

**CITY OF MERIDIAN
FINDINGS OF FACT, CONCLUSIONS OF LAW
AND DECISION & ORDER**



In the Matter of the Request for a Short Plat Consisting of One (1) Buildable Lot and Two (2) Common Lots on 3.8 Acres of Land in the I-L Zoning District for Katsura Subdivision, by Kent Brown.

Case No(s). SHP-2022-0005

For the City Council Hearing Date of: April 26, 2022 (Findings on May 10, 2022)

A. Findings of Fact

1. Hearing Facts (see attached Staff Report for the hearing date of April 26, 2022, incorporated by reference)
2. Process Facts (see attached Staff Report for the hearing date of April 26, 2022, incorporated by reference)
3. Application and Property Facts (see attached Staff Report for the hearing date of April 26, 2022, incorporated by reference)
4. Required Findings per the Unified Development Code (see attached Staff Report for the hearing date of April 26, 2022, incorporated by reference)

B. Conclusions of Law

1. The City of Meridian shall exercise the powers conferred upon it by the "Local Land Use Planning Act of 1975," codified at Chapter 65, Title 67, Idaho Code (I.C. §67-6503).
2. The Meridian City Council takes judicial notice of its Unified Development Code codified as Title 11 Meridian City Code, and all current zoning maps thereof. The City of Meridian has, by ordinance, established the Impact Area and the Comprehensive Plan of the City of Meridian, which was adopted December 17, 2019, Resolution No. 19-2179 and Maps.
3. The conditions shall be reviewable by the City Council pursuant to Meridian City Code § 11-5A.
4. Due consideration has been given to the comment(s) received from the governmental subdivisions providing services in the City of Meridian planning jurisdiction.
5. It is found public facilities and services required by the proposed development will not impose expense upon the public if the attached conditions of approval are imposed.
6. That the City has granted an order of approval in accordance with this Decision, which shall be signed by the Mayor and City Clerk and then a copy served by the Clerk upon the applicant, the Community Development Department, the Public Works Department and any affected party requesting notice.
7. That this approval is subject to the Conditions of Approval all in the attached Staff Report for the hearing date of April 26, 2022, incorporated by reference. The conditions are concluded to be

reasonable and the applicant shall meet such requirements as a condition of approval of the application.

C. Decision and Order

Pursuant to the City Council's authority as provided in Meridian City Code § 11-5A and based upon the above and foregoing Findings of Fact which are herein adopted, it is hereby ordered that:

1. The applicant's request for a short plat is hereby approved per the conditions of approval in the Staff Report for the hearing date of April 26, 2022, attached as Exhibit A.

D. Notice of Applicable Time Limits

Notice of Preliminary Plat Duration

Please take notice that approval of a preliminary plat, combined preliminary and final plat, or short plat shall become null and void if the applicant fails to obtain the city engineer's signature on the final plat within two (2) years of the approval of the preliminary plat or the combined preliminary and final plat or short plat (UDC 11-6B-7A).

In the event that the development of the preliminary plat is made in successive phases in an orderly and reasonable manner, and conforms substantially to the approved preliminary plat, such segments, if submitted within successive intervals of two (2) years, may be considered for final approval without resubmission for preliminary plat approval (UDC 11-6B-7B).

Upon written request and filed by the applicant prior to the termination of the period in accord with 11-6B-7.A, the Director may authorize a single extension of time to obtain the City Engineer's signature on the final plat not to exceed two (2) years. Additional time extensions up to two (2) years as determined and approved by the City Council may be granted. With all extensions, the Director or City Council may require the preliminary plat, combined preliminary and final plat or short plat to comply with the current provisions of Meridian City Code Title 11. If the above timetable is not met and the applicant does not receive a time extension, the property shall be required to go through the platting procedure again (UDC 11-6B-7C).

E. Notice of Final Action and Right to Regulatory Takings Analysis

1. **Please take notice** that this is a final action of the governing body of the City of Meridian. When applicable and pursuant to Idaho Code § 67-6521, any affected person being a person who has an interest in real property which may be adversely affected by the final action of the governing board may within twenty-eight (28) days after the date of this decision and order seek a judicial review as provided by Chapter 52, Title 67, Idaho Code.

F. Attached: Staff Report for the hearing date of April 26, 2022.

By action of the City Council at its regular meeting held on the _____ day of _____, 2022.

