

BEFORE THE MERIDIAN CITY COUNCIL

HEARING DATE: JANUARY 4, 2022
ORDER APPROVAL DATE: JANUARY 18, 2022

IN THE MATTER OF THE)
REQUEST FOR FINAL PLAT)
CONSISTING OF 54 BUILDING)
LOTS AND 14 COMMON LOTS ON)
16.06 ACRES OF LAND IN THE R-8)
ZONING DISTRICT FOR GANDER)
CREEK NORTH SUBDIVISION NO.)
3.)
BY: KENT BROWN PLANNING)
SERVICES)
APPLICANT)
_____)

CASE NO. FP-2021-0052
ORDER OF CONDITIONAL
APPROVAL OF FINAL PLAT

This matter coming before the City Council on January 4, 2022 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:

IT IS HEREBY ORDERED THAT:

1. The Final Plat of “PLAT SHOWING GANDER CREEK NORTH SUBDIVISION NO. 3, LOCATED IN THE NW ¼ OF THE NE 1/4 OF SECTION 32, TOWNSHIP 4N., RANGE 1W., BOISE MERIDIAN, CITY OF MERIDIAN, ADA COUNTY, IDAHO, 2021, HANDWRITTEN DATE: (none),

by CODY M. MCCAMMON, PLS, SHEET 1 OF 4,” 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 January 4, 2022, a true and correct copy of which is attached hereto marked “Exhibit A” 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 _____, 2022.

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



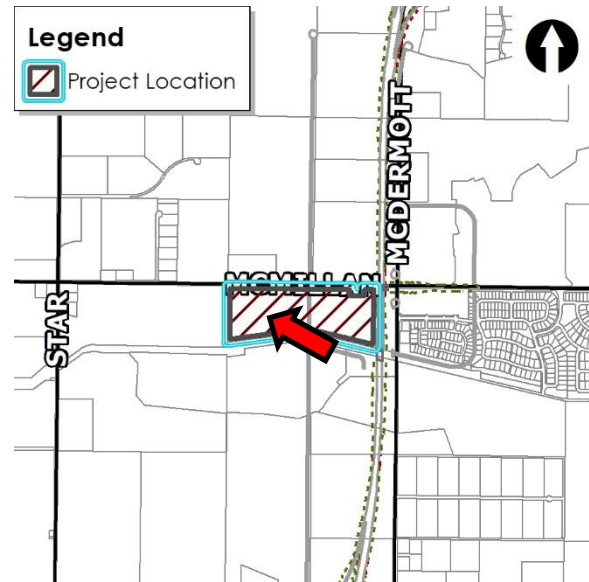
HEARING DATE: 1/4/2022

TO: Mayor & City Council

FROM: Sonya Allen, Associate Planner
208-884-5533

SUBJECT: FP-2021-0052
Gander Creek North Subdivision No. 3

LOCATION: The south side of W. McMillan Rd., approximately ½ mile west of N. McDermott Rd., in the NE ¼ of Section 32, Township 4N., Range 1W.



I. PROJECT DESCRIPTION

Final plat consisting of 54 buildable lots and 14 common lots on 16.06 acres of land in the R-8 zoning district.

