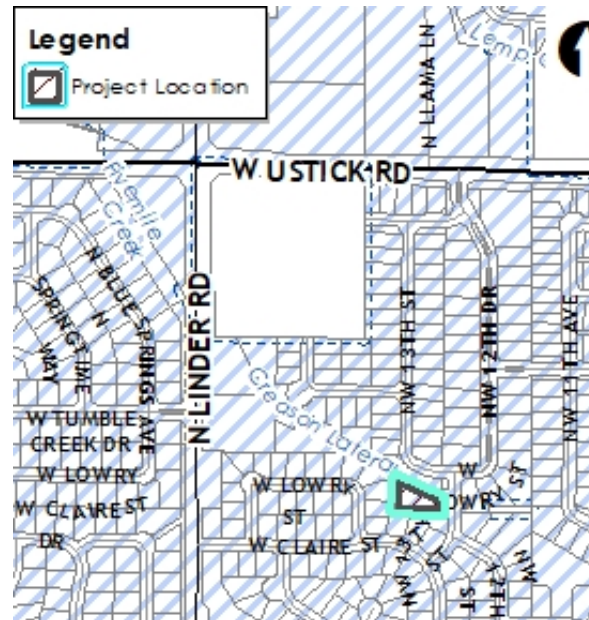
HEARING DATE: 8/24/2021

TO: Mayor & City Council

FROM: Alan Tiefenbach, Associate Planner
208-498-0573

SUBJECT: SHP-2021-0003
Creason Creek No 3 Short Plat

LOCATION: The site is located on the east side of N. Linder Rd., south of W. Ustick Rd. on Parcel # R1606170010



I. PROJECT DESCRIPTION

The Applicant proposes a Short Plat consisting of 2 buildable lots on 0.4 acres of land in the R-8 zoning district.

II. APPLICANT INFORMATION

A. Applicant:

Bob Unger, ULC Management – 6104 N. Gary Lane, Boise, ID 83714

B. Owner:

Cory Swain, CS2 LLC – 3363 E. Presidential Dr, Ste 200, Meridian, ID 83642

III. NOTICING

	City Council Posting Date
Newspaper Notification	8/6/2020
Radius notification mailed to properties within 300 feet	8/4/2020

IV. STAFF ANALYSIS

In September 2015, the subject property was part of the Creason Creek annexation and preliminary plat (DA Inst. 2016-019362, AZ 15-009, PP 15-014). This plat consisted of 51 single family lots and 8 common lots on 16.08 acres. The entire property was zoned to R-8. At this time, the subject property was identified as Lot 1, Block 1 and was designated as a common lot for the purpose of a dog park. The first final plat (Filing One) for 34 buildable lots was approved by the Council in March of 2016 and Filing Two for 13 residential lots and 2 common lots was approved in May of 2018 (H-2018-0037).

In 2019, the Council approved a modification to the previously approved Final Plat No 2 (H-2019-0139) to relocate the dog park designated for the subject lot to Lot 13 and portions of Lots 14 & 15 in Block 1. It also adjusted the boundary of Phase Two to include additional land into the subject lot so it could be subdivided into two buildable lots. This “land swap” increased common area from 16,183 sq. ft. to 16,268 sq. ft.

The current proposal (Phase 3) is a short plat to complete the subdivision of Lot 1, Block 1 into two buildable lots (now shown as Lots 16 & 17) as was discussed at the Council meeting for the Phase Two modification. Access will occur via a common drive from NW 13th St to the east.

Staff has reviewed the proposed short plat for substantial compliance with the criteria set forth in UDC 11-6B-5. Staff notes the access proposed for the subject lots is via a common easement, whereas UDC 11-6C-3.D requires all common driveways to be on a common lot. Staff has requested the applicant provide an exhibit demonstrating there is sufficient building area with the 20’ street setback being measured from the property lines of the common lot versus across the driveway common easement. This exhibit has been provided in VI.D. Otherwise, staff deems the short plat to be in substantial compliance with said requirements. There is no increase in total lots and the amount of open space has slightly increased.

