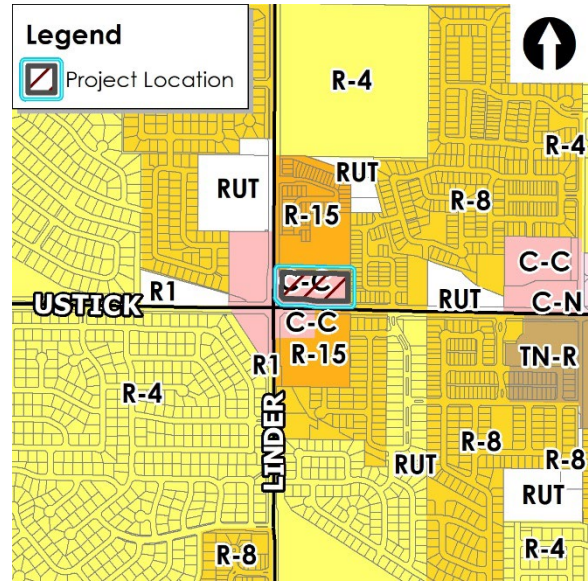


STAFF REPORT
COMMUNITY DEVELOPMENT DEPARTMENT



HEARING DATE: 8/16/2022
 TO: Mayor & City Council
 FROM: Joseph Dodson, Associate Planner
 208-884-5533
 SUBJECT: SHP-2022-0009
 Julie Rivers Office Condominiums
 LOCATION: Project is located at the northeast corner of N. Linder Road and W. Ustick Road.



I. PROJECT DESCRIPTION

Short Plat request to condominiumize eight (8) office buildings for ownership purposes, by Julie Rivers Development.

II. APPLICANT INFORMATION

- A. Applicant:
 Justin Waters, Julie Rivers Development – 1716 N. Stagno Bello Place, Eagle, ID 83616
- B. Owner:
 MRS Landholdings, LLC – 1716 N. Stagno Bello Place, Eagle, ID 83616
- C. Representative:
 Same as Applicant

III. NOTICING

	City Council Posting Date
Legal notice published in newspaper	7/31/2022
Radius notice mailed to property owners within 500 feet	7/28/2022

IV. STAFF ANALYSIS

The proposed short plat depicts subdivision of air space within eight (8) separate office buildings that are currently under construction and located on the same property at the northeast corner of the Linder and Ustick intersection. The proposed short plat aims to create 32 separate office condominium units for future ownership purposes—each building contains four (4) tenant suites so 8 times 4 gets us to the 32 office condo units.

According to the Applicant, all of the previously approved project elements are remaining with no anticipated changes; none are proposed with this application. The subject site obtained CZC and DES approval for each building in 2021 (Sawtooth Landing CZC Building, A-2021-0106 & A-2021-0133-0138) with all associated building permits being approved and most buildings currently under construction. In addition, the property received Development Agreement Modification approval in 2021 to update the concept plan (H-2021-0016); the subject application is in compliance with these previous approvals.

Staff has reviewed the proposed short plat for substantial compliance with the criteria set forth in UDC 11-6B-5A.2 and deems the short plat to be in compliance with said requirements.

V. DECISION

A. 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.

B. The Meridian City Council heard these items on August 16, 2022. 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: Mark Bigelow, Applicant; Justin Waters, Applicant Representative
- b. In opposition: None
- c. Commenting: Justin Waters
- d. Written testimony: None
- e. Staff presenting application: Joseph Dodson, Associate Planner
- f. Other Staff commenting on application: None