II. APPLICANT INFORMATION

A. Applicant:

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

B. Owner:

Union Square, LLC. – 1548 W. Cayuse Creek Dr., Ste. 100, Meridian, ID 83656

C. Representative:

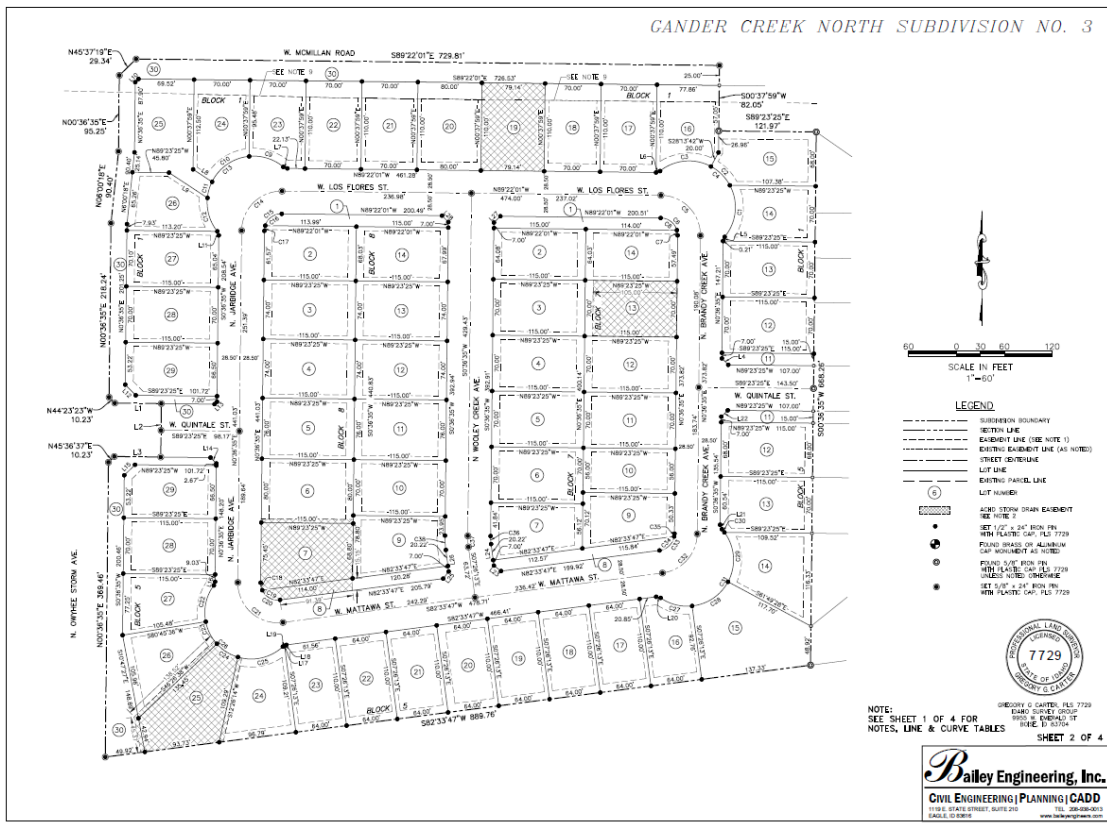
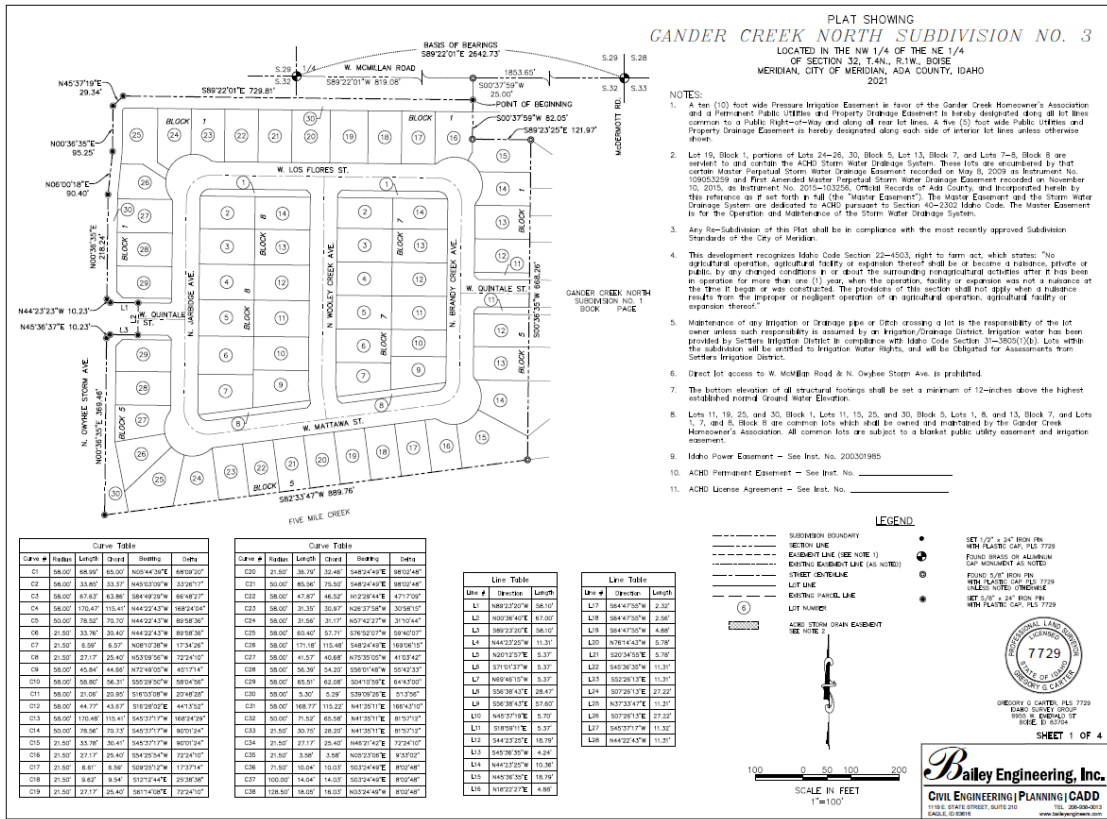
Same as Applicant