COUNCIL PRESIDENT TREG BERTT VOTED_____

COUNCIL VICE PRESIDENT BRAD HOAGLUN VOTED_____

COUNCIL MEMBER JESSICA PERREAULT VOTED_____

COUNCIL MEMBER LUKE CAVENER VOTED_____

COUNCIL MEMBER JOE BORTON VOTED_____

COUNCIL MEMBER LIZ STRADER VOTED_____

MAYOR ROBERT SIMISON VOTED_____
(TIE BREAKER)

Mayor Robert Simison

Attest:

Chris Johnson
City Clerk

Copy served upon Applicant, Community Development Department, Public Works Department and City Attorney.

By: _____ Dated: _____
City Clerk's Office

EXHIBIT A

STAFF REPORT

COMMUNITY DEVELOPMENT DEPARTMENT



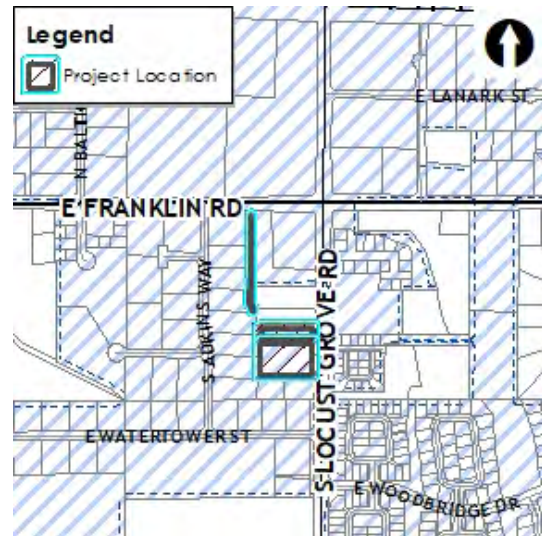
HEARING DATE: 4/26/2022

TO: Mayor & City Council

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

SUBJECT: SHP-2022-0005
Katsura Subdivision Short Plat

LOCATION: Lot 2, Block 2 of the Medimont Subdivision No. 1, and 225 and 335 S. Locust Grove Rd.



I. PROJECT DESCRIPTION

The Applicant proposes a Short Plat to create one buildable lot and two common lots on approximately 3.8 acres in the I-L zoning district.

II. APPLICANT INFORMATION

A. Applicant / Representative:

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

B. Owner:

Banks Group, LC – PO Box 65970, Salt Lake City, UT, 84165

III. NOTICING

	City Council Posting Date
Newspaper Notification	04/10/2022
Radius notification mailed to properties within 500 feet	04/11/2022

IV. STAFF ANALYSIS

In November of 2021, the City Council approved the annexation of 3.5 acres of unplatted property with the I-L zoning district. The purpose of this annexation was for the construction of a 67,000 sq. ft. warehouse as an expansion of the existing Intermountain Wood Products business at 300 and 330 S. Adkins Way (directly to the west).

The existing Intermountain Wood Products buildings are within the Medimont Subdivision Development Agreement, which was approved in 1997 (Inst. 97072405). Provision 4d requires a permanent 20-foot-wide landscaped planting strip along the east boundary landscaped with 6-8-foot-high scotch pines at a maximum distance of 15 ft. each. This was to provide a screen for the adjacent residential properties. The landscape buffer was platted into Common Lot 2, Block 2 of the Medimont Subdivision No 1 and is owned and maintained by the Stonebridge Owners Association.

In February of 2021, the portion of the common lot between the existing business and the parcels that were to be annexed were deeded to the applicant, and the applicant removed all the required trees within this area in anticipation of the expansion. After being informed this was not in compliance with the approved DA, the applicant requested a modification to the development agreement to allow the merging of this portion of the landscape buffer into the warehouse property. The Council approved the DA Mod with a condition of approval that required replacement of the trees that were removed as part of the subsequent warehouse CZC. A short plat to complete this merger was a condition of approval of the annexation. This will result in one buildable lot, and two remaining portions of the common lot still owned by the Stonebridge Owners Association for a buffer west between the remaining properties. The Certificate of Zoning Compliance was recently completed (CZC A-2022-0040) and an updated landscape plan was addressed as part of the CZC. y

Staff has reviewed the requested short plat proposal and has determined that it meets the criteria for approval per UDC 11-6B-5.

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 April 26, 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: Kent Brown
- b. In opposition: None
- c. Commenting: Kent Brown
- 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. Kent Brown requested the Council remove the requirement regarding coordinating mailbox locations with the post office due to past difficulties with them. Kent Brown also noted Public Works Condition No. 1 referred to Ten Mile Rd whereas it should be S. Locust Grove Rd.