2. Key issue(s) of public testimony:

- a. None

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

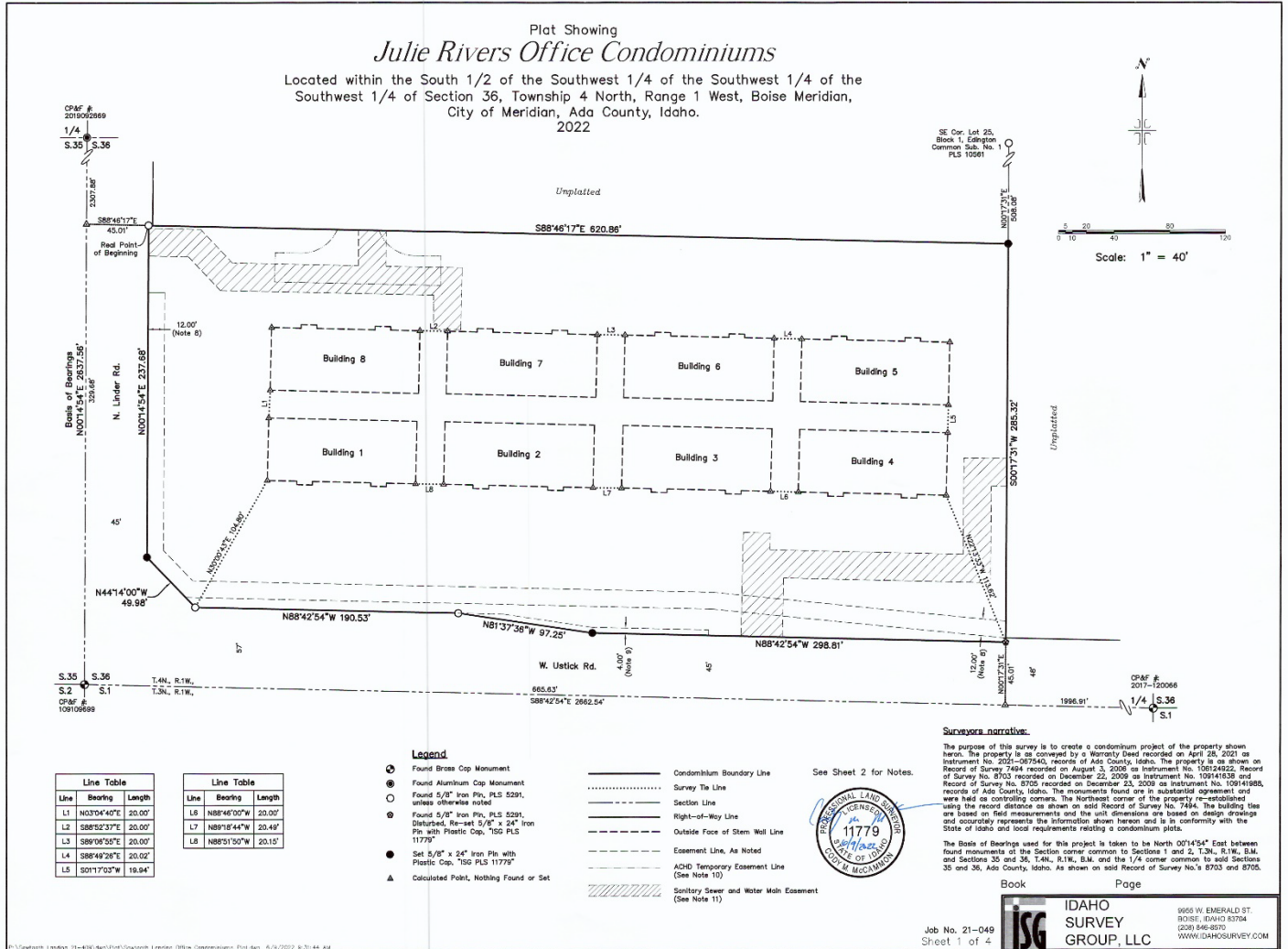
- a. Exterior design of buildings to match what is shown in presentation; Type of condo plat, i.e. who maintains the exterior of the buildings if dozens of owners—Applicant states only interior of buildings are sold and the business HOA will own and maintain the site and exterior of the buildings.