III. STAFF ANALYSIS

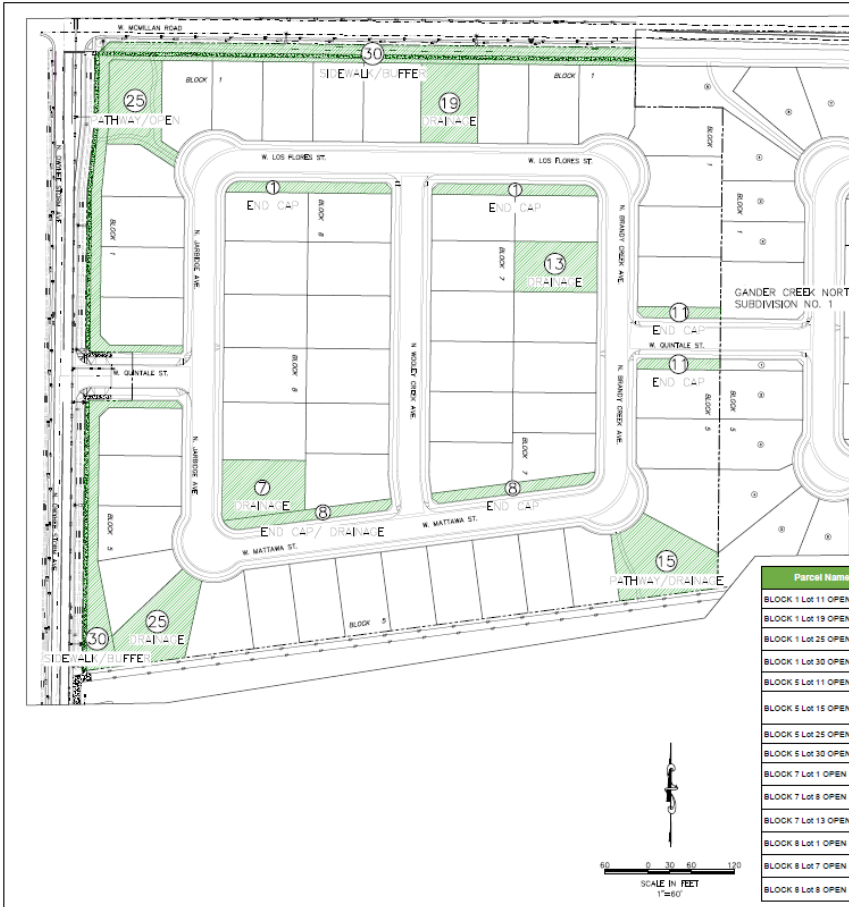
Staff has reviewed the proposed final plat for substantial compliance with the approved preliminary plat (H-2019-0083 – Gander Creek North Subdivision) in accord with the requirements listed in UDC 11-6B-3C.2. Because the number of buildable lots are three (3) fewer and the common area is greater than shown on the approved preliminary plat, staff deems the final plat in substantial compliance with the approved preliminary plat as required.