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

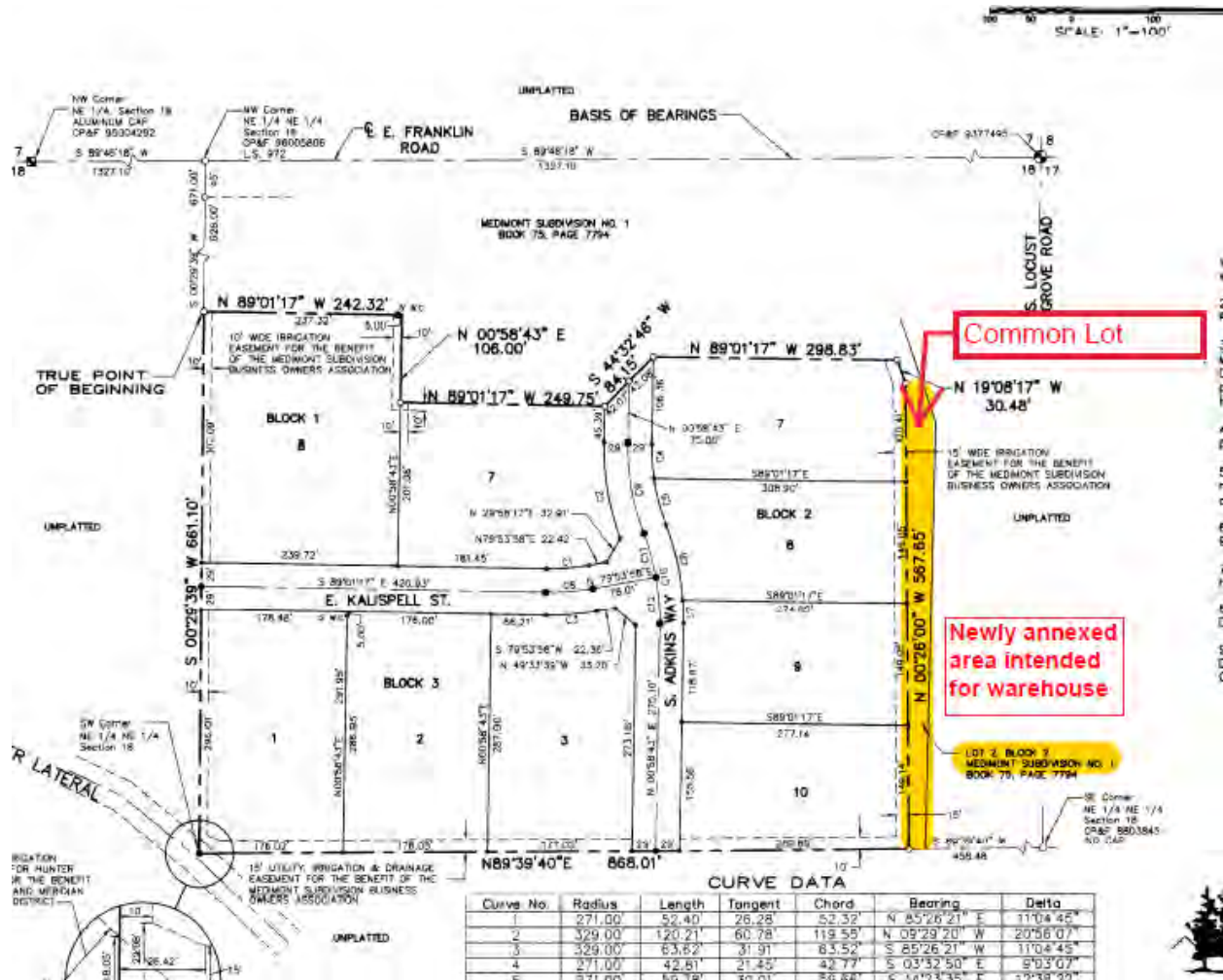
- a. None

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