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

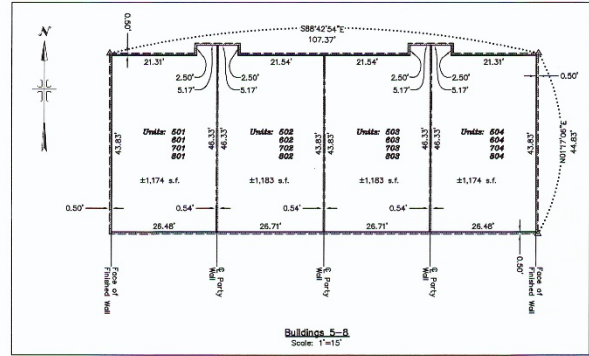
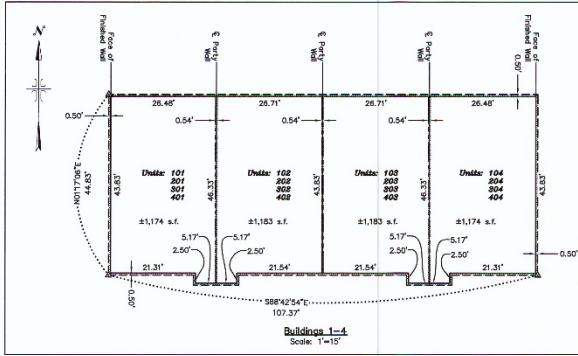
- a. None

VI. EXHIBITS

A. Short Plat (date: June 9, 2022)



Julie Rivers Office Condominiums

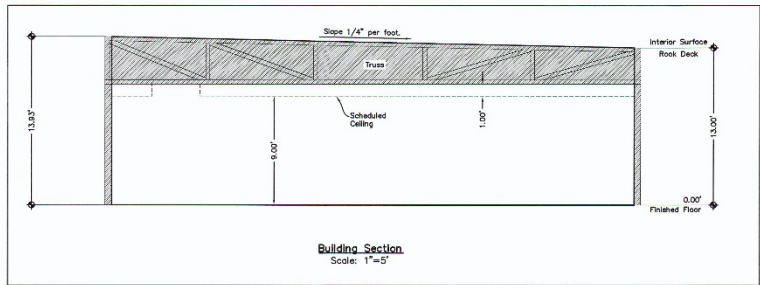


Legend

- ▲ Calculated Point
- s.f. Square Feet
- 100 Unit Number
- Unit Boundary Line
- - - - - Outside Face of Stem Wall Line
- · · · · Party Wall Line
- Survey Tie Line
- Common Area

Notes:

1. This plot is subject to Idaho Code Title 55, Chapter 15, of Idaho Code
2. This development shall comply with Meridian City Code. No condominium unit shall be divided or adjusted without complying with provisions of Meridian City Code.
3. The uses, responsibilities and relationships of the units and common area, and the definition of a "unit" is as described in the Condominium Declarations for Julie Rivers Office Condominiums at Sawtooth Landing, recorded on November 5, 2021, as Instrument No. 2021-181440, records of Ada County, Idaho and as subsequently amended.
4. The physical boundaries of the units are as described in the Declarations for Julie Rivers Office Condominiums at Sawtooth Landing. In interpreting the declaration, plot or plats and deeds, the existing physical boundaries of the unit as originally constructed or as reconstructed in lieu thereof shall be conclusively presumed to be its boundaries rather than the metes and bounds expressed or depicted in the declaration, plot or plats, or deeds regardless of setting or lateral movement of the building and regardless of minor variance between boundaries shown in the declaration, plot or plats or deeds and the actual boundaries of the units in the building.
5. All interior unit bearings and distances are parallel or perpendicular to the southern project boundary line along W. Ustick Road (S88°42'54"E).
6. Building ties are to the exterior corner of stem walls.
7. Irrigation water has been provided from Settlers Irrigation District. In compliance with Idaho Code 31-3802(1)(b), the will be entitled to irrigation water rights, and will be obligated for assessments from Settlers Irrigation District. This property will receive pressure irrigation from a pressure irrigation system owned and maintained by the Condominium Association.
8. Private Irrigation Easement- See Instrument No.
9. ACHD Permanent Slope Easement- See Instrument No. 108117928.
10. ACHD Temporary Easement- See Instrument No. 2021-178280.
11. City of Meridian Sanitary Sewer and Water Main Easement- See Inet. No. 2022-001216.