V. DECISION

A. Staff:

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

B. The Meridian City Council heard this item on August 24, 2021. At the public hearing, the Council moved to approve the subject short plat request.

1. Summary of the City Council public hearing:

- a. In favor: Bob Unger
- b. In opposition: Steve Kiser, 1354 W Claire St
- c. Commenting: Bob Unger
- d. Written testimony: None
- e. Staff presenting application: Alan Tiefenbach
- f. Other Staff commenting on application: None

2. Key issue(s) of public testimony:

- a. Steve Kiser expressed concerns regarding the lack of notification that occurred during the final plat modification that allowed the subject lot to be buildable, the unattractiveness of vinyl fencing, and potential water rights issues.

3. Key issue(s) of discussion by City Council:

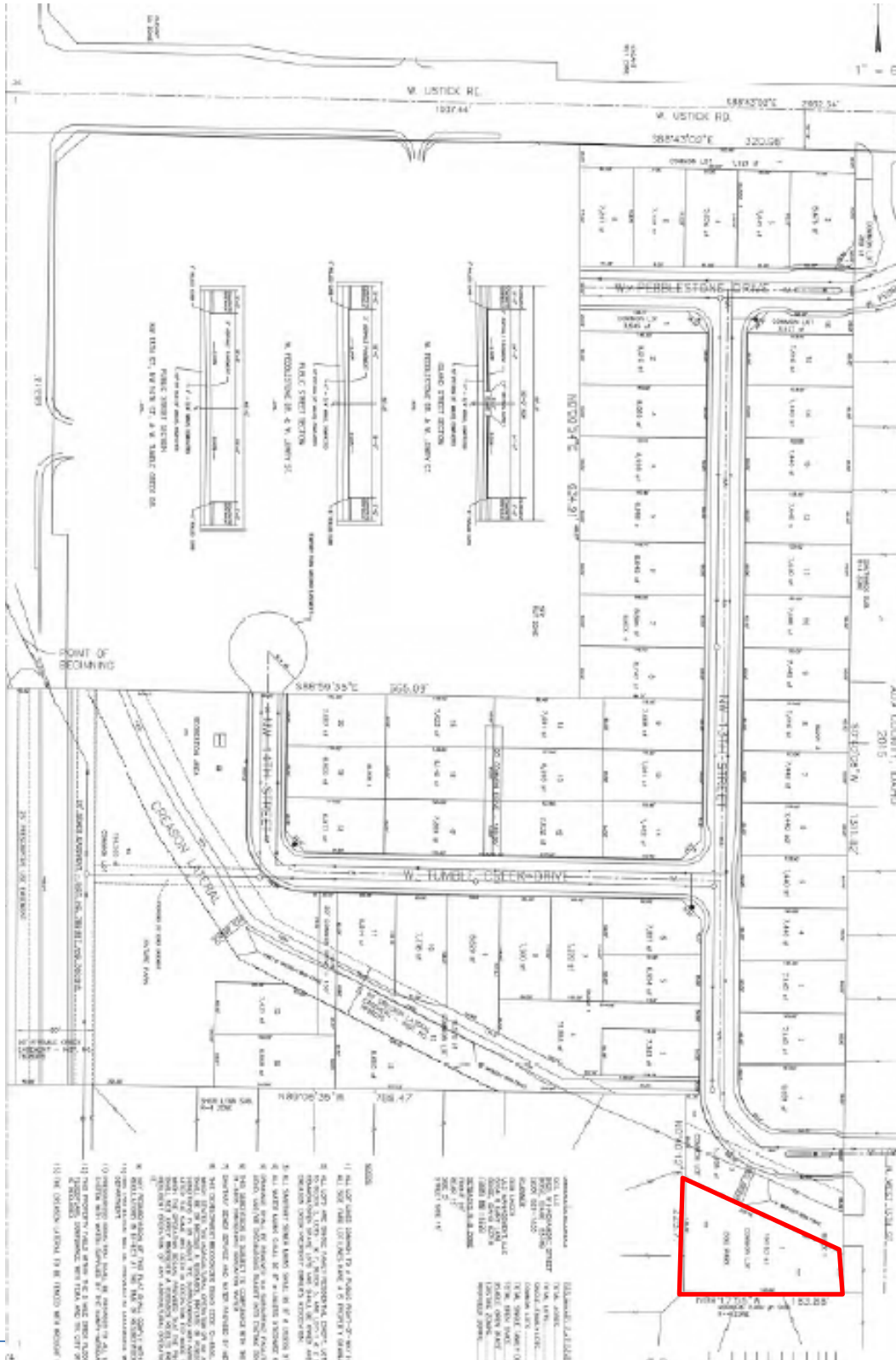
- a. Council discussed access to the dog park, and water rights issues associated with the Creason Lateral.