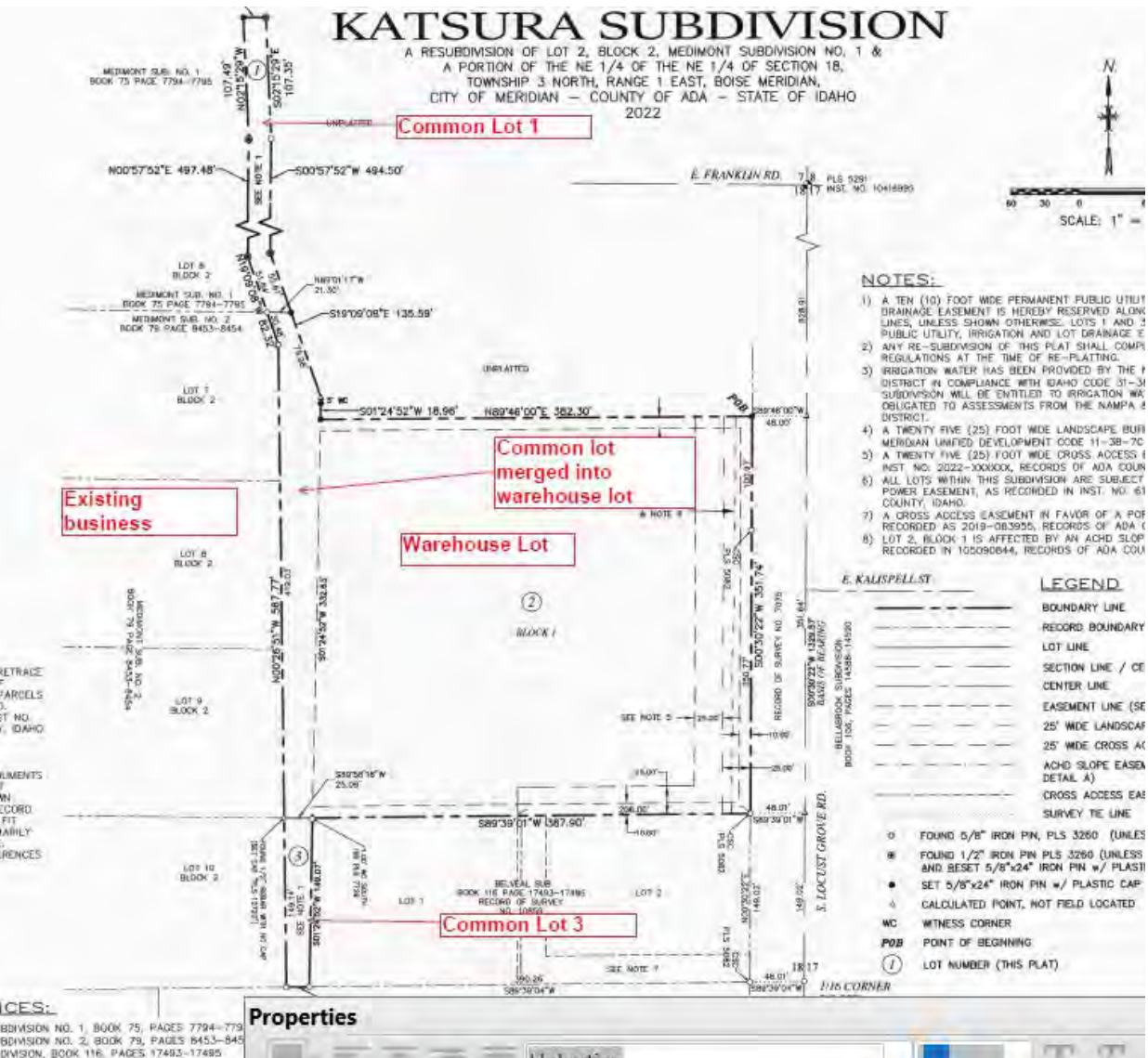
- a. Council revised Public Works Condition No 1 to refer to S. Locust Grove Rd.