Note: Fencing (chain-link or wrought iron) that complies with the standards listed in UDC 11-3A-6C was required to be constructed on the south side of the multi-use pathway along the Five Mile Creek

B. Final Plat (not dated)



D. Open Space Exhibit



CONCEPTUAL OPEN SPACE PLAN GANDER CREEK NORTH SUBDIVISION NO. 3

LOCATED IN THE NW 1/4 OF THE NE 1/4
OF SECTION 36, T.1N., R.1W., S.1M.,
CITY OF MESA, AZA COUNTY, ARIZONA
8021

LEGEND

COMMON LOT

ACREAGE

TOTAL PARCEL - 16.07 ACRES
TOTAL LOTS - 68
TOTAL DWELLING UNITS - 54
BUILDABLE LOTS -
SF RESIDENTIAL - 54
COMMON LOTS - 14
MINIMUM LOT SIZE - 7039 SQ. FT.
AVERAGE LOT SIZE - 7773 SQ. FT.
DENSITY DU/ACRE - 3.36
COMMON AREA - 2.59 ACRES
GROSS OPEN SPACE (HOA) - 2.59 ACRES
QUALIFIED OPEN SPACE - 2.06 ACRES
% OPEN SPACE - 12.94%

Parcel Name	Blk.	Lot	Sq. Ft.	Acres	Type	Use	% Qual.	Qual. Total
BLOCK 1 Lot 11 OPEN	1	11	1693.00	0.04	Common	End Cap	0%	0.00
BLOCK 1 Lot 19 OPEN	1	19	8706.00	0.20	Common	Drainage	100%	8706.00
BLOCK 1 Lot 25 OPEN	1	25	9402.00	0.86	Common	Pathway/Open	100%	9402.00
BLOCK 1 Lot 30 OPEN	1	30	27901.86	0.64	Common	Sidewalk/Buffer	75%	20926.40
BLOCK 5 Lot 11 OPEN	5	11	1693.00	0.04	Common	End Cap	0%	0.00
BLOCK 5 Lot 15 OPEN	5	15	12587.00	0.29	Common	Pathway/Drainage	100%	12587.00
BLOCK 5 Lot 25 OPEN	5	25	9753.00	0.22	Common	Drainage	100%	9753.00
BLOCK 5 Lot 30 OPEN	5	30	10900.00	0.25	Common	Sidewalk/Buffer	100%	10900.00
BLOCK 7 Lot 1 OPEN	7	1	3321.00	0.08	Common	End Cap	0%	0.00
BLOCK 7 Lot 8 OPEN	7	8	3312.00	0.08	Common	End Cap	0%	0.00
BLOCK 7 Lot 13 OPEN	7	13	8050.00	0.18	Common	Drainage	100%	8050.00
BLOCK 8 Lot 1 OPEN	8	1	3321.00	0.08	Common	End Cap	0%	0.00
BLOCK 8 Lot 7 OPEN	8	7	8840.00	0.20	Common	Drainage	100%	8840.00
BLOCK 8 Lot 8 OPEN	8	8	3400.00	0.08	Common	End Cap	50%	1700.00

Balley Engineering, Inc.
Civil Engineering/Planning/CADD
1001 N. GILBERT ST. SUITE 100
MESA, AZ 85204