4. City Council change(s) to Commission recommendation:

a. None

VI. EXHIBITS

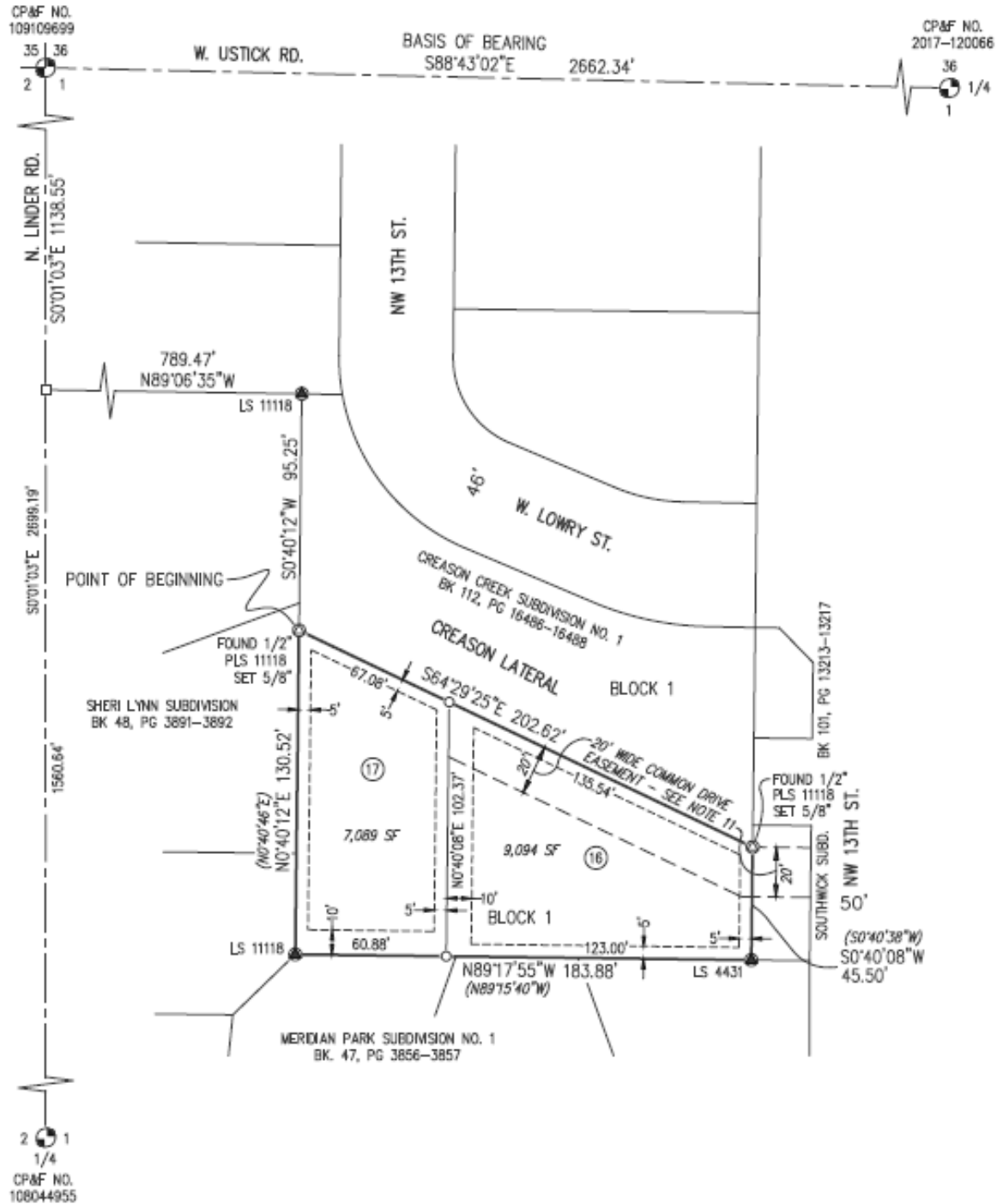
A. Approved Preliminary Plat (date: 7/18/15)