VI. EXHIBITS

A. Existing Medimont Subdivision No 1 Plat Showing Common Lot

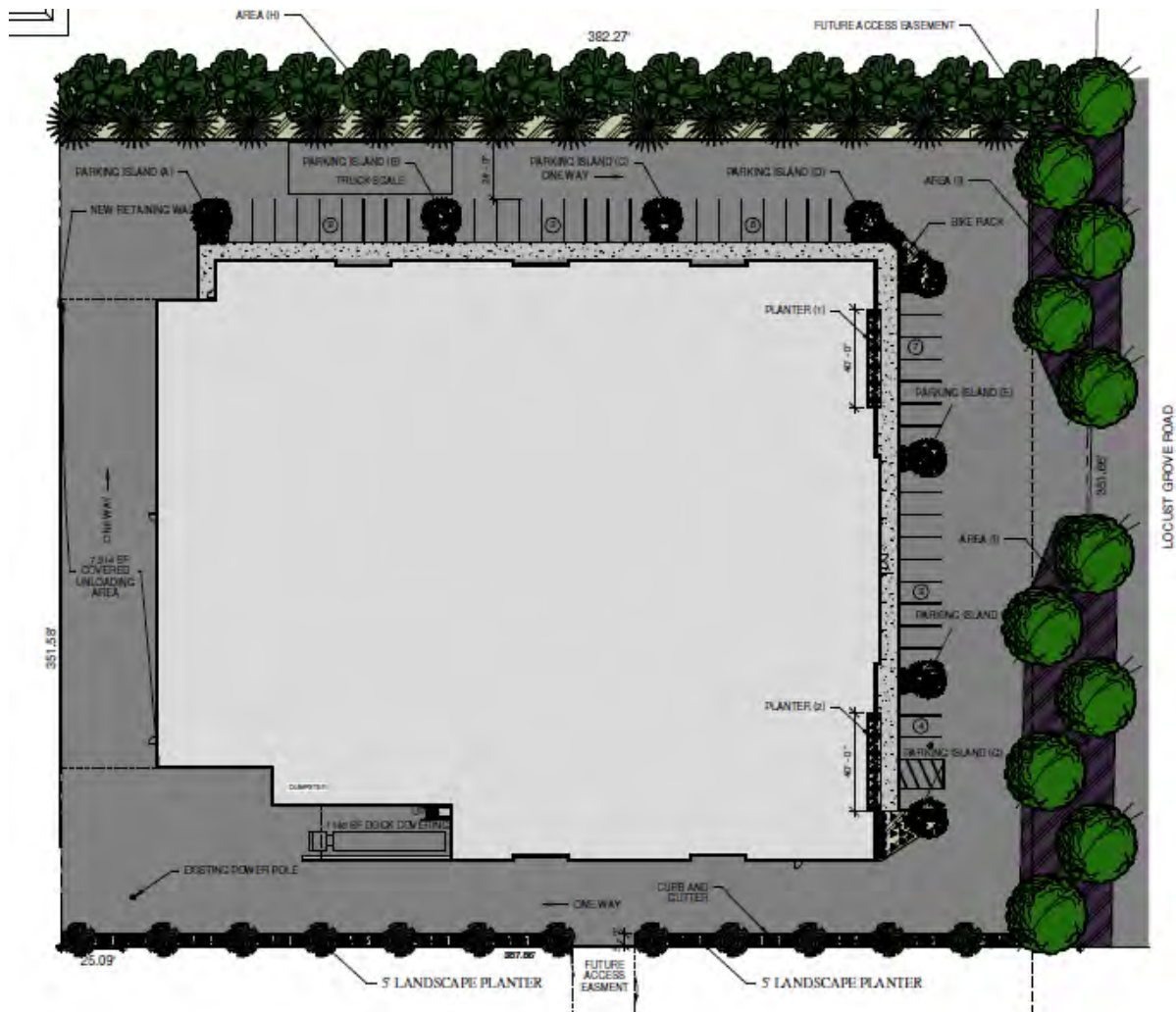


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E. Approved CZC Landscape Plan (date: 4/12/22)



VII. CITY/AGENCY COMMENTS & CONDITIONS

A. Planning Division

Site Specific Conditions:

1. The short plat prepared by Kerry Albright of Forsgreen Associates Inc included in Section VI.B shall be revised as follows:
 - a) Add a note to the plat that specifies the shared access between Lot 2 Block 1 of the Katsura Subdivision and Lots 7 and 8 Block 2 of the Medimont Subdivision No 2. or graphically depict a cross-access/ingress-egress easement in accord with the provisions of UDC 11-3A-3A2.
 - b) Note 5: add instrument number.
2. Applicant shall comply with all previous conditions of approval associated with this development (H-2021-0042, DA Instr. 2022-001274).
3. 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.
4. Development of any lot shall require submission of Certificate of Zoning Compliance and Design Review per UDC-11-5B-1 and shall meet all applicable requirements of City of Meridian code.
5. Staff's failure to cite specific ordinance provisions or conditions from the previous approvals as noted in condition 3. above, does not relieve the Applicant of responsibility for compliance.

B. Public Works

Site Specific Conditions:

1. A streetlight plan has not been submitted or approved. Streetlights are required on the ~~S. Ten Mile Road~~ **S. Locust Grove Rd.** frontage per the City of Meridian standards. The streetlights will need to be installed and operational, with approved record drawings submitted, before any form of occupancy will be granted.
2. If the existing sewer main into the site will not be used, it must be abandoned at the manhole.
3. If the existing water main into the site will not be used, it must be abandoned at the main.
4. Water should be serviced from Locust Grove.

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 Industrial. The current zoning district of the site is I-L. 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.