Book _____ Page _____

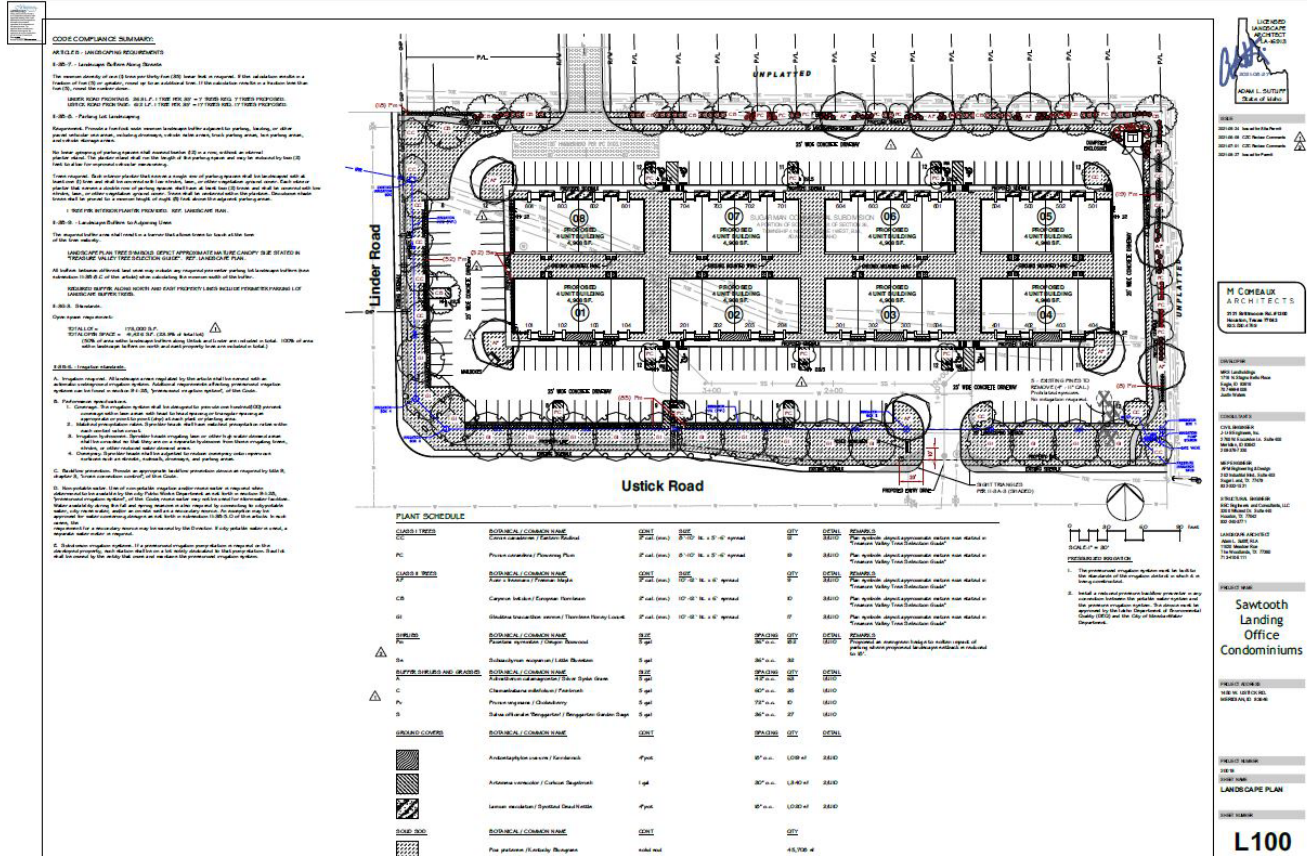
ISG IDAHO SURVEY GROUP, LLC

8665 W. EMERALD CT.
BOISE, IDAHO 83724
(208) 548-8576
WWW.IDAHO-SURVEY.COM

Job No. 21-048
Sheet 2 of 4

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B. Previously Approved Plans (A-2021-0106)