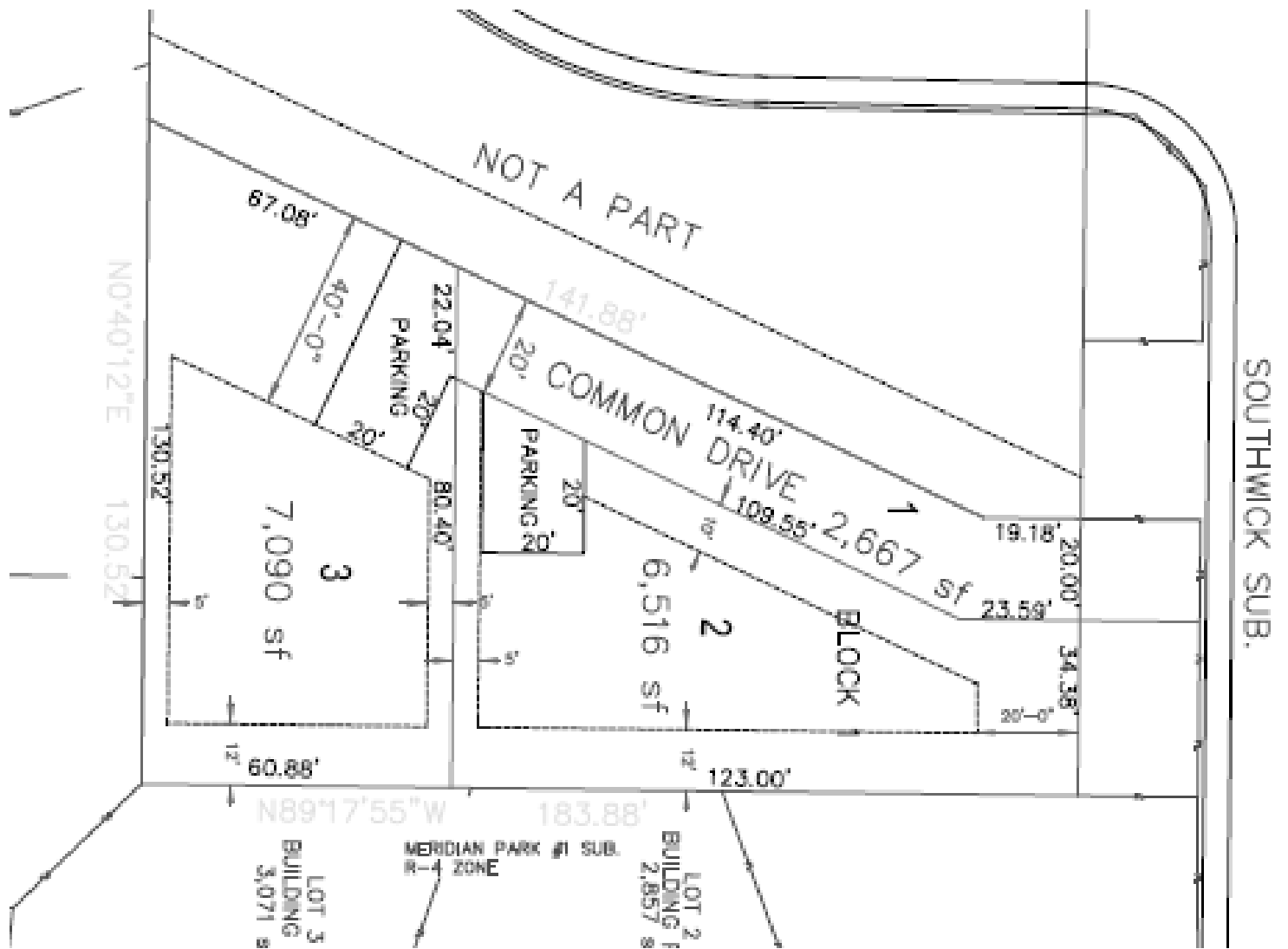
THE NE 1/4,
T. 2, B. 1.
10



C. Proposed Short Plat



D. Proposed Site Layout



VII. CITY/AGENCY COMMENTS & CONDITIONS

A. Planning Division

Site Specific Conditions:

1. The applicant shall comply with all applicable conditions of approval associated with this site (AZ-15-009; PP-15-014; H-2016-0087; H-2016-0022; H-2019-0139) and recorded development agreement instrument #2016-019362.
2. The applicant has until August 24, 2023, to obtain City Engineer's signature on the short plat or apply for a time extension in accord with UDC 11-6B-7.
3. The final plat prepared by Land Solutions, dated 4/19/2021, prepared by Clinton W. Hansen, shall be revised as following:
 - a) The common driveway easement shall be revised to a separate lot, per UDC 11-6C-3.
 - b) Remove setback dimensions.
 - c) Note 11 shall be revised to address the common lot.
 - d) Note No. 9 shall include instrument number.
4. Prior to signature of the final plat by the City Engineer, 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.
5. Staff's failure to cite specific ordinance provisions or conditions from the preliminary plat does not relieve the applicant of responsibility for compliance.
6. Prior to City Engineer's signature on the final plat, the applicant shall provide a common drive exhibit that demonstrates all requirements of UDC 11-6C-3 are met, including widths, fencing and landscaping.
7. The applicant shall construct single family detached dwellings in accord with the recorded development agreement.
8. A Flood Plain Development Permit is required prior to any earth moving development activity.

B. Public Works

Site Specific Conditions:

1. Do not route water or sewer service lines through Lot 1 to serve Lot 2, ensure water service lines are run through the common drive.
2. Currently no water or sewer mains are proposed. If water or sewer mains are to be built, the design must be reviewed and approved by Public Works Engineering.
3. Two flood plain elevation certificates are required. Initial certificate required prior to foundation inspection approval. Final certificate required prior to C of O approval.

General Conditions:

1. 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.

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 (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.
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.

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 with a density range of 3 to 8 dwelling units per acre. The proposed lots sizes of 7,000 sq. ft. and 9,000 sq. ft. are within this density range, and the overall density of the entire subdivision is 3.24 du/acre. The proposed short plat complies with the Comprehensive Plan and is developed in accord with UDC standards.

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

Council finds that public services are adequate to serve the site.

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

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

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

Council finds that the development will not require major expenditures for providing supporting services. The developer and/or future lot owner(s) will finance improvements for sewer, water, utilities and pressurized irrigation to serve the project.

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

Council finds the proposed short plat will not be detrimental to the public health, safety or general welfare.

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

Council is not aware of any significant natural, scenic or historic features associated with the development of this site.