SEAL
REGISTERED PROFESSIONAL ENGINEER
NO. 12377
STATE OF ARIZONA
CIVIL ENGINEERING

REVISIONS

NO. 12377
STATE OF ARIZONA
CIVIL ENGINEERING

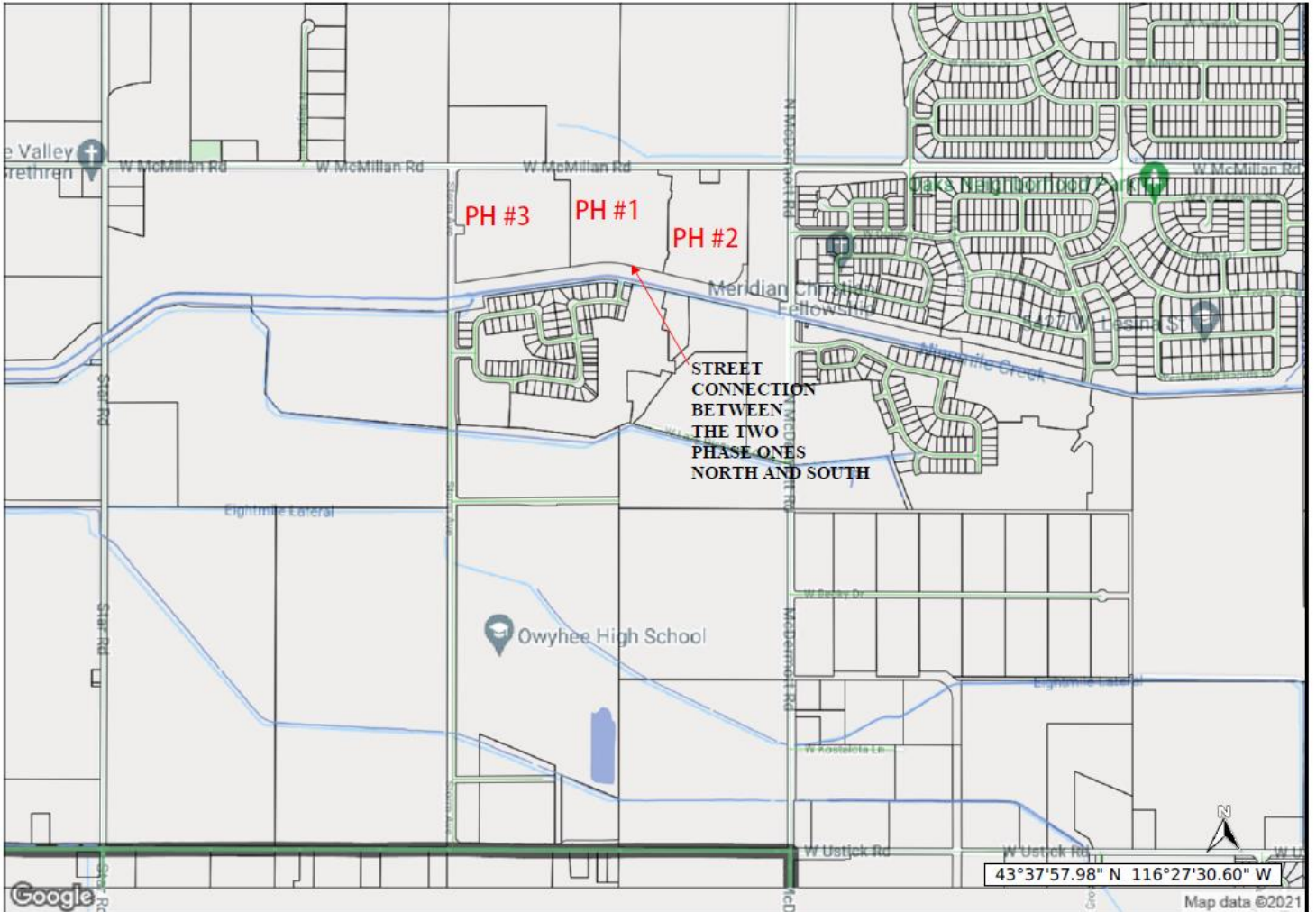
OPEN SPACE PLAN
GANDER CREEK NORTH SUBDIVISION NO. 3
TRILOGY DEVELOPMENT, INC.

NO. 12377
STATE OF ARIZONA
CIVIL ENGINEERING

E. Emergency Access Exhibit Approved by Fire Dept.



GANDER CREEK NORTH PHASING PLAN



Sep 23, 2021 - landproDATA.com
Scale: 1 inch approx 1000 feet

The materials available at this website are for informational purposes only and do not constitute a legal document.

F. Letter from Nampa-Meridian Irrigation District

From: Greg Curtis
Sent: Friday, October 15, 2021 11:52 AM
To: Shawn Brownlee <shawn@trilogyidaho.com>
Subject: RE: Gander Creek

Shawn,

NMID needs every bit of room on the south side of the proposed pathway to maintain the Five Mile Drain, this is why we required all the landscaping to be on the North side of the pathway. We will end up with our equipment on the pathway as it is, if the fence and trees go in we will have nowhere to work from. Please tell the City we will not allow the fence or trees south of the pathway. Please let me know if you need something more formal than this email?