VII. CITY/AGENCY COMMENTS & CONDITIONS

A. Planning Division

Site Specific Conditions:

1. Applicant shall comply with all previous conditions of approval associated with this development: H-2021-0016 (MDA); A-2021-0106 (CZC for building 4 and overall site); A-2021-0133 – 0138 (CZC for buildings 1-3 and 5-8).
2. If the City Engineer's signature on this plat 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. Prior to submittal for the City Engineer's signature, obtain the signatures of the Ada County Highway District and the Central District Health Department.
4. The short plat prepared by Idaho Survey Group, LLC, prepared on June 9, 2022 by Cody McCammon, included in Section VI.A shall be revised as follows:
 - a. Note #8: Include recorded instrument number.
5. 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:

1. Condominium Declaration for condo owners must state the following:
 - a. Association. Julie Rivers Office Condominiums at Sawtooth Landing Association, Inc., an Idaho non-profit corporation organized pursuant to the Idaho Nonprofit Corporation Act, its successors and assigns, of which all Owners shall be members, which corporation shall be the governing and administrative body for all Owners for the protection, preservation, upkeep, maintenance, repair, operation and replacement of the common elements, and the government, operation and administration of the Condominium and the Condominium hereby established.
 - b. Limited Common Elements. The Limited Common Elements, being those Common Elements which are hereby designated as reserved for the use by specified Owners to the exclusion of others, consist of the following (if any):
air handlers, pipes, ducts, electrical wiring, communication equipment, conduits, chutes, flues, ducts, wires, plumbing fixtures, bearing walls, bearing columns or other fixtures are partially within and/or partially outside the designated boundaries of a Unit, that portion serving only that Unit is a Limited Common Element; however, that portion serving more than one Unit or the Common Elements is a part of the General Common Elements
 - c. Utilities. Each Owner shall bear the cost of any utility service for his or her Unit which is individually metered and billed directly by the utility company furnishing such service to such Owner. Except to the extent such costs are borne by each Owner as set forth in the preceding sentences, the cost of water, electricity, gas, trash removal and any other utility service shall be a Common Expense. With the exception of common ownership with other Owners, no Owner shall be deemed to own the utilities which run through his or her Unit and serve one or more other Units.

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. 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.
10. Applicant shall be responsible for application and compliance with any Section 404 Permitting that may be required by the Army Corps of Engineers.
11. Developer shall coordinate mailbox locations with the Meridian Post Office.
12. All grading of the site shall be performed in conformance with MCC 11-1-4B.
13. 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.

14. 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.
15. 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.
16. 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.
17. 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.
18. 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.
19. Applicant shall be responsible for application and compliance with and NPDES permitting that may be required by the Environmental Protection Agency.
20. 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.
21. 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.
22. 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.

23. 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 Mixed-Use Community and the current zoning district of the site is C-C. City Council finds the proposed short plat complies with the Comprehensive Plan and is being developed in accord with UDC standards for the existing zoning district.

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

City Council finds that public services will be provided to this property and are adequate to serve the building sites currently under construction.

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

City Council finds that the development will not require the expenditure of capital improvement funds. All required utilities were 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;

City Council finds that the development will not require major expenditures for providing supporting services as services are already being provided to the immediate area.

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

City Council finds the proposed short plat to condominiumize the existing or approved structures will not be detrimental to the public health, safety or general welfare.

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

City Council is not aware of any significant natural, scenic or historic features associated with short platting the structure on this site.