Thanks,

Greg

Greg G Curtis

Water Superintendent

Nampa & Meridian Irrigation District Shop

5525 E. Greenhurst Rd. Nampa Idaho 83686

Phone:208-466-0663 Fax:208-463-0183

Website:www.nmid.org



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 (H-2019-0013; DA instrument number 2019-060657).
2. The applicant shall obtain the City Engineer's signature on the subject final plat within two years of the City Engineer's signature on the previous phase final plat, *or* apply for a time extension, in accord with UDC 11-6B-7. *Gander Creek North and Gander Creek South preliminary plats are allowed to develop as one project in accord with the phasing plan for the overall development, per the DA.*
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 Bailey Engineering, Inc. by Gregory G. Carter, included in Section V.B shall be revised as follows:
 - a. Note #10: Include the recorded Instrument Number for the ACHD Permanent Easement.
 - b. Note #11: Include the recorded Instrument Number of the ACHD License Agreement.
 - c. The professional land surveyor shall affix their signature and date to the face of the plat sheets.
 - d. Include the recorded Book and Page numbers of the Gander Creek North Subdivision No. 1 referenced on Sheet 1 of the plat.
5. The landscape plan prepared by Jensen Belts Associates, dated 09/20/2021, included in Section V.C, shall be revised as follows:
 - a. A minimum of one (1) tree per 100 linear feet of pathway is required adjacent the multi-use pathway along the Five Mile Creek as set forth in UDC 11-3B-12C.2. *If NMID doesn't allow trees within their easement on their property, a common lot should be provided on the subject property to accommodate the landscaping.*
 - b. In the Landscape Calculations table, include the required vs. provided number of trees along pathways that demonstrate compliance with UDC 11-3B-12C.2.
6. 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.
7. The rear and/or sides of structures that face W. McMillan Rd., an arterial street, and N. Owyhee Storm Ave., a collector street, shall incorporate articulation through changes in two or more of the following: modulation (e.g. projections, recesses, step-backs, pop-outs), bays, banding, porches, balconies, material types, or other integrated architectural elements to break up monotonous wall planes and roof lines that are visible from the subject public street. *Single-story structures are exempt from this requirement.*
8. All stormwater detention facilities counted toward qualified open space are required to be designed in accord with the standards listed in UDC [11-3B-11C](#).
9. All fencing shall comply with the standards of UDC 11-3A-7C.
10. A floodplain development permit is required to be obtained from the Public Work's Department prior to any and all development within the floodplain.

11. A 14-foot wide public pedestrian easement is required to be submitted to the Planning Division for the multi-use pathway; coordinate the details of the easement with Kim Warren, Park's Department.
12. The Five Mile creek, which lies on land owned by Nampa & Meridian Irrigation District between the north and south portions of this development, shall be protected during construction.
13. All homes constructed shall be generally consistent with the conceptual elevations included with the development agreement (inst. # 2019-060657).
14. Submit a copy of the "final" street name evaluation letter with submittal of the final plat for City Engineer signature. Make any necessary changes to the plat.
15. 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. The sewer main in W. Quintale Street should match the existing slope of 0.44%.
2. The submitted streetlight plan cannot be reviewed because the legend does not describe what is existing and what is proposed to be installed. An updated streetlight plan will be required to be reviewed by the Transportation Coordinator prior to approval of the construction plans.

General Conditions:

3. 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.
4. 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.
5. 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.
6. 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.
7. 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.
8. 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.

9. 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.
10. 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.
11. 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.
12. 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.
13. Applicant shall be responsible for application and compliance with any Section 404 Permitting that may be required by the Army Corps of Engineers.
14. Developer shall coordinate mailbox locations with the Meridian Post Office.
15. All grading of the site shall be performed in conformance with MCC 11-1-4B.
16. 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.
17. 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.
18. 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.
19. 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.
20. 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.
21. 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.

22. Applicant shall be responsible for application and compliance with and NPDES permitting that may be required by the Environmental Protection Agency.
23. 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.
24. 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.
25. 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.
26. 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.